

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
FEBRUARY 3, 2015 AT 6:00 P.M.
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



Eric Barna
Mayor

Scott Bradley
Mayor Pro Tem

Owais Siddiqui
Deputy Mayor Pro Tem

Ben St. Clair
Councilmember

Betty Spraggins
Councilmember

Sarah Fincanon
Councilmember

Rob Thomas
Councilmember

James Fisher
City Manager

Susie Quinn
City Secretary

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on February 3, 2015 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

5. PRESENTATIONS

- A. Presentation of the Annual Traffic Contact Report for 2014 for the Murphy Police Department (also known as the Racial Profiling Report).
- B. Presentation of financial report and investment report as of December 31, 2014.

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 approval and/or corrections to the minutes of the January 20, 2015 Regular City Council Meeting.

7. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing and consider and/or act on the application of the City of Murphy to replat the existing subdivision known as Windy Hill Farms – Phase 1, generally located west of Heritage Parkway and north of FM 544; to remove platted building lines and establish the front building setback in accordance with the City's Ordinance No. 14-10-988, adopted by the City of Murphy on October 7, 2014.

In addition, as a part of the replat, the City is requesting a waiver of Section 70-132(a) of the Murphy Code of Ordinances requiring that monuments be set at the corner of each block within the Windy Hill Farms subdivision.

- B. Hold a public hearing and consider and/or act on the application of Ryan Betz requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.
- C. Consider and take appropriate action, if any, on the authorization to solicit bids for the Betsy Lane Widening and Drainage Improvements project from North Murphy Road to McCreary Road.
- D. Discuss and/or consider implementing community blog(s) and regulations relating thereto for the City of Murphy website blogs and video streaming broadcasts.
- E. Discussion regarding the 2015 City Council Planning Session.

8. CITY MANAGER/STAFF REPORTS

- A. North Murphy Road Construction Update
- B. Boards and Commission Training to be held Saturday, February 7, 2015
- C. Collin County Days, March 2-3, 2015
- D. Timbers Nature Preserve
- E. South Maxwell Creek Parallel Trunk Sewer Line
- F. Safe Routes to school
- G. Trout Fishing Round-Up

9. ADJOURNMENT

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



Susie Quinn, TRMC
City Secretary

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

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

**City Council Meeting
February 3, 2015**

Issue

Presentation of the Annual Traffic Contact Report for 2014 for the Murphy Police Department (also known as the Racial Profiling Report).

Background

The MPD is required to present the findings of its annual traffic contact (racial profiling) analysis report to the Council before March of each year. The Annual Traffic Contact Report for 2014 was prepared by Dr. Alex del Carmen, Del Carmen Consulting, LLC, who develops the report from data provided from MPD records. The city of Murphy is required to collect certain information on vehicle stops. This information is then tabulated at the end of each year. The data is analyzed and formatted into a report that provides an analytical and numerical picture of the enforcement activities of the police officers of the MPD. Furthermore, state law now requires that a report be filed electronically with the Texas Commission on Law Enforcement (TCOLE) on a form prescribed by them for that purpose.

The City of Murphy utilizes the U. S. Census Fair Roads Standard for comparison and analysis in developing its report. The City of Murphy is exempt from collecting Tier II data (much more information including pedestrian stops) since it has installed audio and video equipment in all police vehicles routinely utilized for traffic law enforcement.

Financial Considerations

There should be little or no fiscal impact by the receipt of the report. The city has entered into an agreement with Dr. del Carmen that does include an annual fee and is reflected in the annual budget for the MPD.

Other Considerations

The report has been required since 2001 with the passage of SB 1074. This law has since been codified in Articles 2.131 and 2.131 of the Texas Code of Criminal Procedure. In addition, certain standards and requirements have been established by rules of the Texas Commission on Law Enforcement (TCOLE) as well as the Texas Transportation Code.

Board/Staff Recommendation

Staff recommends that the Council accept delivery of the report. There is no other action required of City Council.

Recommended Motion

That Council accepts the delivery of the Annual Racial Profiling Report for 2014 for the Murphy Police Department.

Attachments

- 1) Annual Traffic Contact Report for 2014
- 2) TCOLE RP Report (Filed with TCOLE Electronically)

DEL CARMEN
CONSULTING, LLC



Annual Contact Report 2014

The Murphy Police Department

(I) Introduction

Opening Statement

January 5, 2015

Murphy City Council
205 North Murphy Road
Murphy, Texas 75094

Dear Distinguished Members of the City Council,

In 2001, the Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted the Texas Racial Profiling Law. Since, the Murphy Police Department, in accordance with the law, has collected and reported traffic and motor vehicle-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements are now in place. These most recent requirements have been incorporated by the Murphy Police Department and are also being addressed in this report.

In this report, you will find three sections that contain information on traffic and motor vehicle- related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the Murphy Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Senate Bill (SB1074); which later became the Texas Racial Profiling Law. In addition, you will find the Texas HB 3389, which, in 2009, introduced new requirements relevant to racial profiling. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by TCOLE (Texas Commission on Law Enforcement) is included. In addition, you will find, in sections 2 and 3 documentation, which demonstrates compliance by the Murphy Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel.

The last section of this report provides statistical data relevant to contacts, made during the course of motor vehicle stops, between 1/1/14 and 12/31/14. In addition, this section contains the TCOLE Tier 1 form, which is required to be submitted to this particular organization by March 1st of each year. The data in this report has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report. The findings in this report serve as evidence of the Murphy Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.
Del Carmen Consulting, LLC

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TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person's race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer's best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, "the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose."

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide and analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

The Texas Law on Racial Profiling

S.B. No. 1074

AN ACT

relating to the prevention of racial profiling by certain peace officers.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy

adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing

body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the

Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling; and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

- (1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;
- (2) the registration number of the vehicle involved;
- (3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) [(7)] the date of conviction; and

(9) [(8)] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

Most Recent Legal Requirements (H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle [~~traffic~~] stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, [~~or~~] Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle [~~traffic~~] stops in which a citation is issued and to arrests made as a result of [~~resulting from~~] those [~~traffic~~] stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the individual [~~person~~] detained consented to the search; and

(C) whether the peace officer knew the race or

ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit [to the governing body of each county or municipality served by the agency] an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle ~~[traffic]~~ stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle ~~[traffic]~~ stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE ~~[TRAFFIC AND PEDESTRIAN]~~ STOPS. (a) In this article, "race~~+~~

~~[(1) "Race]~~ or ethnicity" has the meaning assigned by Article 2.132(a).

~~[(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]~~

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance ~~[regulating traffic or who stops a pedestrian for any suspected offense]~~ shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any [each] person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop [~~traffic law or ordinance alleged to have been violated or the suspected offense~~];

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description [~~the type~~] of the contraband or evidence [~~discovered~~];

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle [~~existed and the facts supporting the existence of that probable cause~~];

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop [~~, including a description of the warning or a statement of the violation charged~~].

SECTION _____. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle [~~, "pedestrian~~] stop" has the meaning assigned by Article 2.132(a) [~~means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest~~].

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each [~~local~~] law enforcement agency shall submit a report containing the incident-based data [~~information~~] compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency [~~in a manner approved by the agency~~].

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor

vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities [determine the prevalence of racial profiling by peace officers employed by the agency]; and

(B) examine the disposition of motor vehicle [traffic and pedestrian] stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from [the] stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle [traffic or pedestrian] stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle [traffic and pedestrian] stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle [traffic and pedestrian] stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle [traffic and pedestrian] stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive

from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle [~~traffic and pedestrian~~] stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle [~~traffic or pedestrian~~] stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION _____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

- (1) involves the operation of a motor vehicle; and
- (2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

- (1) a sentence is imposed on the person;
- (2) the person receives community supervision, including deferred adjudication; or
- (3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION _____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;

(5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151),

Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; [~~and~~]
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION _____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

- (1) this chapter;
- (2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or
- (3) a commission rule.

SECTION _____. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered

by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

(II) Responding to the Law

Institutional Policy on Racial Profiling

 MURPHY POLICE DEPARTMENT DIRECTIVE	
SUBJECT: Racial Profiling	NUMBER: 2.01.1
EFFECTIVE DATE: November 18, 2009	RELATED STANDARDS:
REVIEW DATE: November 18, 2011	APPROVED: _____ Chief G.M. Cox DATED: 11/18/2009

- I. **PURPOSE:** To reaffirm the commitment of the Murphy Police Department’s to unbiased policing in the encounter with any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.
- II. **POLICY:** It shall be the policy of the Murphy Police Department to police our community in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, state, and federal laws in a responsible and professional manner, without regard to race, ethnicity, or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This Directive is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

III. **DEFINITIONS:**

- A. Racial Profiling – a law enforcement initiated action based on an individual’s race, ethnicity, or national origin rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.
- B. Race or Ethnicity – persons of a particular descent
- C. Acts Constituting Racial Profiling – acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual’s race, ethnicity, or national origin or on the basis of racial or ethnic stereotypes, rather than upon the individual’s behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
- D. Pedestrian Stop – an interaction between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest.
- E. Traffic Stop – the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

IV. DELIVERY PROTOCOL:

A. PROHIBITION:

- a. Officers of the Murphy Police Department are strictly prohibited from engaging in racial profiling in any form. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision by an officer. Race, ethnicity or national origin may be legitimate factors in such a decision when used as part of a description when used as part of a description of a suspect or witness for whom an officer is searching.

B. COMPLAINT PROCESS:

1. No person shall be discouraged, intimidated or coerced from filing a complaint or be discriminated against because they have filed a complaint.
2. Any person who believes that a peace officer employed by the Murphy Police Department has engaged in racial profiling with respect to that person, may file a complaint in accordance with the provisions in Directive 2.04.1 – Internal Investigations.
 - a. An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in Directive 2.04.1 – Internal Investigations.
 - b. Citizens who appear in person wishing to file a complaint shall be provided with a departmental brochure, “How to File a Complaint” and a compliant form. Brochures are maintained in the Murphy Police Department lobby and at Murphy City Hall.
3. Any supervisor who becomes aware of an alleged or suspected violation of this Directive shall report the alleged violation in accordance with Directive 2.04.1 – Internal Investigations.
4. Complaints of racial profiling shall be classified as a Level 1 complaint, and shall be investigated by the Chief of Police or his designee.

C. DISCIPLINARY AND CORRECTIVE ACTIONS:

1. Any department officer who is found, after investigation, to have engaged in racial profiling in violation of this Directive may be subject to disciplinary action, up to and including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

E. PUBLIC EDUCATION:

1. The Murphy Police Department shall provide education to the public concerning the racial profiling complaint process. The primary method of public education shall be through the brochure “How to File a Complaint” which are maintained in the lobby of the Murphy Police Department, and at Murphy City Hall. Other education methods may be utilized to inform the public, including news media, civic presentations, the Internet and/or public meetings.

F. COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED OR ARREST MADE

1. For each traffic stop in which a citation is issued and for each arrest resulting from such traffic stops, an officer involved in the stop shall collect the following information on the citation:
 - a. Information identifying the race or ethnicity of the person detained. The following codes will be used to identify the individual’s race:

- B = Black
- H = Hispanic
- A = Asian
- W = White
- I = Native American / American Indian
- M = Middle Eastern
- O = Other

Note: Officers may not ask the individual to identify their race. If the officer is unable to determine the race or ethnicity of the person contacted, then the race shall be entered as “other” on the citation(s) issued.

- b. Whether a search was conducted;
 - c. If a search was conducted, whether the person detained consented to the search;
 - d. Whether contraband was found;
 - e. Whether the person contacted is a resident or non-resident of the City of Murphy. This shall be reflected on each citation issued, using an (R) for residents or a (NR) for non-resident.
 - f. Whether the peace officer knew the race or ethnicity of the individual detained before detaining the individual.
2. The information collected shall be compiled in an annual report covering the period of January 1 through December 31 of each year, and shall be submitted to the governing body of the City of Murphy no later than March 1 of the following year. The report will include:
 - a) A breakdown of citations by race or ethnicity;
 - b) Number of citations that resulted in a search;
 - c) Number of searches that were consensual;
 - d) Number of citations that resulted in custodial arrests;
 - e) Public education efforts concerning the racial profiling complaint process; and.
 - f) The number of complaints received by the department that officers were racially profiling.
 3. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

G. AUDIO AND VIDEO EQUIPMENT

1. Each motor vehicle regularly used by this department to make traffic stops is equipped with a mobile video camera system capable of recording video and audio.
2. Each traffic stop made by an officer of this department that is capable of being recorded by video and audio shall be recorded. In units equipped with mobile video camera systems, both video and audio recordings shall be required.
3. Supervisors and officers shall ensure that mobile video camera equipment, and/or audio equipment, is properly functioning prior to commencing their tour of duty. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized, under normal circumstances.
4. Supervisors shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate.

5. All in-car video recording boxes shall be locked at all times.
6. All recordings shall be kept for a minimum of ninety (90) days from the date of the recording. This is in compliance with Article 2.135. (2-b) of the Texas Code of Criminal Procedure.
7. All recordings will be kept in a secure location within the police department to prevent loss or tampering. The location will be designated by the Support Services Manager.
8. All recordings must be kept accessible by supervisory staff for review.

H. REVIEW OF VIDEO DOCUMENTATION

1. To ensure the Department meets the standards set forth under the State racial profiling laws, recording reviews shall be conducted. Each video shall be retained for a minimum period of ninety (90) days, unless a complaint is filed alleging that an officer has engaged in racial profiling with respect to a traffic stop. The Field Services Commander shall ensure that all recordings are properly stored and retained in accordance with applicable laws and this Directive.
2. If a complaint is received alleging that an officer has engaged in racial profiling, the tape shall be forwarded to the Chief of Police. The Chief of Police shall retain the recording until final disposition of the complaint has been made.
3. The Field Services Commander or her designee shall review a randomly selected sampling of video and audio recordings, made recently by officers employed by the Department, in order to determine if patterns of racial profiling exist. These reviews shall be conducted weekly and documented on the appropriate form.
 - a. Written documentation shall include:
 - i. The names of the officers whose contacts were reviewed;
 - ii. The date(s) of the tapes reviewed;
 - iii. The date the actual review was conducted; and
 - iv. The name of the person conducting the review.
 - b. The Field Services Commander or their designee shall view thirty (30) minutes of video on each officer every two weeks.
 - c. The recordings that are reviewed may be chosen at random, unless some event requires the review of specific recorded materials.
 - d. The Field Services Commander shall forward the required documentation to the Office of the Chief of Police.
 - e. The Office of the Chief of Police shall maintain a file of all tape review documentation performed, in compliance with this Directive.
4. In reviewing video recordings, the Field Services Commander or her designee, shall seek to determine if the officer(s) reviewed have engaged in a pattern of racial profiling, that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.
 - a. If any material on the recording does not comply with State racial profiling laws or Murphy Police Department Policy, the Field Services Commander or their designee shall insure that appropriate corrective action is taken in compliance with Article 2.132. (b-5) of the Texas Code of Criminal Procedure.

I. TRAINING

1. Each peace officer employed by the department shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) not later than the second anniversary of the date the officer was licensed, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.
2. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, complete the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT), not later than September 1, 2003.

IV. ADMINISTRATIVE REVIEW AND REVISION

- A. *Bi-Annually*, the Chief of Police shall review the organizational structure, making any revisions, as needed.
- B. The Chief of Police reserves the right to amend, modify, or change the agency's organizational chart to reflect the agency's authorized structure by adding or deleting any new positions or functions.
- C. A copy of the agency's organizational chart will be posted in the Briefing Room. In addition, all personnel will be provided a copy of the organizational chart, as part of their individual policy manuals.

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

Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices

Informing the Public on the Process of Filing a Racial Profiling Complaint with the Murphy Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a racial profiling complaint. In an effort to comply with this particular component, the Murphy Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a complaint on a racial profiling violation by a Murphy Police officer. It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

Racial Profiling Training

Racial Profiling Training

Since 2002, all Murphy Police officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Murphy Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Murphy has been included in this report.

It is important to recognize that the Chief of the Murphy Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Murphy Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

**Racial Profiling
Course Number 3256
Texas Commission on Law Enforcement
September 2001**

Racial Profiling 3256

Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs

2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)

1. Motor vehicle search exemption

2. Traffic violation acceptable as pretext for further investigation

3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)

1. Stop & Frisk doctrine

2. Stopping and briefly detaining a person

3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)

2. Maryland v. Wilson, 117 S.Ct. 882 (1997)

3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)

4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)

5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)

6. New York v. Belton, 453 U.S. 454 (1981)

2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.

A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.

A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers

2. The driver and passengers are questioned about things that do not relate to the traffic violation

3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

- A. Drug courier profile (adapted from a profile developed by the DEA)
1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
 2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
 3. Vehicle is rented
 4. Driver is a young male, 20-35
 5. No visible luggage, even though driver is traveling
 6. Driver was over-reckless or over-cautious in driving and responding to signals
 7. Use of air fresheners
- B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

- A. Thinking about the totality of circumstances in a vehicle stop
- B. Vehicle exterior
1. Non-standard repainting (esp. on a new vehicle)
 2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
 3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
 4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)
- C. Pre-stop indicators
1. Not consistent with traffic flow
 2. Driver is overly cautious, or driver/passengers repeatedly look at police car
 3. Driver begins using a car- or cell-phone when signaled to stop
 4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074:

<http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>

Report on Complaints

Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/14---12/31/14, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

A check above indicates that the Murphy Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/14 ---- 12/31/14.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint No.	Alleged Violation			Disposition of the Case

Additional Comments:

Tables Illustrating Traffic and Motor Vehicle-Related Contacts

Tier 1 Data

(I) Tier 1 Data

Motor Vehicle-Related Contact Information (1/1/14—12/31/14)

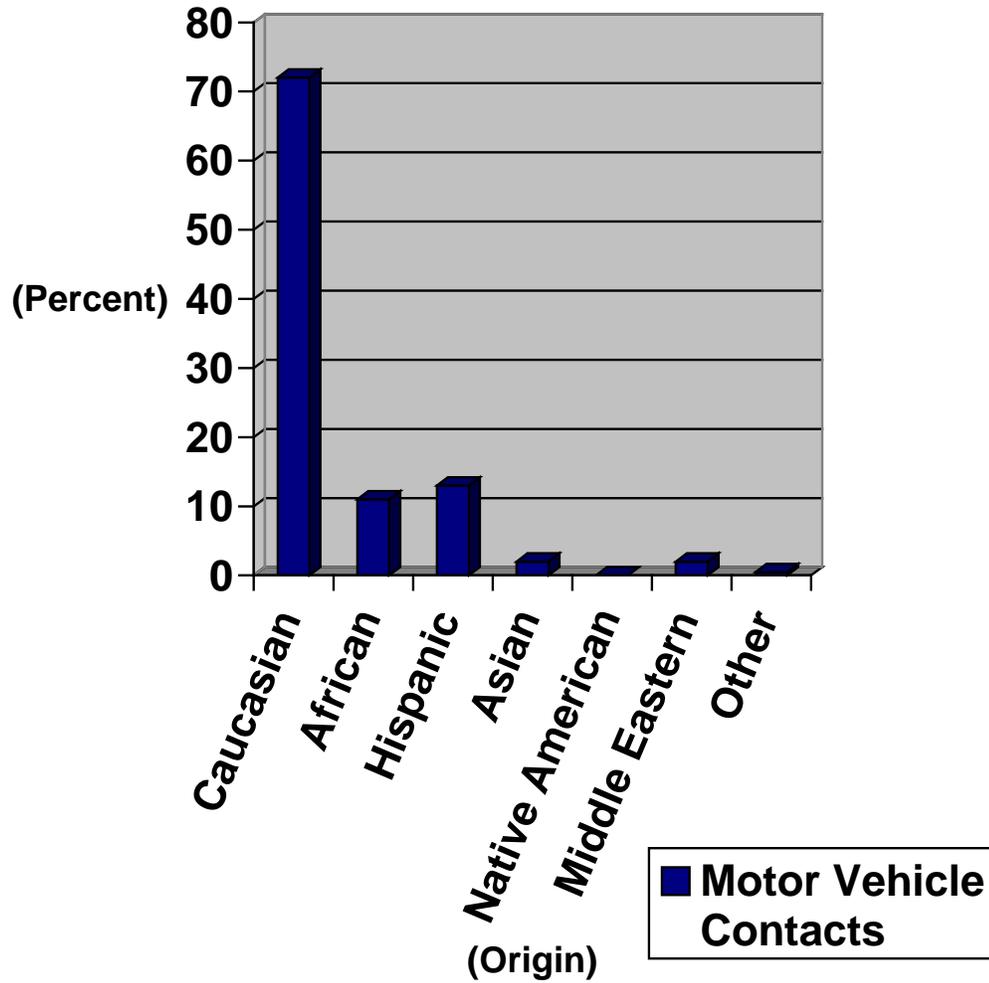
Race/Ethnicity*	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrests	
	N	%	N	%	N	%	N	%	N	%
Caucasian	3,585	52	50	46	26	54	24	40	12	63
African	1,075	16	19	18	11	23	8	13	2	11
Hispanic	1,015	15	30	28	8	17	22	37	3	16
Asian	636	9	3	3	0	0	3	5	0	0
Native American	3	.04	0	0	0	0	0	0	0	0
Middle Eastern	533	8	5	5	3	6	2	3	1	5
Other	8	.1	1	.9	0	0	1	2	1	5
Total	6,855	100	108	100	48	100	60	100	19	100

"N" represents "number" of traffic-related contacts

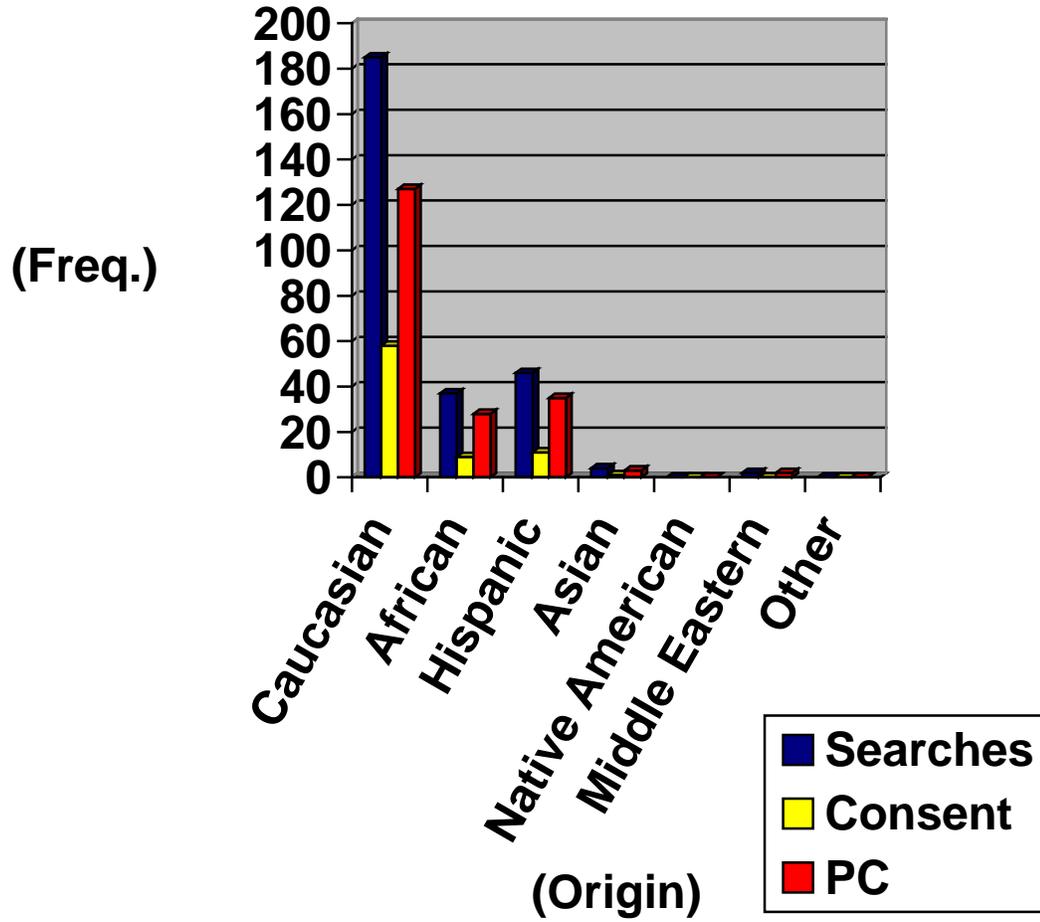
* Race/Ethnicity is defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern".

**Figure has been rounded

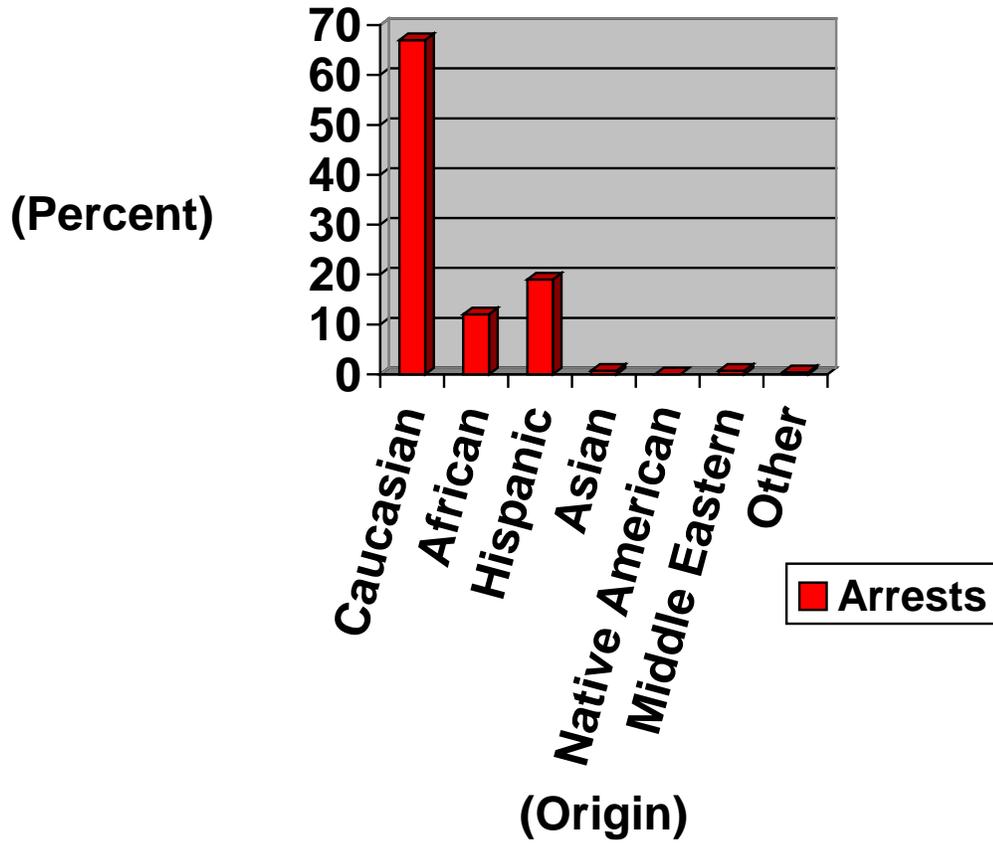
Tier 1 Data (Motor Vehicle Contacts)



Tier 1 Data (Searches)



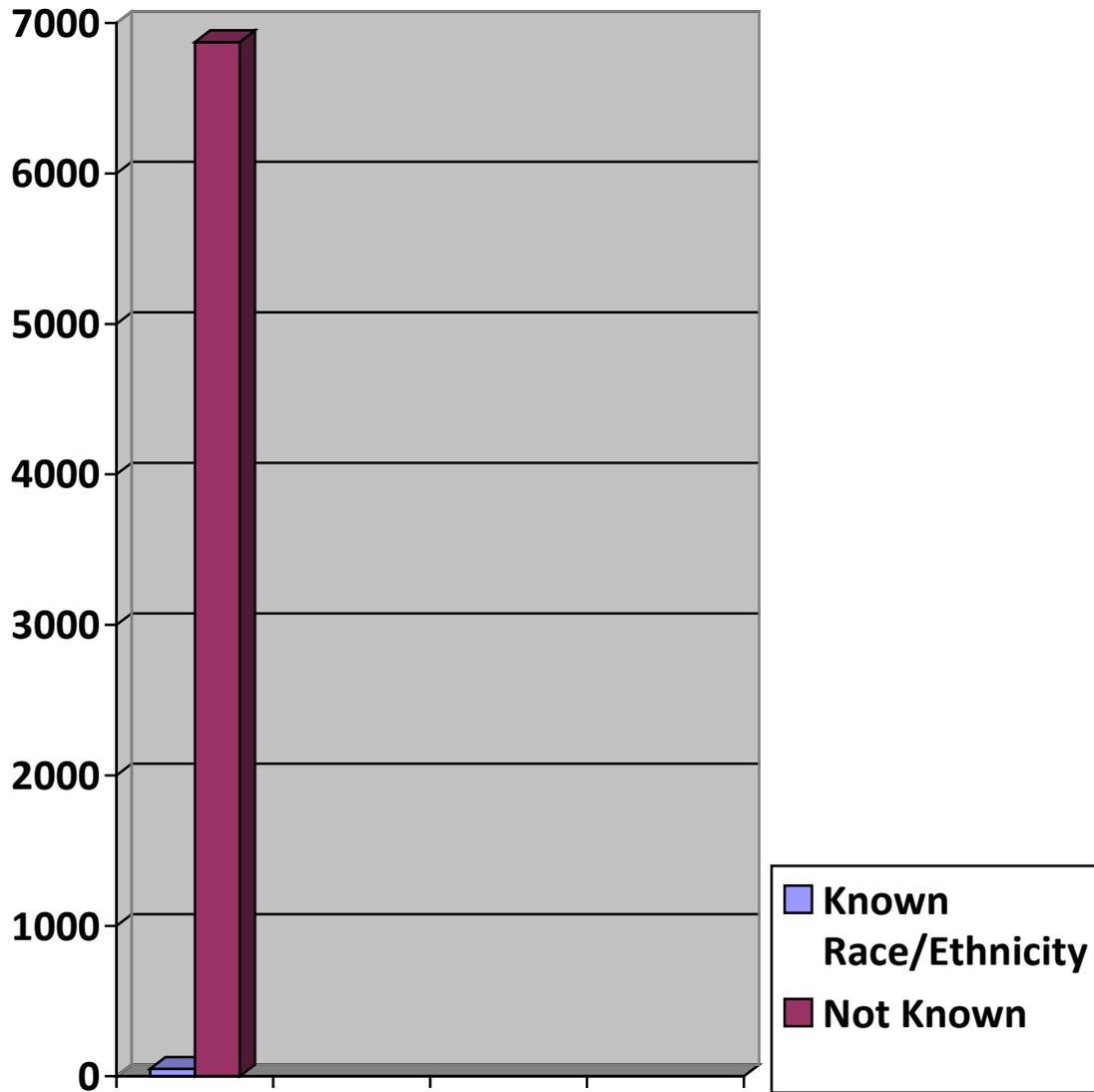
Tier 1 Data (Arrests)



Total Number of Instances where Officers Knew/did not Know Race/Ethnicity of Individuals Before Being Detained (1/1/14--12/31/14)

Total Number of Instances where Officers <u>Knew</u> Race and Ethnicity of Individuals Before Being Detained	Total Number of Instances where Officers <u>Did Not Know</u> the Race and Ethnicity of Individuals Before Being Detained
0	6,855

Known Race/Ethnicity (Frequencies)



Tier 1 (Partial Exemption TCLEOSE Form)

Partial Exemption Racial Profiling Reporting (Tier 1)

Department Name _____

Agency Number _____

Chief Administrator Name _____

Reporting Name _____

Contact Number _____

E-mail Address _____

Certification to Report 2.132 (Tier 1) – Partial Exemption

Policy Requirements (2.132(b) CCP): Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle

stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These polices are in effect

Chief Administrator Date

**Partial Exemption Racial Profiling Reporting
(Tier 1)**

Video and Audio Equipment Exemption

Partial Exemption Claimed by (2.135(a) CCP):

all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

OR

In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption

Chief Administrator Date

Partial Exemption Racial Profiling Reporting (Tier 1)

(This is the TCLEOSE recommended form. The form is not mandatory. The information contained in this form, however, is mandatory. You may use your form, but all information must be provided.)

If you claim a partial exemption you must submit a report that contains the following data or use this format to report the data.

Instructions: Please fill out all boxes. If zero, use 0.

1. Total on lines 4, 11, 14, and 17 Must be equal

2. Total on line 20 Must equal line 15

Number of Motor Vehicle Stops:

1. _____ citation only

2. _____ arrest only

3. _____ both

4. _____ Total

Race or Ethnicity:

5. _____ African

6. _____ Asian

7. _____ Caucasian

8. _____ Hispanic

9. _____ Middle Eastern

10. _____ Native American

11. _____ Total

Race or Ethnicity Known Prior to Stop?

12. _____ Yes

13. _____ No

14. _____ Total

Search Conducted:

15. _____ Yes

16. _____ No

17. _____ Total

Was Search Consented?

18. _____ Yes

19. _____ No

20. _____ Total Must Equal # 15

Option to submit required data by utilizing agency report

You must submit your report in PDF format

Electronic Submission of data required by 2.132(b)(6) CCP

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

(A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

This report meets the above requirements

Chief Administrator

Date

Send entire documents electronically to this website

www.tcleose.state.tx.us

Tier 1 Baseline Comparison (Fair Roads Standard)

(II) Motor Vehicle-Contacts and Fair Roads Standard Comparison

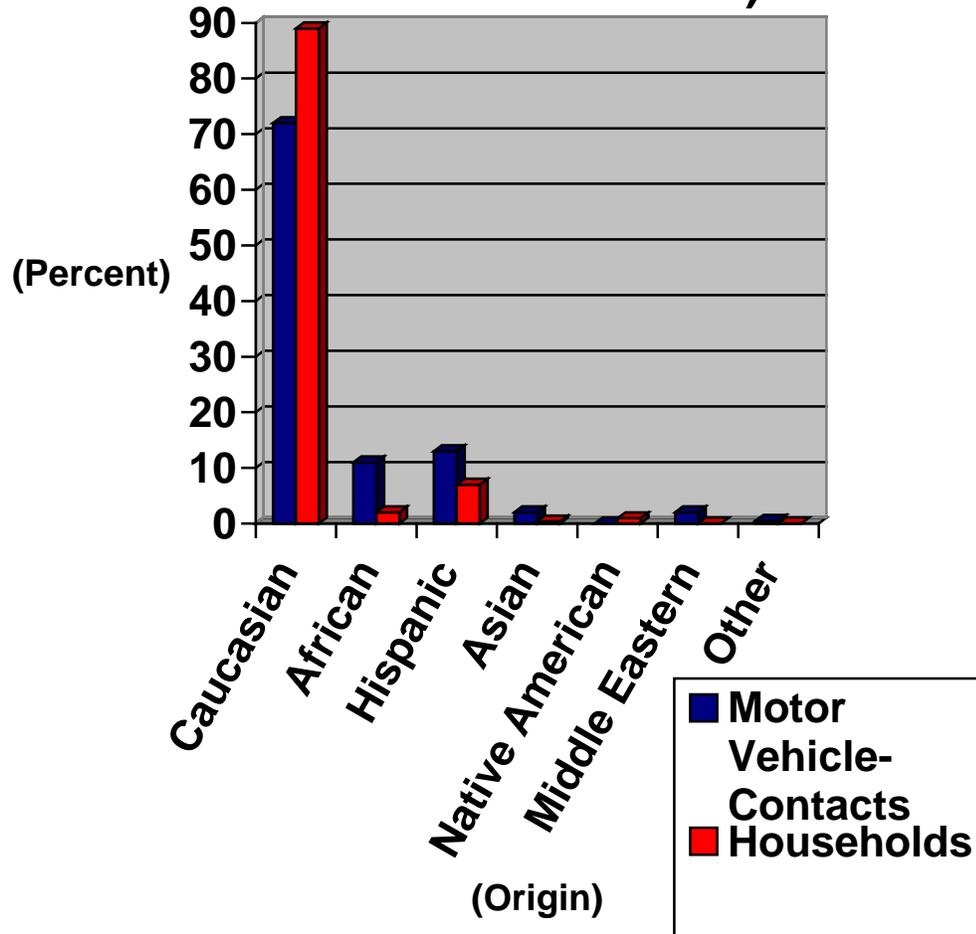
Comparison of motor vehicle-related contacts with households in DFW that have vehicle access (in percentages). (1/1/14—12/31/14)

Race/Ethnicity*	Contacts (in percentages)	Households with vehicle access (in percentages)
Caucasian	52	60
African	16	14
Hispanic	15	19
Asian	9	5
Native American	.04	N/A
Middle Eastern	8	N/A
Other	.1	N/A
Total	100	98**

* Race/Ethnicity are defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern”.

**Represents rounded figure

Tier 1 (Motor Vehicle-Contacts and Households/10)



**Tier 1 Data
(Eleven-Year Comparative Analysis)
(2004—2014)**

(III) Eleven-Year Tier 1 Data Comparison

**Comparison of Eleven-Year Traffic and Motor Vehicle-Related Contact Information
(1/1/04---12/31/14)**

Race/Ethnicity*	Traffic-Related Contacts (in percentages)							
			(04)	(05)	(06)	(07)	(08)	(09)
Caucasian			60	61	61	64	59	56
African			11	12	13	13	14	15
Hispanic			22	18	16	13	14	15
Asian			6	8	7	8	11	13
Native American			1	.4	.2	.2	.02	.03
Other			0	.4	2	2	2	.7
Total			100	100**	100**	100	100	100**

* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”.

** Figure has been rounded.

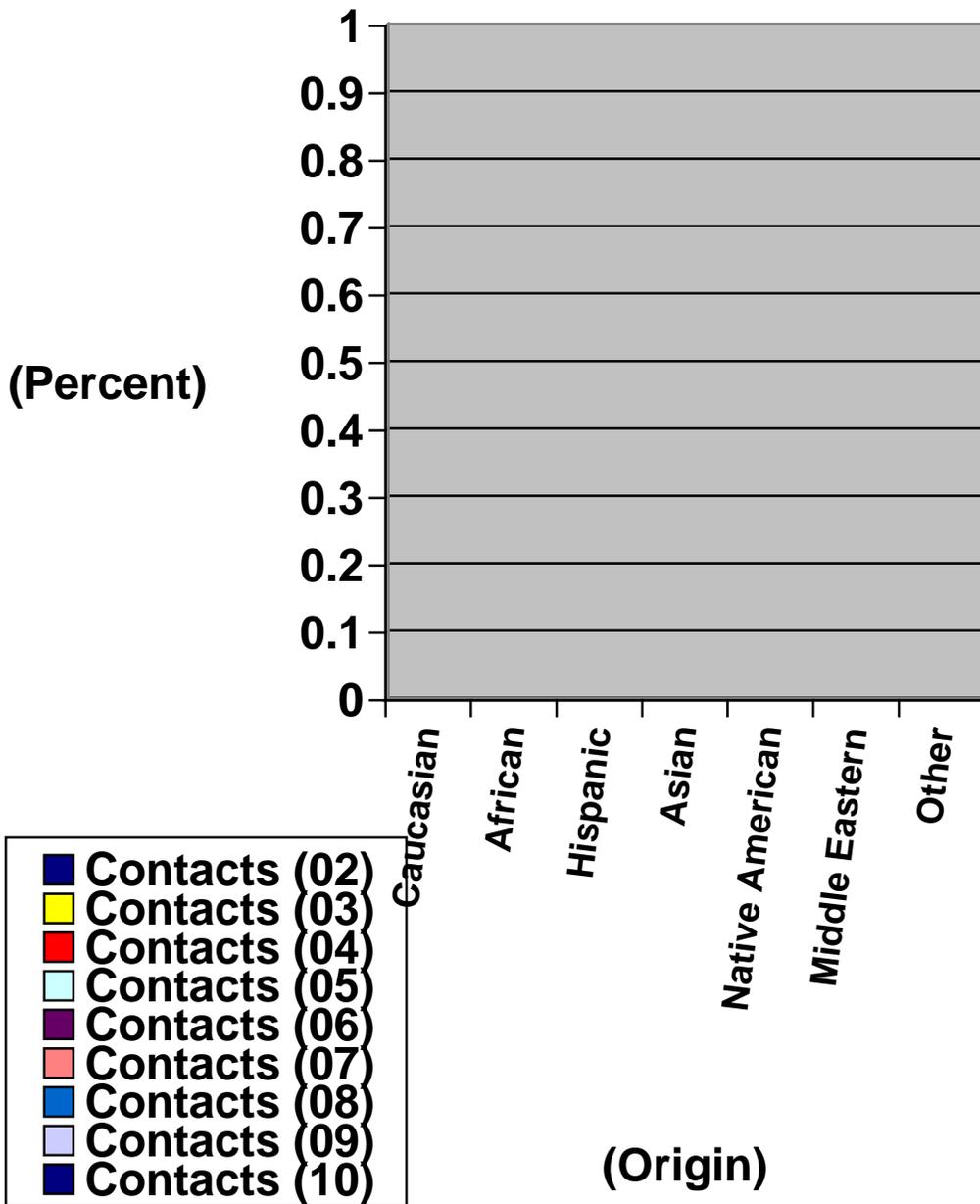
**Comparison of Eleven-Year Traffic and Motor Vehicle-Related Contact Information
(1/1/04---12/31/14)**

Race/Ethnicity*	Motor Vehicle-Related Contacts (in percentages)				
	(10)	(11)	(12)	(13)	(14)
Caucasian	55	57	53	53	52
African	15	15	15	16	16
Hispanic	14	14	17	14	15
Asian	9	8	10	10	9
Native American	.05	.1	.7	.1	.04
Middle Eastern	7	6	4	7	8
Other	.5	.04	.4	.3	.1
Total	100**	100	100	100	100

*Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American and Middle Eastern”.

** Figure has been rounded.

Tier 1 Data (Contacts 04-14)



Analysis and Interpretation of Data

Analysis

In 2001, the Texas legislature passed Senate Bill 1074 which became the Texas Racial Profiling Law. That is, the law came into effect on January 1, 2002 and required all police departments in Texas, to collect traffic-related data and report this information to their local governing authority by March 1st of each year. In 2009, the racial profiling law was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued or arrest made. In addition, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individual before detaining them. Further, it is required that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year. The purpose in collecting and presenting this information is to determine if police officers in a particular municipality are engaging in the practice of racially profiling minority motorists.

The Texas Racial Profiling Law also requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if individual police officers are engaging in racial profiling, from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific “individual” racist behavior from aggregate-level “institutional” data on traffic or motor vehicle-related contacts.

As stated previously, in 2009, the Texas Legislature passed House Bill 3389, which modified the existing Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These most recent changes include, but are not exclusive of, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it requires police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the more recent law requires adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year. I am pleased to inform you that these additional requirements have been addressed, since 2009, by the Murphy Police Department as it is demonstrated throughout this report.

In an effort to comply with The Texas Racial Profiling Law, the Murphy Police Department commissioned the analysis of its 2014 motor vehicle contact data. Thus, three different types of data analyses were performed. The first of these involved a careful evaluation of the 2014 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans, Middle Easterners and individuals belonging to the “other” category, that came in contact with the police in the course of a motor vehicle related contact, and were either issued a citation or arrested. Further, the analysis included information relevant to the number and percentage of searches (table 1) while indicating the type of search performed (i.e., consensual or probable cause). Also,

the data analysis included the number and percentage of individuals who, after they came in contact with the police for a motor vehicle-related reason, were arrested.

The additional data analysis performed was based on a comparison of the 2014 motor vehicle contact data with a specific baseline. When reviewing this particular analysis, it should be noted that there is disagreement, in the literature, regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Murphy Police Department opted to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2010) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It is clear that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Murphy Police Department in 2014 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

Since 2002, several civil rights groups in Texas expressed their desire and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, the Murphy Police Department made a decision that it would use this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Dallas Fort Worth (DFW) Metroplex.

The final analysis was conducted while using the 2004--2009 traffic data and the 2010—2014 motor-vehicle related data. Specifically, all traffic-related contacts made in 2009 were compared to similar figures reported in 2004, 2005, 2006, 2007 and 2008. Similarly, motor vehicle contact data was compared while using data from 2010, 2011, 2012, 2013 and 2014. Although some researchers may not support the notion that in eleven years, a “significant” and “permanent” trend can take effect, when considering this analysis, it was determined that comparing eleven years of traffic/motor vehicle contact data may highlight possible areas of consistency with regards to traffic and motor vehicle-related contacts. That is, the eleven-year comparison has the potential of revealing indicators that a possible trend of traffic and motor vehicle-based contacts with regards to members of a specific minority group, may in fact, develop.

Tier 1 (2014) Motor Vehicle-Related Contact Analysis

When analyzing the Tier 1 data collected in 2014, it was evident that most motor vehicle-related contacts were made with Caucasian drivers. This was followed by African American and Hispanic drivers. With respect to searches, most of them were performed on Caucasian drivers. This was followed by Hispanics and African Americans. It is important to note that the arrest data revealed that Caucasian drivers were arrested the most in motor vehicle-related contacts; this was followed by Hispanics and African Americans.

Fair Roads Standard Analysis

The data analysis of motor vehicle contacts to the census data relevant to the number of “households” in the DFW who indicated, in the 2010 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of individuals of African American and Asian descent that came in contact with the police was higher than the percentage of African American and Asian households in DFW that claimed, in the 2010 census, to have access to vehicles. With respect to Caucasians and Hispanics, a lower percentage of contacts were detected. That is, the percentage of Caucasian and Hispanic drivers that came in contact with the police in 2014 was lower than the percentage of Caucasian and Hispanic households in DFW with access to vehicles.

Eleven-Year Comparison

The eleven-year comparison (04-14) of traffic and motor vehicle related-contact data showed some similarities. As illustrated in table 3, the percentage of drivers (from different racial/ethnic groups) that came in contact with the Murphy Police in 2014 was similar to the percentage of drivers, from the same racial/ethnic groups that came in contact with the Murphy Police Department from 2004 to 2014. However, a few differences were noted. When comparing 2014 to the previous years, there was an increase in percentage of contacts among Hispanic drivers. A decrease in percentage was detected among Caucasians and Asians.

It should be noted that the 2010, 2011, 2012, 2013 and 2014 data should be analyzed while considering that since January 1st of 2010, a contact was re-defined by the law; thus, making it statistically challenging to compare traffic contacts (collected and reported from 2004-2009) with motor vehicle contacts (collected and reported since 2010).

Summary of Findings

The comparison of motor vehicle contacts showed that the Murphy Police Department came in contact (in motor vehicle-related incidents) with a smaller percentage of Caucasian and Hispanic drivers than the percentage that resided in DFW and had access to vehicles. Further, the data suggested that the percentage of African American and Asian drivers that came in contact with the police in 2014 was higher than the percentage of African American and Asian households in DFW with access to vehicles. In addition, the data showed that in a large number of instances, officers did not know the race or ethnicity of individuals before detaining them, when compared to instances where officers knew the race/ethnicity of individuals before they were detained.

An examination of the eleven-year traffic and motor vehicle-related contact data suggested that the Murphy Police Department has been, for the most part, consistent in the racial/ethnic composition of motorists it comes in contact with during a given year. The consistency of contacts for the past eleven years is in place despite the fact the city demographics may have changed, thus, increasing the number of subjects likely to come in contact with the police.

While considering the findings made in this analysis, it is recommended that the Murphy Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals; particularly with African Americans and Asians. Although this additional data may not be required by state law, it is likely to provide insights regarding the nature and outcome of all motor vehicle contacts made with the public.

As part of this effort, the Murphy Police Department is also encouraged to:

- 1) Perform an independent search analysis on the search data collected in the first quarter of 2015.
- 2) Commission data audits in 2015 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The Murphy Police Department complied with recommendations made last year, in a similar report, regarding data audits. Further, the information and analysis provided in this report serves as evidence that the Murphy Police Department has, once again, complied with the Texas Racial Profiling Law.

(III) Summary

Checklist

Checklist

The following requirements **were** met by the Murphy Police Department in accordance with The Texas Racial Profiling Law:

- Clearly defined act or actions that constitute racial profiling
- Statement indicating prohibition of any peace officer employed by the Murphy Police Department from engaging in racial profiling
- Implement a process by which an individual may file a complaint regarding racial profiling violations
- Provide public education related to the complaint process
- Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law
- Collect data (Tier 1) that includes information on
 - a) Race and ethnicity of individual detained
 - b) Whether a search was conducted
 - c) If there was a search, whether it was a consent search or a probable cause search
 - d) Whether a custody arrest took place
- Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- Produce an annual report on police contacts (Tier 1) and present this to local governing body and TCOLE by March 1, 2015.
- Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

Contact Information

Contact Information

For additional questions regarding the information presented in this report, please contact:

Del Carmen Consulting, LLC
817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

Disclaimer: The author of this report, Alejandro del Carmen/del Carmen Consulting, LLC, is not liable for any omissions or errors committed in the acquisition, analysis, or creation of this report. Further, Dr. del Carmen/del Carmen Consulting is not responsible for the inappropriate use and distribution of information contained in this report. Further, no liability shall be incurred as a result of any harm that may be caused to individuals and/or organizations as a result of the information contained in this report.

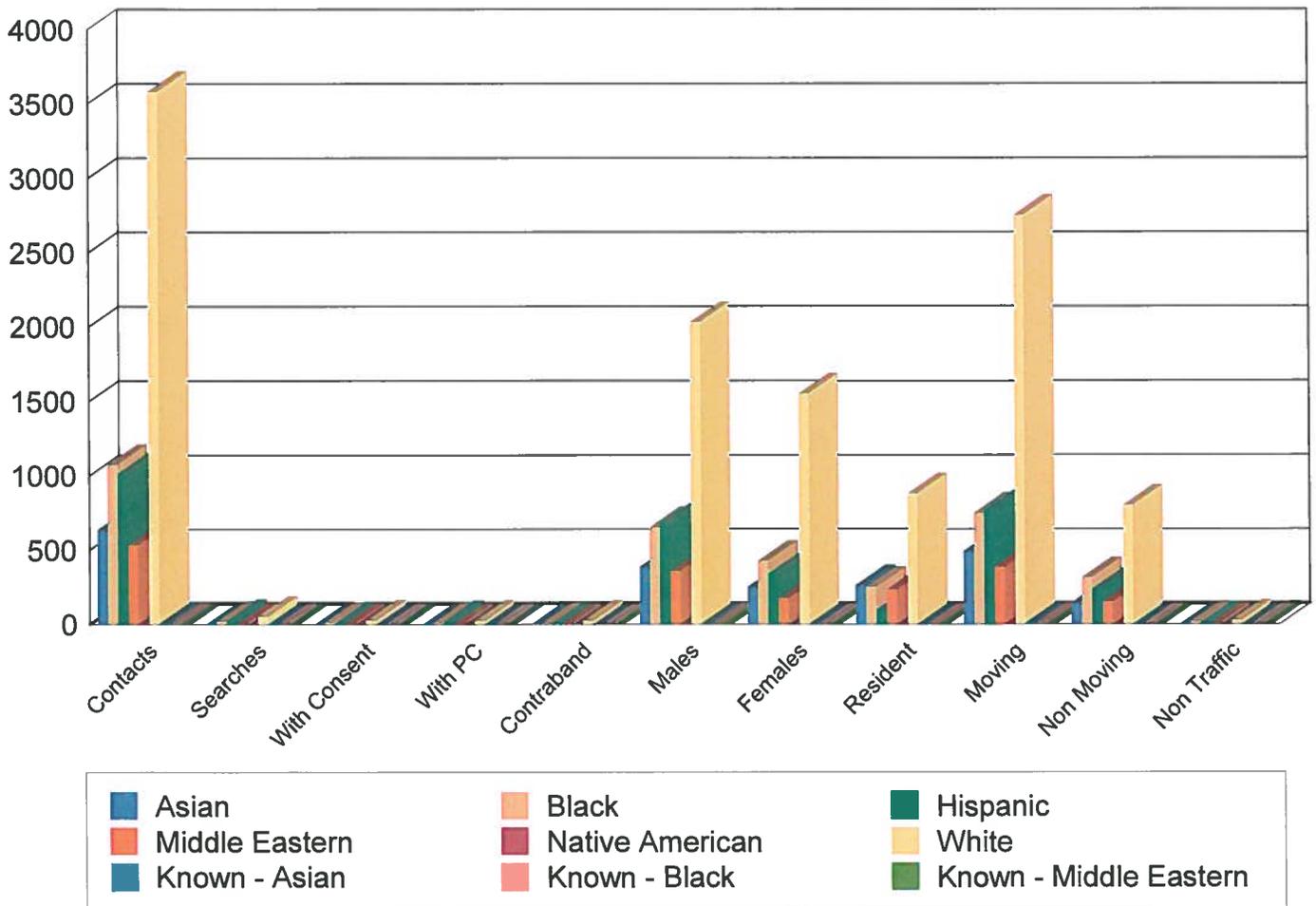


MURPHY POLICE DEPARTMENT

Racial Profiling

01/01/2014 - 12/31/2014

	Contacts		Search	Consent	PC	Contraband	Male	Female	Resident	Race Known	Reason For Contact		
	#	Percent									Moving	Non-Moving	Non-Traffic
Asian	636	9.28%	3	0	3	2	385	251	262	0	490	142	3
Black	1075	15.68%	19	11	8	4	651	424	249	0	747	313	14
Hispanic	1015	14.81%	30	8	22	7	677	338	97	1	767	237	11
Middle Eastern	533	7.78%	5	3	2	3	359	174	232	0	382	147	4
Native American	3	0.04%	0	0	0	0	3	0	1	0	1	2	0
White	3585	52.30%	50	26	24	24	2033	1552	878	0	2753	802	26
Others	8	0.12%	1	0	1	0	5	3	2	8	7	1	0
Total	6855		108	48	60	40	4113	2742	1721	9	5147	1644	58



Hispanic is determined by ethnicity, regardless of race
 Hispanics are not included in other races
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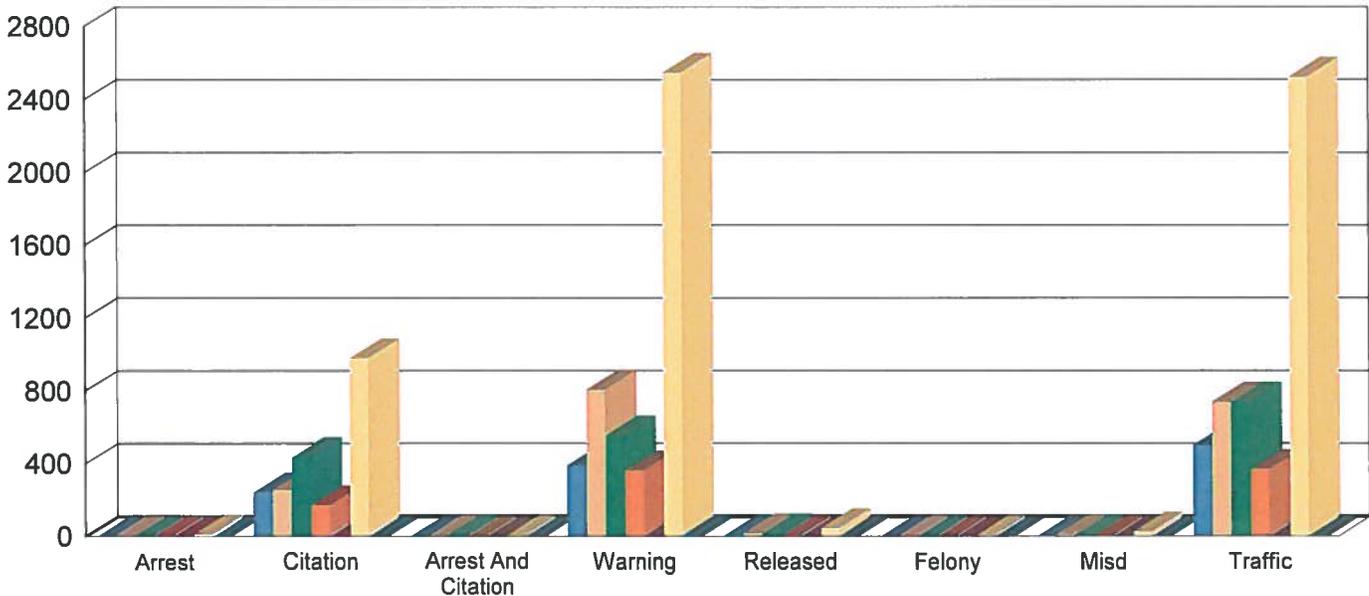


MURPHY POLICE DEPARTMENT

Racial Profiling Dispositions

01/01/2014 - 12/31/2014

		Disposition					Charge			
		Arrest	Citation	Arrest/Citation	Warning	Released	Felony	Misd	Traffic	No Charge
Asian	636	0	242	1	387	6	0	1	498	135
Black	1075	2	253	1	805	14	1	7	735	331
Hispanic	1015	3	434	10	553	14	1	8	737	266
Middle Eastern	533	1	169	0	360	3	0	3	366	164
Native American	3	0	1	0	2	0	0	0	1	2
White	3584	12	977	3	2547	44	3	23	2524	1,031
Others	8	1	0	0	6	1	0	0	3	5
Total: 6854		19	2076	15	4660	82	5	42	4864	1934



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Hispanic is determined by ethnicity, regardless of race.
Hispanics are not included in other races.

(I) Tier 1 Data

Motor Vehicle-Related Contact Information (1/1/14—12/31/14)

Race/Ethnicity*	Contacts	Searches	Consensual Searches	PC Searches	Custody Arrests
	N	N	N	N	N
Caucasian	3585	50	26	24	12
African	1075	19	11	8	2
Hispanic	1015	30	8	22	3
Asian	636	3	0	3	0
Native American	3	0	0	0	0
Middle Eastern	533	5	3	2	1
Other	8	1	0	1	1
Total	6855	108	48	60	19

"N" represents "number" of motor vehicle-related contacts

* Race/Ethnicity is defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern".

**Figure has been rounded

Number of instances where officers knew/did not know the race/ethnicity of the suspect before being detained:

 0 (Knew)

 6855 (Did not Know)

Number of complaints on alleged racial profiling between 1/1/14 and 12/31/14:

Number: 0

Outcome: 0



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Welcome to the TCOLE Department Reporting System!
Thank you, your **Racial Profile Report has been accepted.**

Your TCOLE Department Information

Chief Administrator:	G. M. COX	Account Holder:	Kim Parker
Department:	MURPHY POLICE DEPT.	Date Modified:	02/19/2014
TCOLE Agency No:	085216	Account Holder Email:	kparker@murphytx.org
Department Address:	206 NORTH MURPHY ROAD MURPHY, TX 75094	Account Holder Phone:	972-468-4235
Department Phone:	9724684200	TCLEDDS Account Active:	YES
Department Fax:	9734684277	2014 Racial Profile Report on File?	YES
Chief Administrator Email:	gmcox@murphytx.org		

To change your Department Information, choose Account Information. Account Updates from the Menu.

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TCOLE 2014 RACIAL PROFILING AGENCY REPORT WIZARD FOR TIER 1

Department Name: MURPHY POLICE DEPT.

Agency Number: 085216

Step 4: Please fill out all boxes. If zero, use 0. The total on lines 4, 11, 14 and 17 must be equal. The total on line 20 must equal line 15.

MURPHY POLICE DEPT. Motor Vehicle Racial Profiling Information

Number of motor vehicle stops:

1. citation only
2. arrest only
3. both
4. **Total** (lines 4, 11, 14 and 17 must be equal)

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Race or Ethnicity:

- 5. African
- 6. Asian
- 7. Caucasian
- 8. Hispanic
- 9. Middle Eastern
- 10. Native American

11. **Total** (lines 4, 11, 14 and 17 must be equal)

Race or Ethnicity known prior to stop?

- 12. Yes
- 13. No

14. **Total** (lines 4, 11, 14 and 17 must be equal)

Search conducted?

- 15. Yes
- 16. No

17. **Total** (lines 4, 11, 14 and 17 must be equal)

Was search consented?

- 18. Yes
- 19. No

20. **Total** (must equal line 15)

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**COUNCIL MINUTES
JANUARY 20, 2015 CITY COUNCIL MEETING**

1. CALL TO ORDER

Mayor Pro Tem Bradley called the meeting to order at 6:00 pm. Mayor Pro Tem Bradley commented on the number of guests in attendance.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Bradley gave the invocation and led the Pledge of Allegiance to the United States flag.

3. ROLL CALL & CERTIFICATION OF A QUORUM

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

Mayor Pro Tem Scott Bradley
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Ben St. Clair
Councilmember Sarah Fincanon
Councilmember Betty Nichols Spraggins – arrived at 6:21 pm

The following Councilmembers were absent:

Mayor Eric Barna
Councilmember Rob Thomas

4. PUBLIC COMMENTS

Kelly Smith, resident, spoke regarding the Planned Development to be discussed this evening. He was unavailable to attend the Public Hearing held at the last Council meeting. This is the third time that he has tried to sell his property contingent upon rezoning. He is in favor of the Planned Development being proposed.

5. PRESENTATIONS**A. Presentation of Keep Murphy Beautiful 2nd Annual Mascot and Poster Contest Winners.**

Candy McQuiston, Customer Service Manager, thanked the Judges, Elizabeth Combs, Mary Pat Elledge, Robbie Hazelbaker and Kenneth Oltmann. Elizabeth Combs, Public Relations and Recycling Coordinator, explained the contest and thanked all who had participated. Trucks with the winner's artwork will be displayed following the award of the winners. Mayor Pro Tem Bradley announced the following winners:

- Tarrena Rathore – age 9 attends Martha Hunt Elementary and is the second place winner for Kindergarten through 5th grade and received a \$25.00 gift card
- Marygrace Biggs – age 15 is Homeschooled and is the second place winner for 6th grade through 10th grade and received a \$25.00 gift card
- Ava Arvizu – age 7 attends Martha Hunt Elementary is the first place winner for Kindergarten through 5th grade and received a \$100 gift card and her artwork is displayed on the Progressive Waste truck
- Thomas Dang – age 13 attends Murphy Middle School is the first place winner for 6th through 10th grade and received a mini-iPad and his artwork is displayed on the Progressive Waste truck

All the contestants came down for a photo with Council. A short recess was taken to see the truck displaying the winning artwork and to have refreshments.

- B. Presentation of financial report and investment report as of December 31, 2014.

Finance Director Truitt will present the report at the next City Council meeting.

6. EXECUTIVE SESSION

The City Council convened into close Executive Session at 6:23 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.087 Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

7. RECONVENTE INTO REGULAR SESSION

The City Council reconvened into open session at 7:15 pm with the Mayor Pro Tem's announcement that no action was taken in Executive Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.087 Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

- B. Take Action on any Executive Session Items.

No action was taken.

8. 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 approval and/or corrections to the minutes of the January 6, 2015 Regular City Council Meeting.

COUNCIL ACTION (8A.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve the consent agenda as presented. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0. (Mayor Barna and Councilmember Thomas were absent)

9. INDIVIDUAL CONSIDERATION

- A. Consider and/or act on the application of Saritha Yeddula, Charlotte Dye, Kelly Smith/Orange-Birmingham, LLC requesting to amend PD Ordinance No. 12-06-914 including a change in zoning of approximately 6.3 acres from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses and amending the Concept Plan, Landscape Plan and Planned Development Conditions. This property is located at SWC FM 544 and McCreary Road.

The applicant was asked and responded to questions regarding how the property sale will affect current property owners. Other discussion with the applicant included landscaping and tree circumferences and the use of ornamental plants. Signage was discussed to include two logo signs and a fuel sign.

Because of the complexity of this item and the changes that have been offered by the applicant were displayed in the staff report by color changes, that portion of the staff report is listed as a part of the minutes (Times New Roman font is used to separate this information from the Calibri font used for the minutes):

NOTE: Staff has revised this agenda item to include details specific to edits to the Concept Plan, Landscape Plan and Planned Development Conditions following discussion at the January 6, 2015 City Council meeting. (See Considerations section)

Background

On January 6, 2015, City Council held a public hearing and discussed the request to amend PD Ordinance No. 12-06-914 including a change in zoning of approximately 6.3 acres from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses and amending the Concept Plan, Landscape Plan and Planned Development Conditions. At that meeting, the applicant requested that action on the item be deferred to the January 20, 2015 City Council meeting.

Summary

The applicants are requesting to amend the PD Ordinance No. 12-06-914:

- Include an additional approximately 6.3 acres into the Planned Development District, re-zoning the 6.3 acres from Single Family Residential (SF-20) and incorporating these acres into the Planned Development District.
- Amending the Concept Plan exhibit to include the additional approximately 6.3 acres and identify an amended site layout.
- Amending the Landscape Plan exhibit to accommodate the additional acreage and amended Concept Plan layout.
- Amending the Planned Development Conditions

Considerations**Planned Development District Conditions and Concept Plan**

The applicant has requested modifications to the existing Planned Development Conditions and Concept Plan in PD Ordinance No. 12-06-914 as attached and shown in Exhibit B and Exhibit C.

Based on discussion and comments received from City Council on January 6, 2015, staff and the applicant have revised the Planned Development District Conditions slightly.

These items are noted in **green** in the Planned Development District Conditions Exhibit (Exhibit B). The items in **red** remain as discussed on January 6, 2015.

Modifications to the Planned Development District Conditions include:

- Adding the verbiage to Exterior Elevations: *Any Fuel Center and/or Car Wash shall be Masonry clad to match the proposed anchor building. The Fuel Center canopy will include a mansard roof and all columns will be masonry clad.*
- Adding the verbiage to Area and Yard Regulations: *Front, side and rear building setbacks shall be twenty-five (25) feet.*
- Modifying the maximum building height: *forty (40) feet* except that the maximum height may be increased to forty-five (45) feet to allow for architectural elements.
- Adding the verbiage to Landscape Standards; landscape buffer adjacent to FM 544: *Any Fuel Center and/or Car Wash will include a landscape screening within this buffer to include ornamental trees (i.e. Crepe Myrtles) and shrubs.*
- Removing the verbiage allowing Fencecrete®.

Modifications to the Concept Plan include:

- Shifting the site layout to the east to accommodate for challenges that could arise due to the flood plain.
- Creating a landscape/amenity area on the eastern center of the property to allow for the visual enhancement of the creek.
- The buildings as shown on the January 6, 2015 Concept Plan remains as presented.
 - While Lot 3 conceptually shows retail, the developer has no plans at this time for a proposed use on that one site; additional parking if necessary for the anchor building may go here.
 - The anchor building layout includes a fuel center and car wash on site. The anchor building will not develop without the fuel center and car wash.

Staff Recommendation

Staff recommends approval of the proposed amendments to Planned Development District No. 12-06-914 including removal of Exhibit E, the amended Planned Development District Conditions, amended Concept Plan and amended Landscape Plan as presented.

EXHIBIT B

AS AMENDED shown in red

As of 1/6/2015 shown in green

McCreary Marketplace SW Corner of FM 544 and McCreary Road PLANNED DEVELOPMENT CONDITIONS

- I. Statement of Intent:** The intent of this Planned Development District is to provide high quality retail development that is generally consistent with the Comprehensive Plan.
- 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 the following uses.

- Larger anchor uses
- Grocery Store
- Family, sit-down restaurants
- Upscale retail shops
- Individual pad site uses
- Other retail uses as outlined herein

III. Statement of Effect: This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 04-05-610, as amended, except as specifically provided herein.

IV. General Regulations: All regulations of the R (Retail) District set forth in Section 29 of the Comprehensive Zoning Ordinance 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. Landscape Plan: Development shall be in general conformance with the approved landscape plan set forth in Exhibit D; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.

C. Exterior Elevation Plan: Development shall conform to City of Murphy code and Planned Development District requirements as noted herein subject to site plan approval. Any Fuel Center and/or Car Wash shall be Masonry clad to match the proposed anchor building. The Fuel Center canopy will include a mansard roof and all columns will be masonry clad.

D. Signage Plan: Development shall be in general conformance with the approved signage plan as set forth in Exhibit F; however, in the event of conflict between the signage plan and the conditions, the conditions shall prevail. The Signage Plan may be amended and altered to include additional signage at the time of Site Plan approval to accommodate the anchor and pad sites.

E. Concept Plan, Landscape Plan, Exterior Elevation Plan, and Signage Plan approval shall be for a period of one year from the date of City Council action on the plan. If within that one-year period a site plan has been submitted and approved for a portion of the development, then the Concept Plan shall be deemed to have no expiration date. Site plans shall be valid for a period of one year from the date of City Council action on the plan. This period shall be extended for a maximum of two (2) additional one (1) year periods with a request in writing to the City Manager subject to his approval.

F. Site Plan: A Site Plan shall be submitted in accordance with the Requirements set forth in Chapter 86, Article II, and Division 7 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

1. Amusement Services (Indoors) (SUP)
2. Antique Shop
3. Art Dealer/Gallery

4. Artist Studio (SUP)
5. Bakery (Retail)
6. Book Store
7. Cafeteria
8. Computer Sales
9. Confectionery Store (Retail)
10. Department Store
11. Dinner Theatre (SUP Only)
12. Electronics (Retail)
13. Florist
14. Food or Grocery Store with Fuel Center as accessory use
15. Furniture Sales (Indoor)
16. Hardware Store
17. Home Improvement Center (SUP)
18. Motion Picture Theatre
19. Pet Shop/Supplies
20. Pharmacy(with Drive-thru)
21. Photo Studio
22. Photocopying /Duplicating
23. Restaurant (with drive-thru (SUP); drive thru not allowed to face residential properties)
24. Retail Store
25. Tailor Shop
26. Theatre (Live Drama) (SUP)
27. Sporting Goods
28. Clothing / Home Goods
29. Car Wash as accessory use to Fuel Center
30. Dry Cleaners (SUP)

B. Area and Yard Regulations

1. Minimum Size of Lot/Tract: There shall be no minimum lot/tract area required.
2. Minimum Lot/Tract Width: Minimum frontage requirements for lots adjacent to either FM 544 or McCreary Road shall be 90'.
3. Minimum Lot/Tract Depth: There shall be no minimum lot/tract depth required.
4. Pad Sites: The maximum number of pad sites allowed along FM 544 shall be three (3).
5. Front, side and rear building setbacks shall be twenty-five (25) feet.

C. Parking, Driveways and 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 Comprehensive Zoning Ordinance.

4. No required parking space may be occupied by signs, merchandise, or display items at any time except by specific 30 day permit.
5. A special “signature” paving treatment shall be established as shown on the approved concept plan (Exhibit C). Appropriate locations for the special paving treatment shall include street intersections, pedestrian crosswalks and driveway openings.
6. Sidewalks along FM 544 and McCreary Road shall be 8 feet in width.

D. Loading and Unloading

1. Truck loading berths and apron space shall only be required for space that totals 30,000 square feet or more and shall not be located on the street side of any building or facing another building without adequate screening.
2. Truck loading berths shall not be located within any required setback or landscape buffer strip.
3. Landscaping is required in front of any loading dock facing public right of way, including the loading dock show on Phase One development facing FM544.

E. Building Height

1. All structures shall have a maximum building height of **forty (40)** feet except that the maximum height may be increased to forty-five (45) feet to allow for architectural elements.

F. Minimum Exterior Construction Standards, Building Materials and Design-

Exterior Construction and Design Requirements shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. All structures, including all building elevations, shall be constructed utilizing a design that is consistent with **City code and Planned Development District requirements noted herein.**
2. The use of primary or garish colors shall not be predominately used on the exterior façade of any structure. Corporate identities shall be allowed with owner review and approval.
3. 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 immediately adjacent public dedicated street by an architecturally sound method.
4. Each commercial building, complex of buildings or separate commercial business enterprise shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired there on by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.

5. In all cases, mechanical equipment on roofs and outcroppings shall be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.

G. Landscape Standards

Landscaping shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. Landscaping shall generally be as shown on the approved Landscape Plan (Exhibit D). 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 for the specific development. An automatic underground irrigation system including freeze and rainwater sensor 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 twenty-five (25) feet in depth adjacent to the right-of-way of FM 544, twenty-five (25) feet in depth adjacent to McCreary Road. No parking may be placed within any landscape buffer. Pedestrian easements and sidewalks may be located within a landscape buffer. **Any Fuel Center and/or Car Wash will include a landscape screening within this buffer to include ornamental trees (i.e. Crepe Myrtles) and shrubs.**
3. 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 six (6) feet by six (6) feet shall be provided surrounding each tree located in a surface parking area. Landscape islands within the parking lot shall be a minimum of 64 square feet.
 1. The traffic island shown on Phase One development shall be landscaped.
 2. Phase One construction is to include Open Space as noted in Phase Two.
 3. A total of seven (7) 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 seven (7) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed twenty (20) spaces in length.
 4. An additional 8% open space shall be provided. This 8% will be for the entire development and not necessarily on a lot by lot basis. The 8% area will consist of two or more of the following amenities:
 - a. Pedestrian walkways
 - b. Benches

- c. Gazebo
- d. Constant level pool
- e. Landscape material
- f. Hardscape
- g. Pedestrian lighting

H. Screening

Screening shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. All screening at the rear (South & West) 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.
2. All truck docks/loading areas for anchor stores with a footprint greater than 30,000 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). **There should be a 12-foot masonry screening wall along the southern boundary to the flood plain with a 10-foot living screen landscape buffer. Additionally, there shall be an 8-foot masonry screening wall along the western boundary of lot 3 with a 10-foot living screen landscape buffer.**
3. Outside seasonal displays shall be permitted within the Planned Development District for no more than 30 days. Outside storage shall not be permitted with the Planned Development District.

I. Site Lighting:

Lighting shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. 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 30 ft. high. However, the height of all light standards shall be subject to review of the lighting plan during the Site Plan review.

J. Signage and Graphics

Signage will comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below. No electronic signs are allowed in Planned Development District.

Signature Sign: Developer shall construct a signature sign depicting “City of Murphy” at the intersection of McCreary Road and FM 544 immediately adjacent (behind) the 50x50 visibility triangle. The signature entrance/ development sign must be 2 or 3 dimensional and conceptually similar to the signature sign located on the northwest corner of FM 544 and North Murphy Road in Murphy. The developer shall submit the signature signage plans to the City for approval prior to construction.

1. General
 - a. All signage for the Planned Development District shall be allowed as shown on the approved Signage Plan (Exhibit F).
 - b. Shared Tenant Monument Signs- Two (2) monument signs shall be allowed located on Lot 2 and shall be limited to a maximum sign area of 40 square feet per sign. One monument sign on McCreary shall be allowed with a maximum height of seven (7) feet and maximum size of forty (40) square feet per sign.
 - c. Shopping center signs-One (1) shopping center sign shall be permitted as shown on the approved Signage Plan (Exhibit F). The shopping center sign shall be limited to a maximum sign area of 240 square feet.
 - d. All signs must be surrounded by landscaping.
 - e. No signs shall be phased.
2. Shared Tenant Monument Signs
 - a. Monument signs shall identify individual tenants or uses within the shopping center. Monument signs shall be a maximum of seven (7) feet tall.
 - b. All shared tenant monument signs shall be double-sided, internally illuminated sign panels within a masonry structure. Shared tenant monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.
 - c. Monument signs shall be located at a setback distance of not less than five (5) feet from the right-of-way line of any adjacent street and maybe incorporated within the landscaping area or buffer.
 - d. Construction of monument signs shall include a base of material similar to the material used for buildings.
3. Shopping Center Sign
 - a. The shopping center sign shall be constructed at a height not to exceed thirty-five (35) feet upon approval of a building permit of an anchor tenant.
 - b. The base of the shopping center 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. The shopping center sign shall be double-sided, internally illuminated sign panels 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.

- d. Construction of shopping center signs shall include a base of material similar to the material used for buildings.

4. Temporary Marketing Signage

- a. One (1) quality temporary marketing sign shall be permitted on the development on McCreary Road and on FM 544. Temporary signs must be approved by the City Manager or designee and are valid for 180 days.
- b. The maximum signage area will be 64 square feet. The maximum height shall be 8 feet.
- c. All other temporary signage 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.

- K. Open Space

1. Development with the Planned Development District 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. All pedestrian areas and open space must be located away from vehicular traffic areas as reflected on the concept plan attached.
 - a. 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.
 - b. An additional 8% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 8% 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.
 1. Water feature, such as a fountain or detention pond with constant water level.
 2. Plaza or courtyard with art sculpture piece.
 3. Outdoor patio or gazebo with seating area.
 4. Other areas for pedestrian congregation, and may be approved on the site plan.

VII. Special Regulations:

- A. Right Turn Deceleration Lanes: A right turn deceleration lane shall be required for the driveway on FM 544 at the time construction begins on any pad site along FM 544 and paid for by the developer and/or property owner. A right turn deceleration lane shall be required for the middle driveway on McCreary Road at the time construction begins on the anchor tenant.
- B. Utility Power Lines: Utility distribution and service lines for individual business establishments, buildings, and signs and for any other site development features shall be placed underground.
- C. Cross-Access Requirement: A joint access (i.e.-ingress, egress) easement shall be provided to minimize the number of driveway openings along FM 544 and McCreary Road. 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. Access shall be provided for property to the West of this site for future connectivity.
- D. Outside storage shall not be permitted with the Planned Development District.
- E. Outside display of merchandise and temporary seasonal items: Outside display of merchandise and temporary seasonal items, such as Christmas trees, pumpkins, etc., shall be limited to the following:
1. Shall not be placed/located more than 30 feet from the main building.
 2. Shall not occupy any of the parking spaces that are required by this chapter for the primary use of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
 3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on site or off site, in any way.
 4. Shall not extend into public right-of-way or onto adjacent property.
 5. All outside display items shall be removed at the end of business each day, except for large seasonal items such as Christmas trees.
 6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- F. Maintenance: The developer and/or property owner of any part of the Planned Development District shall maintain the property in terms of quality landscape maintenance, trash removal, interior and exterior sign conditions, trash receptacles and other amenities to ensure a consistent high quality development.

Following Council discussion, the following motion was made.

COUNCIL ACTION (9.A.):**APPROVED**

Deputy Mayor Pro Tem Siddiqui moved to approve the proposed amendments to Planned Development District Ordinance No. 12-06-914 including removal of Exhibit E, approve the amended Planned Development District conditions, the amended concept plans and the amended landscape plans with the following additional amendments: that the lighting requirements for the site will require LED lighting for the parking lot that will be down lit; the requirement for a photometric study for the site; the buildings are to be one hundred percent (100%) masonry with a requirement that a minimum of forty percent (40%) stone exist on three sides of the anchor store, with all out buildings at one hundred percent (100%) masonry with a requirement that a minimum of forty percent (40%) stone be used on all four sides; the roofing materials should be made from premium materials such as terra-cotta, slate, or standing seam steel; only the anchor building can be a maximum height of forty feet to forty-five feet for architectural purposes. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0. (Mayor Barna and Councilmember Thomas were absent)

- B. Consider and/or act on awarding the bid for the construction of the South Maxwell Creek Parallel Trunk Sewer Line Project and authorizing the City Manager to execute contract documents.

Following a short staff presentation, Council made the following motion.

COUNCIL ACTION (9.B.):**APPROVED**

Deputy Mayor Pro Tem Siddiqui moved to approve the construction bid award of \$2,068,007.71, submitted by P.C. Contractors, LLC of Fort Worth, Texas for the South Maxwell Creek Parallel Trunk Sewer line project and authorize the City Manager to execute the necessary documents. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0. (Mayor Barna and Councilmember Thomas were absent)

10. CITY MANAGER/STAFF REPORTS

- A. North Murphy Road Construction Update

City Manager Fisher explained that pouring has resumed since the weather is cooperating, the contractors are still hoping to complete the project by the end of January, 2015. He also announced that a police car had an incident with a prisoner in his car and as he pulled over to address the issue, he pulled upon the wet concrete. It has been repaired.

- B. Boards and Commission Training to be held Saturday, February 7, 2015

All Board members are encouraged to attend to thank the board members for their service, as it is a great time to have them all together. Council is encouraged to attend. Boards like to hear Council's perspectives as to what the Council expects from the various boards.

- C. City Council Planning Session

Council was requested at the January 6, 2015 meeting to send available dates for March to schedule a meeting to develop a three to five year plan, two Councilmembers have complied. A Community Survey would be helpful in developing a long range plan and the Mayor, Deputy Mayor Pro Tem and one other Councilmember were reminded that they should meet to discuss the how and when of a Community.

D. Collin County Days, March 2-3, 2015

Council was reminded to please let City Secretary Quinn know if they plan to attend as travel arrangements need to be completed. It is a great way to meet and network with other Collin County leaders.

Beverly Mueller submitted the funds collected at the December Animal Shelter fund raiser of \$1,200 to the City for use by the Animal Shelter.

The auction raised about \$24,000 with about \$12,000 pending.

11. ADJOURNMENT

With no further business, the meeting was adjourned at 8:10 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

City Council
February 3, 2015

Issue

Hold a public hearing and consider and/or act on the application of the City of Murphy to replat the existing subdivision known as Windy Hill Farms – Phase 1, generally located west of Heritage Parkway and north of FM 544; to remove platted building lines and establish the front building setback in accordance with the City’s Ordinance No. 14-10-988, adopted by the City of Murphy on October 7, 2014.

In addition, as a part of the replat, the City is requesting a waiver of Section 70-132(a) of the Murphy Code of Ordinances (provided below in pertinent part) requiring that monuments be set at the corner of each block within the Windy Hill Farms subdivision.

Background and Summary

On September 22, 2014, the Planning & Zoning Commission, and subsequently City Council, approved an ordinance zoning the subdivision known as Windy Hill Farms – Phase 1. This zoning corrected the errors that occurred in years past dating back to the year 2000 and now reflects the actual constructed conditions within the neighborhood.

The purpose of the zoning change was also to correct confusion in the required front building setback for over 80 homes in Phase 1. Some residences were constructed with a 25 foot front setback while others were constructed with a 30 foot front setback. This situation has created problems with the issuance of title insurance on the properties with the 25 foot front setback and has made it difficult for some owners to be able to sell their home.

Ordinance No. 14-10-988, adopted by the City of Murphy on October 7, 2014, provides for SF-15 uses with the following conditions:

- Minimum Lot Size: 9,500 square feet
- Minimum Lot Width: 85 feet (average within a lot)
- Minimum Front Yard: 25 feet

Extensive engineering work was required to prepare the replat. In the process, the City’s Engineer advised that any attempt to set or reset original lot and block monuments would likely result in necessary adjustments in the lot and block lines; and that any lot and block line adjustments would likely cause a hardship and possibly adversely affect the now current lot owners within and adjoining the Windy Hill Farms, Phase I Addition. Thus, the City is requesting a waiver of the requirement of Section 70-132(a) to set monuments at the corner of each block in this existing subdivision. The City Council favorably considered the City Engineer’s recommendation at its January 6, 2015, meeting and will finally approve it as a part of the replat on February 3rd.

Considerations

With the above zoning process completed, city staff is now in the process of completing the second (of two) parts to this correction.

For this last piece of the process, the City of Murphy is replatting the existing subdivision known as Windy Hill Farms – Phase 1, generally located west of Heritage Parkway and north of FM 544. The replat removes platted building lines and establish the front building setback in accordance with the City’s Ordinance No. 14-10-988, adopted by the City of Murphy on October 7, 2014 (as mentioned above).

Public notices regarding the replat and waiver request were mailed out as required by code. The City also included a memo in regards to signatures needed.

City Council
February 3, 2015

- State and City law requires property owners to sign and notarize the replat if they wish participate and clarify the front building setback on their property.
- If the property owner wishes to participate and have their property included in the replat, a notary is available the times noted on the attached memo or by appointment.
- By signing the replat, the City will be able mitigate potential title company objections regarding conflicting setback requirements on your property.
- As such, the City is seeking property owner cooperation and participation in this important matter.

Board Discussion/Recommendation

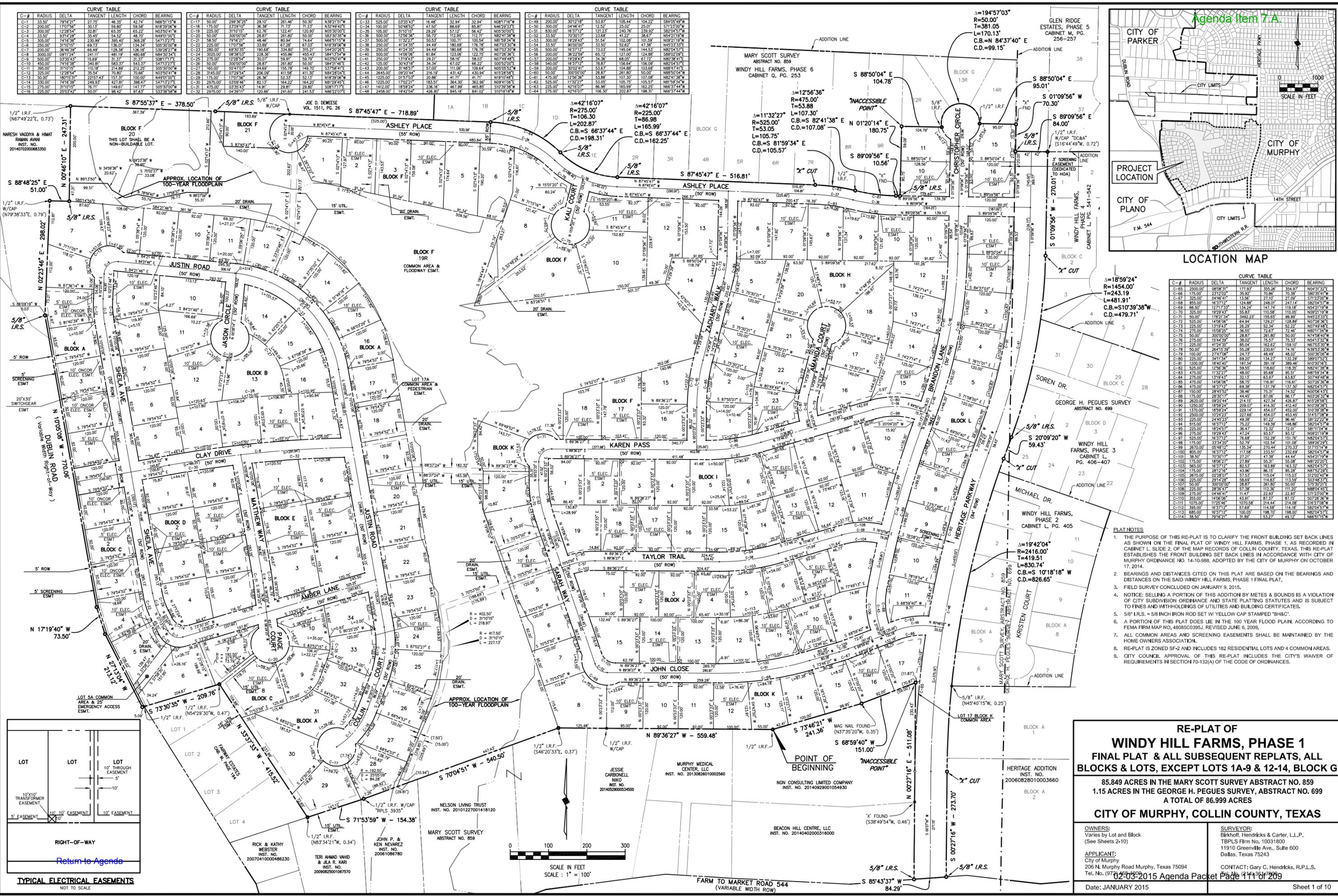
The Planning & Zoning Commission considered this item at their January 26, 2015 meeting and voted unanimously to approve.

Staff Recommendation

Staff recommends approval of the replat and request for a waiver from Section 70-132(a) as submitted.

Attachments

Replat
Waiver request
Memo regarding signatures needed
Boundary Map
Reply Forms



CURVE TABLE

C-#	RADIUS	DELTA	TANGENT	LENGTH	CHORD	BEARING
C-1	33.50	79.16	27.75	46.35	42.74	N68°31'15" W
C-2	200.00	172.54	30.13	59.58	59.58	N18°30'00" W
C-3	300.00	229.54	38.57	65.72	65.72	N18°30'00" W
C-4	400.00	286.54	47.01	71.87	71.87	N18°30'00" W
C-5	500.00	343.54	55.45	78.02	78.02	N18°30'00" W
C-6	600.00	400.54	63.89	84.17	84.17	N18°30'00" W
C-7	700.00	457.54	72.33	90.32	90.32	N18°30'00" W
C-8	800.00	514.54	80.77	96.47	96.47	N18°30'00" W
C-9	900.00	571.54	89.21	102.62	102.62	N18°30'00" W
C-10	1000.00	628.54	97.65	108.77	108.77	N18°30'00" W
C-11	1100.00	685.54	106.09	114.92	114.92	N18°30'00" W
C-12	1200.00	742.54	114.53	121.07	121.07	N18°30'00" W
C-13	1300.00	799.54	122.97	127.22	127.22	N18°30'00" W
C-14	1400.00	856.54	131.41	133.37	133.37	N18°30'00" W
C-15	1500.00	913.54	139.85	139.52	139.52	N18°30'00" W
C-16	1600.00	970.54	148.29	145.67	145.67	N18°30'00" W
C-17	1700.00	1027.54	156.73	151.82	151.82	N18°30'00" W
C-18	1800.00	1084.54	165.17	157.97	157.97	N18°30'00" W
C-19	1900.00	1141.54	173.61	164.12	164.12	N18°30'00" W
C-20	2000.00	1198.54	182.05	170.27	170.27	N18°30'00" W
C-21	2100.00	1255.54	190.49	176.42	176.42	N18°30'00" W
C-22	2200.00	1312.54	198.93	182.57	182.57	N18°30'00" W
C-23	2300.00	1369.54	207.37	188.72	188.72	N18°30'00" W
C-24	2400.00	1426.54	215.81	194.87	194.87	N18°30'00" W
C-25	2500.00	1483.54	224.25	201.02	201.02	N18°30'00" W
C-26	2600.00	1540.54	232.69	207.17	207.17	N18°30'00" W
C-27	2700.00	1597.54	241.13	213.32	213.32	N18°30'00" W
C-28	2800.00	1654.54	249.57	219.47	219.47	N18°30'00" W
C-29	2900.00	1711.54	258.01	225.62	225.62	N18°30'00" W
C-30	3000.00	1768.54	266.45	231.77	231.77	N18°30'00" W
C-31	3100.00	1825.54	274.89	237.92	237.92	N18°30'00" W
C-32	3200.00	1882.54	283.33	244.07	244.07	N18°30'00" W
C-33	3300.00	1939.54	291.77	250.22	250.22	N18°30'00" W
C-34	3400.00	1996.54	300.21	256.37	256.37	N18°30'00" W
C-35	3500.00	2053.54	308.65	262.52	262.52	N18°30'00" W
C-36	3600.00	2110.54	317.09	268.67	268.67	N18°30'00" W
C-37	3700.00	2167.54	325.53	274.82	274.82	N18°30'00" W
C-38	3800.00	2224.54	333.97	280.97	280.97	N18°30'00" W
C-39	3900.00	2281.54	342.41	287.12	287.12	N18°30'00" W
C-40	4000.00	2338.54	350.85	293.27	293.27	N18°30'00" W
C-41	4100.00	2395.54	359.29	299.42	299.42	N18°30'00" W
C-42	4200.00	2452.54	367.73	305.57	305.57	N18°30'00" W
C-43	4300.00	2509.54	376.17	311.72	311.72	N18°30'00" W
C-44	4400.00	2566.54	384.61	317.87	317.87	N18°30'00" W
C-45	4500.00	2623.54	393.05	324.02	324.02	N18°30'00" W
C-46	4600.00	2680.54	401.49	330.17	330.17	N18°30'00" W
C-47	4700.00	2737.54	409.93	336.32	336.32	N18°30'00" W
C-48	4800.00	2794.54	418.37	342.47	342.47	N18°30'00" W
C-49	4900.00	2851.54	426.81	348.62	348.62	N18°30'00" W
C-50	5000.00	2908.54	435.25	354.77	354.77	N18°30'00" W

1/2" I.R.F. (N67°49'22"E, 0.73')
 NARESH VADGIA & HMAT
 RAMAN ANANI
 REG. NO. 20140702000683350

1/2" I.R.F. (N79°38'33"E, 0.79')
 W/CAP

1/2" I.R.F. (N07°46'10"E, 2.4731')
 W/CAP

5/8" I.R.S.
 N 02°23'46" E = 298.02'

5/8" I.R.S.
 N 10°05'08" W = 770.08'

5/8" I.R.S.
 N 17°19'40" W = 73.50'

5/8" I.R.S.
 N 21°34'04" W = 213.72'

5/8" I.R.S.
 S 73°30'35" W = 209.76'

5/8" I.R.S.
 S 71°53'59" W = 154.38'

5/8" I.R.S.
 S 70°04'51" W = 540.50'

5/8" I.R.S.
 S 71°53'59" W = 154.38'

CURVE TABLE

C-#	RADIUS	DELTA	TANGENT	LENGTH	CHORD	BEARING
C-17	50.00	289.36	29.10	261.44	50.30	N89°21'51" W
C-18	175.00	239.10	36.38	71.73	71.23	N82°49'42" E
C-19	225.00	319.10	62.76	122.41	120.80	N05°20'00" E
C-20	50.00	309.00	78.87	281.89	50.00	N89°21'51" W
C-21	58.50	791.21	48.44	80.94	80.94	N68°51'15" W
C-22	225.00	1707.56	33.89	67.26	67.03	N18°30'00" W
C-23	280.00	2208.54	33.64	73.64	73.64	N18°30'00" W
C-24	302.00	2683.03	22.36	45.86	45.86	N18°30'00" W
C-25	278.00	278.00	52.91	52.91	52.91	N18°30'00" W
C-26	50.00	307.00	28.87	281.80	50.00	N89°21'48" E
C-27	160.00	554.70	84.89	155.78	149.70	S37°54'41" E
C-28	314.00	1113.88	411.36	431.42	430.24	N18°30'00" W
C-29	175.00	1707.56	26.30	52.33	52.13	N18°30'00" W
C-30	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-31	470.00	2477.77	149.80	238.14	238.14	N18°30'00" W
C-32	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-33	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-34	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-35	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-36	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-37	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-38	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-39	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-40	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-41	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-42	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-43	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-44	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-45	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-46	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-47	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W
C-48	297.00	2039.46	82.13	164.22	164.22	N18°30'00" W

5/8" I.R.S.
 S 87°45'47" E = 718.89'

5/8" I.R.S.
 S 87°45'47" E = 516.81'

CURVE TABLE

C-#	RADIUS	DELTA	TANGENT	LENGTH	CHORD	BEARING
C-33	525.00	1035.43	16.45	32.94	32.94	N08°17'46" W
C-34	100.00	504.85	47.50	88.89	85.81	N46°49'34" E
C-35	100.00	504.85	47.50	88.89	85.81	N46°49'34" E
C-36	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W
C-37	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W
C-38	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W
C-39	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W
C-40	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W
C-41	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W
C-42	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W
C-43	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W
C-44	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W
C-45	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W
C-46	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W
C-47	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W
C-48	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W
C-49	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W
C-50	500.00	1132.72	50.53	100.71	100.54	N08°17'46" W

5/8" I.R.S.
 S 87°45'47" E = 516.81'

CURVE TABLE

C-#	RADIUS	DELTA	TANGENT	LENGTH	CHORD	BEARING
C-49	200.00	307.18	33.97	105.44	104.22	S84°05'49" W
C-50	300.00	460.71	50.95	158.16	156.33	S71°23'00" W
C-51	800.00	1637.12	121.23	240.76	239.92	S62°04'57" W
C-52	33.50	79.16	27.75	46.35	42.74	N68°31'15" W
C-53	300.00	263.72	51.54	102.08	101.59	N08°17'46" W
C-54	33.50	79.16	27.75	46.35	42.74	N68°31'15" W
C-55	300.00	263.72	51.54	102.08	101.59	N08°17'46" W
C						

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS

11910 Greenville Ave., Suite 600 Dallas, Texas 75243 Phone (214) 361-7900 www.bhellp.com

JOHN W. BIRKHOFF, P.E.
GARY C. HENDRICKS, P.E.
JOE R. CARTER, P.E.
MATT HICKEY, P.E.
ANDREW MATA, JR., P.E.
JOSEPH T. GRAJEWSKI, III, P.E.
DEREK B. CHANEY, P.E.
CRAIG M. KERKHOFF, P.E.

December 22, 2014

Mr. James Fisher
City Manager
City of Murphy
206 N. Murphy Road
Murphy, Texas 75094

Re: Windy Hill Farms Phase I Replat
Code of Ordinances Section 70-132(a) Monuments - Variance Request

Dear Mr. Fisher:

We are working to complete the various task items associated with our efforts on behalf of the City of Murphy in preparation of the Windy Hill Farms Phase I Replat. The purpose of this replat is to establish the building front setback line shown on the plat in accordance with the City's Ordinance No. 14-10-988, adopted by the City of Murphy on October 7, 2014. No modification to existing lot boundaries; or creation of any new lots or blocks will occur with this replat.

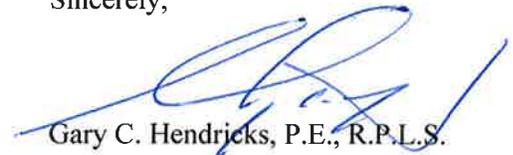
On behalf of the City of Murphy, please accept this request for a waiver from Section 70-132(a) of the Murphy Code of Ordinances (provided below in pertinent part) requiring that monuments be set at the corner of each lot and block within the Windy Hill Farms subdivision.

Section 70-132. Monuments, paragraph (a) of the City's Code of Ordinances requires that "In all subdivisions and additions, monuments shall be established at the corner of each block..." and that "Lot corner monuments shall be placed at all lot corners..."

Due to the purpose of this replat; and given that the streets, lots and homes within the addition have been in place since the original Windy Hill Farm Final Plat was filed for record in Cabinet L, Side 2 of the Plat Records of Collin County on March 16, 1999; and that any attempt to set or reset original lot and block monuments would likely result in necessary adjustments in the lot and block lines; and that any lot and block line adjustments would likely cause a hardship and possibly adversity amongst the current lot owners within and adjoining Windy Hill Farms, Phase I Addition; we recommend the provisions and requirements of City of Murphy's Code of Ordinances Section 70-132(a) Monuments be waived by the City

We respectfully request you forward this waiver recommendation to City Council for consideration at the next available council meeting. We are available to discuss this recommendation and waiver request further at your convenience.

Sincerely,


Gary C. Hendricks, P.E., R.P.L.S.

cc: Ms. Kristen Roberts
[Return to Agenda](#)
Mr. Andy Messer

PLEASE NOTE

OWNER'S SIGNATURE NEEDED TO PARTICIPATE

January 26, 2015 (5:30pm – 7:30pm, City Hall)

February 3, 2015 (5:30pm – 6:00pm and then following the Council meeting, City Hall)

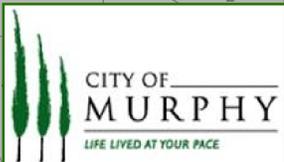
Call 972-468-4011 or email squinn@murphytx.org to schedule an appointment



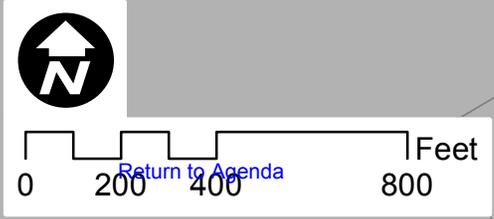
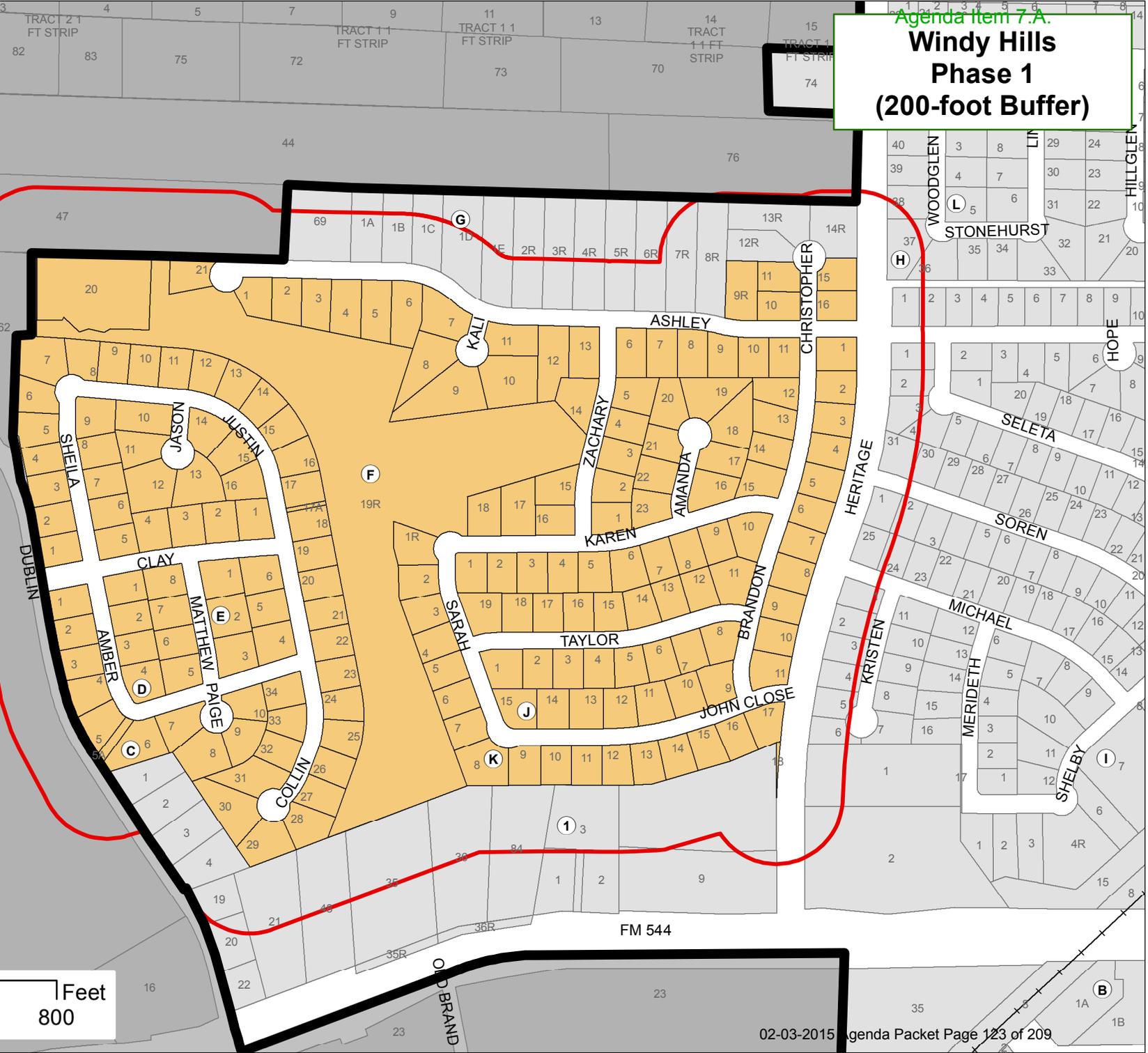
You have received this notice of the City of Murphy's request to replat the Windy Hill Farms Phase 1 subdivision as a property owner in the subdivision. The City is seeking a replat to remove certain platted building lines and establish the front building setback of 25 feet of all lots, in accordance with the City's Ordinance No. 14-10-988 adopted by the City of Murphy on October 7, 2014.

State and City law require property owners to sign and notarize the replat to participate. If you wish to participate, we will have a notary available the times noted above or by appointment.

We do apologize for any inconvenience, however, by signing and the City completing the replat, we are able to eliminate potential title company objections regarding conflicting setback requirements on your property if you ever wish to sell your property. We encourage you to participate.

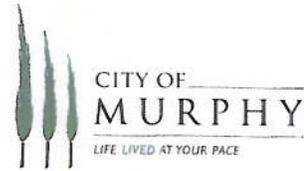


Agenda Item 7.A.
**Windy Hills
Phase 1
(200-foot Buffer)**



Reply Form

Planning & Zoning Commission /City Council
206 North Murphy Road
Murphy, Texas 75094



The application of the City of Murphy is to replat the existing subdivision known as Windy Hill Farms, Phase 1. This replat will remove platted building lines and establish the front building setback in accordance with the City's Ordinance No. 14-10-988, adopted by the City of Murphy on October 7, 2014.

PLEASE NOTE:

Windy Hill Farms Phase 1 is an existing, built-out single family subdivision with residential lots ranging from 9,500 square feet to over 15,000 square feet in size. This process will allow the existing residential uses and structures to continue within the neighborhood, but with correct front building setbacks as identified in the City's Ordinance referenced above.

X I (we) am **IN FAVOR** of the replat that will remove platted building lines and establish the front building setback in accordance with the City's Ordinance No. 14-10-988, adopted by the City of Murphy on October 7, 2014 in the existing subdivision known as Windy Hill Farms Phase 1.

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In accordance with Texas Local Government Code §211.006, a public hearing will be held by the Planning and Zoning Commission on Monday, January 26, 2015 at 6:00 p.m. and by City Council on Tuesday, February 3, 2015 at 6:00 p.m. in the City Council Chambers at 206 N. Murphy Road, Murphy Texas.

Please provide your written comments below. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Gary Siegel
Name (Please Print)

Gary Siegel
Signature

621 Taylor Trail
Address

1/20/15
Date

Reply Form

Planning & Zoning Commission /City Council
206 North Murphy Road
Murphy, Texas 75094



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Please provide your written comments below. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Steve Shook
Name (Please Print)

[Signature]
Signature

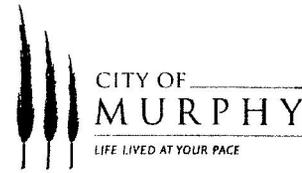
223 Jason Circle
Address

January 19 2015
Date



Reply Form

Planning & Zoning Commission /City Council
206 North Murphy Road
Murphy, Texas 75094



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Please provide your written comments below. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

MARY ELLEN TAYLOR
Name (Please Print)

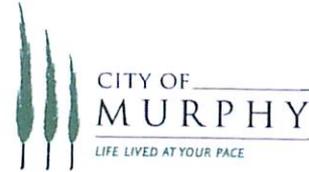
Mary Ellen Taylor
Signature

214 Brandon Lane
Address

1/21/2015
Date

Reply Form

Planning & Zoning Commission /City Council
206 North Murphy Road
Murphy, Texas 75094



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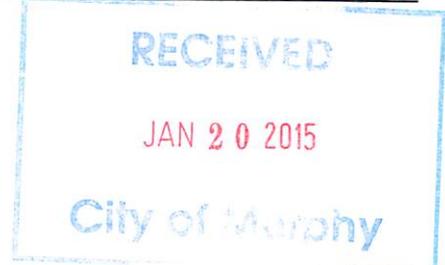
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Name (Please Print)

Signature

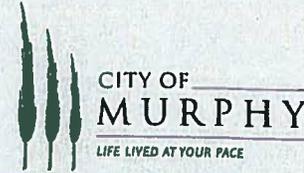
Address

Date



Reply Form

Planning & Zoning Commission /City Council
206 North Murphy Road
Murphy, Texas 75094



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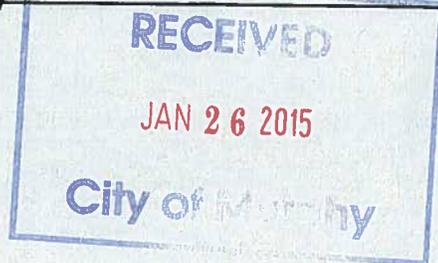
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Amy Siniscalchi
Patrick Siniscalchi
Name (Please Print)

Amy Siniscalchi
Patrick Siniscalchi
Signature

133 Sarah Way
Address

1-26-15
Date



City Council
February 3, 2015

Issue

Hold a public hearing and consider and/or act on the application of Ryan Betz requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek (across FM 544 from Race Trac).

Background

For approximately six years, staff has worked closely with the former and current property owners on numerous potential developments for this site.

- In summer 2013, Staff had also worked with single family residential developers for this site for approximately eight months prior to a zoning change request brought to Planning & Zoning Commission and City Council. Both staff and the developer had worked at length to take into consideration various concerns of both residents and the Commission; including lot size, lot depth and street design.
- The application was for single family residential zoning ranging from SF-9 in size to above and beyond SF-20 in size, however, was subsequently withdrawn from the applicant given the lack of support received by the Commission and Council including neighboring residents concerns.

Summary

Staff has been working closely with the new owner of this property on possible site layouts.

- Prior to application, the property owner/developer presented a draft site layout and rezoning proposal to City Council in October 2014 for general discussion only.
- Based on comments from that discussion, the property owner/developer submitted a development application for a rezoning of the property and creation of a Planned Development District. Additionally, prior to any submittal to the City, the property owner/developer has been in communication with various neighbors in the residential neighborhood directly west of this site as required by staff and Council.

Prior to January 26, 2015 Planning & Zoning Commission Meeting

- Mr. Betz met one on one with property owners and with neighborhood groups to discuss his proposed site and offer to work together on various concerns.
- Based on those discussions as well as staff revisions required, additional modifications were made to the initial request and were included in the Planned Development District Conditions and Concept Plan prior to it being presented for consideration to Planning & Zoning and noted below.

January 26, 2015 Planning & Zoning Commission Meeting

- Staff and Mr. Betz both presented the item to the Commission. There were a number of reply forms received prior to the Commission's packet and a number received after the packet was already distributed. Copies of each reply form and memo that came in after meeting packet were at each Commissioner's place at time of meeting.
- The Commission did hold a public hearing on this item.
 - There were residents (primarily east of Maxwell Creek Road) that were against this rezoning and felt they were left out of a neighborhood meeting that was held by members of the Timbers neighborhood and attended by Mr. Betz.
 - Resident Jennifer Berthiaume (directly west of and abutting subject property) explained the neighborhood meeting referenced was a last minute meeting held by the residents and they invited Mr. Betz; they apologized for not including but did not have contact information for those properties east of Maxwell Creek Road. She also spoke in favor of the proposed zoning change and Concept Plan.
 - Mr. Earl asked that the Commission retract his reply form received the Commission that was submitted as **Opposed**; he asked that it be changed to **In Favor**. Mr. Betz had addressed his concerns.
- The Planning & Zoning Commission had a lot of discussion regarding the rezoning of this property. The Commission denied the request to rezone the property by a vote of 4-2-1; no reason was stated in the motion. In favor of the denial: John Johnson, Greg Mersch, Jon King, Lloyd Jones. Against the denial: Camille Hooper and Steve Levy. Abstained: Gary Maxon (Alternate).

After the Planning & Zoning Commission Meeting

- After the Planning & Zoning meeting, Mr. Betz met with the residents that spoke in opposition and further discussed the plan.
- Since the Planning & Zoning meeting, Mr. Betz reached out directly to those he was able to reach, door to door, and further discussed the plan and resident concerns.
- Based on those discussions as well, additional modifications were made and were included in the Planned Development District Conditions and Concept Plan and the version for considerations including all revisions is presented for City Council consideration.

Considerations**Planned Development District Conditions (Exhibit B) and Concept Plan (Exhibit C)**

The intent of this Planned Development District is to provide high quality mixed-use, primarily age restricted residential with a medical office component. The project will likely be developed in two distinct phases- the age restricted residential at one time and the medical office component as a separate phase. It is anticipated that the age restricted residential component will develop prior to the medical office component. Below are bulleted items as included within the overall Planned Development District Conditions and as agreed upon by the neighboring residents, developer and staff.

Based on neighbor and staff suggestions/requirements the following Planned Development District Conditions and Concept Plan are proposed for City Council consideration.

Permitted Uses for Tract 1:

- Include all uses as allowed in Office (O) District.
- Based on resident feedback prior to Planning & Zoning consideration, *non-medical uses limited to no more than twenty five percent (25%) of the overall office building* was struck from the Planned Development District Conditions.
- No use which operates on a 24 hour basis is allowed.

Permitted Uses for Tract 2 (one and two story):

- Independent Senior (Residents aged 55 plus) Living
- Senior Housing including Assisted Living, Rehab Hospital and/or Memory Care
- Current zoning allows for two stories in height on property.
- The section of units on the west side of this development, and as shown on the Concept Plan, is limited to one story in height based on resident feedback.

Traffic Impact Analysis

A Traffic Impact Analysis (TIA) shall be performed prior to site plan approval for any portion of the subject property. Based on resident feedback, special allowances to the driveway location and intersection alignment onto Maxwell Creek may be warranted to minimize impact of headlights shining onto homes along Maxwell Creek.

Sidewalks:

Maintenance of all sidewalks and streets of this proposed development is at the property owner's expense.

- Based on resident feedback, a meandering sidewalk will be constructed to connect Oak Glen to FM 544 on the west side of Maxwell Creek and is noted on the Concept Plan (Exhibit C).
- Based on resident feedback, a sidewalk will be built connecting this property to the adjoining neighborhood and is noted on the Concept Plan (Exhibit C).

Oak Glen connection

Emergency access provided to the Timbers Subdivision at Oak Glen with a gated road controlled by Opticom sensor.

Landscaping

A solid living screen will be constructed along the south, east and west side of the Property. The screening will be designed by a landscape architect and subject to approval at the time of Site Plan. The living screen will be planted with evergreen, well adapted or native plants, and be irrigated.

Parking Lot

Head in parking that faces existing residential structures adjacent to Lot 2 is not allowed.

Site Lighting

All lighting shall be designed as full cut off or similar fixtures that prevent lighting from projecting upward or towards adjacent property.

Existing Lots facing Maxwell Creek, east of development

Site plan approval is contingent on developer coordination with the City of Murphy and affected residents to ensure frontage of existing east lots maintain public frontage and are in compliance with City Code at the developer's expense.

Additional Considerations

Construction of Planned Development Conditions and proposed development is contingent on site plan and engineering approval including but not limited to drainage, utility relocation, etc...

Reply Forms and Public Notification

A public hearing notification for this proposed zoning change and Concept Plan was published in the newspaper as well as notification mailed to the property owners included in the required 200 feet notification radius prior to the January 26, 2015 and February 3, 2015 Public Hearings on this item.

The reply forms are included for review. Intended to allow for easier review, staff separated the forms by consideration, In Favor (Exhibit D) and Opposed (Exhibit E).

Action

Staff recommends approval of the change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

Attachments

Exhibit B – Proposed Planned Development District conditions

Exhibit C – Concept Plan

Exhibit D – Reply Forms received at the time of packet (In Favor)

Exhibit E – Reply Forms received at the time of packet (Opposed)

Exhibit B

Maxwell Creek Senior Living
and Medical Offices
Planned Development
District Conditions
2/3/2015

EXHIBIT B

PLANNED DEVELOPMENT CONDITIONS

ZONING FILE NO. 2015- FM 544 and South Maxwell Creek Road

- I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality mixed-use, primarily age restricted residential with a medical office component, development that is consistent with the Comprehensive Plan and that is beneficial and complementary to the City of Murphy in terms of visual identity. The project will likely be developed in two distinct phases- the age restricted residential at one time and the medical office component as a separate phase. It is anticipated that the age restricted residential component will develop prior to the medical office component.

- 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.
 - Independent Senior (Residents aged 55 plus) Living;
 - Senior Housing including Assisted Living, Rehab Hospital and/or Memory Care;
 - Medical Facilities;
 - Service Businesses that support and cater to Senior Residents

- 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 O (Office) District set forth in Article III, Division 14 of the Code of Ordinances are included by reference; and shall apply to Tract 1, and regulations of the MF-12 (Multi Family) District set forth in Article III, Division 14 of the Code of Ordinances are included by reference and shall apply to Tract 2, 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 (TRACT 1). All uses listed as permitted in the Office (O) category in Appendix A-3, Section 86-662 of the Murphy Code of ordinances,

No use which operates on a 24 hour basis is allowed.

- B. Permitted Uses (TRACT 2). The following uses shall be permitted on Tract 2:

1. Independent Senior (Residents aged 55 plus) Living
2. Senior Housing including Assisted Living, Rehab Hospital and/or Memory Care

The maximum number of independent residential units is limited to 130 residential units that contain individual kitchens. All residential units that contain individual kitchens must be age restricted to only allow seniors (aged 55 plus). There is no limit on the number of rooms or beds that are allowed for residential units that do not contain individual kitchens. The building height for the buildings outside the hatched area of Tract 2 (as shown on the Concept Plan) is limited to one story in height.

This space intentionally left blank.

C. 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:

Minimum 40 feet from FM 544 and Maxwell Creek Road.

Minimum 10 feet from all other roadways/access roads.

b. Landscape Setbacks

Minimum 25 feet from FM 544 and Maxwell Creek Road.

Minimum 10 feet from all other roadways/access roads.

2. Setbacks From Property Lines Not Adjacent To Streets:

3. 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. For example, if the medical office component is separated into separate buildings, the buildings may share a common fire wall.

ii. Minimum 35 feet abutting residential districts for single story buildings not exceeding 35 feet in height. All buildings on Tract 1 are limited to one story in height.

D. There is no maximum building size as long as fire standards and other site requirements, such as parking and landscaping, etc. are met. However, all west buildings of Lot 2 as noted on the Concept Plan, shall be single story structures. Buildings east buildings of Lot 2 as noted on the Concept Plan shall be limited to two stories, not exceeding 40 feet in height.

VII. Parking, Driveways & Sidewalks:

A. Parking areas shall not be permitted within any landscape buffer strip.

B. 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.

- C. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Code of Ordinances. No required parking space may be occupied by signs, cart corrals, merchandise or display items at any time.
- D. Sidewalks along FM 544 shall be a minimum of 8 feet in width. Sidewalks along Maxwell Creek Road shall be 6 feet in width. Interior sidewalks shall be a minimum of 4 feet in width.
- E. A meandering trail will be constructed to connect Oak Glen to FM 544 on the west side of Maxwell Creek.
- F. A sidewalk will be built to connect this property to the adjoining neighborhood.
- G. Maintenance of all sidewalks and streets of this development will be at the property owner's expense.

VIII. Loading and Unloading

- A. 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.
- B. Truck loading berths and apron space shall not be located within any required setback or landscape buffer strip, and shall not occur adjacent to existing residential structures.

IX. Minimum Exterior Construction Standards, Building Materials and Design – Exterior Construction and Design Requirements shall be architecturally compatible and comply with the following.

- A. 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.
 - 1. Canopies and awnings.
 - 2. Outdoor patios.
 - 3. Display windows/decorative windows.
 - 4. Architectural details (such as decorative tile or brick work) integrated into the building facade.
 - 5. Integrated planters or wing walls that incorporate landscape and/or sitting areas

6. Articulated cornice line.
 7. Peaked roof form.
 8. Accent materials (minimum 15% of exterior facade)
 9. Other architectural features as approved with the site plan.
- B. Development shall conform to City of Murphy code and Planned Development District requirements as noted herein subject to site plan approval.
- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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.

- X. Landscape Standards. Landscaping shall be compatible and comply with the standards set forth in the Code of Ordinances, except as provided below.
- A. 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.
 - B. A landscape buffer shall be provided 25 feet in depth adjacent to the right-of-way of FM 544, 25 in depth adjacent to Maxwell Creek Road and ten (10) feet in depth adjacent to all other roads (includes public streets and private access drives) as measured from the back of curb of the public or private street to the back of curb of any site paving. No parking may be placed within any landscape buffer. Pedestrian easements may be located within a landscape buffer. The width of the sidewalk may be included in the calculation of the buffer depth for 25 foot buffers, but may not be included in the calculation of the buffer depth for ten (10) foot buffers.
 - C. A solid living screen will be constructed along the east, west and south side of the Property. The screening will be designed by a landscape architect and subject to approval at the time of Site Plan. The living screen will be planted with evergreen, well adapted or native plants, and be irrigated.
 - D. Parking Lots:
 - 1. 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. Head in parking that faces existing residential structures adjacent to Lot 2 are not allowed.
 - 2. 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.

- XI. Screening.** Screening shall comply with the standards set forth in the Code of Ordinances, except as provided below.
- A. All screening at the east, west and south edge of the property will be a live screen. 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 tree lines will also remain to serve as a natural screen between the development and the existing residential neighborhood.
 - B. Outside seasonal displays shall be permitted with the Planned Development District.
- XII. Site Lighting** - Lighting shall comply with the standards set forth in the Code of Ordinances, except as provided below.
- A. Lighting should be provided for vehicular, pedestrian, signage, architectural and site features.
 - B. 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.
 - C. All lighting shall be designed as full cut off or similar fixtures that prevent lighting from projecting upward or towards adjacent property.
- However, the height of all light standards shall be subject to review of the lighting plan during the Site Plan review.
- D. 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, LED or of similar color. Yellow/orange source lights are prohibited from use. Incandescent source lighting should be considered for pedestrian areas and near buildings.

- E. 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.
- F. General illumination shall commence one half hour before sunset and last until one half hour after sunrise. Parking structures and pedestrian walkways shall be illuminated during all hours of darkness and when poor weather conditions warrant.

XIII. Signage and Graphics: Signage shall comply with the standards set forth in the Code of Ordinances, except as provided below.

A. General

- 1. Single Tenant Monument signs - One (1) monument sign shall be allowed on each Tract and shall be limited to a maximum sign area of 50 square feet and a maximum structure area of 80 square feet. On the Concept Plan, more than one location is shown to provide flexibility at the time of construction. Only one such monument sign will be allowed on each Lot, and the exact location will be determined and shown on the Site Plan.
- 2. Multi Tenant Monument signs - One (1) multi tenant monument sign shall be allowed on Tract 1 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.

B. Single Tenant Monument Signs

- 1. Monument signs shall identify individual tenants or uses within a Tract. Monument signs shall be a maximum of seven (7) feet tall.
- 2. 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.
- 3. 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.
- 4. Construction of monument signs shall include a base of material compatible with the material used for buildings.

C. Multi-Tenant Monument Sign

1. 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.
2. 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.
3. 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.
4. Construction of monument signs shall include a base of material compatible with the material used for buildings.

D. Pylon Signs There are no pylon signs allowed on the proposed development.

E. Temporary Marketing Signage

1. Four (4) quality temporary marketing signs shall be permitted for the proposed development. These signs shall be for a term of twelve (12) months from the date of installation.
2. The maximum signage area will be 96 square feet. The maximum height shall be 10 feet.
3. 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.
4. Temporary signs are not required to be constructed of the material used for buildings.

F. 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.

This space intentionally left blank.

XIV. Special Regulations:

- A. Traffic Impact Analysis: A Traffic Impact Analysis (TIA) shall be performed prior to site plan approval for any portion of the subject property. Special allowances to the driveway location and intersection alignment onto Maxwell Creek may be warranted to minimize impact of headlights shining onto homes along Maxwell Creek.
- B. 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.
- C. Pedestrian Streetscape: Pedestrian spaces throughout the Planned Development District shall be treated with amenities that are selected based upon their ability to unify the streetscape and shall be established on the overall concept plan for each Tract. These features shall include, but are not limited to, benches, trash receptacles, bicycle racks, lighting poles, etc. A sidewalk connecting Oak Glen to FM 544 will be provided at the time of development and maintained by the Tract 2 owner.
- D. Cross-Access Requirement: A joint access (i.e. - ingress, egress) easement shall be required to minimize the number of driveway openings along FM 544 and Maxwell Creek Road. 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.
 - 1. A gate shall be provided to prevent vehicular access from Oak Glen Drive into Tract 1. The gate shall be equipped with an Opticom (or similar device approved by the City) gate controller to allow emergency vehicle access.
- E. 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 facade facing such right-of-way that is in keeping with the character of the building's main facade.
- F. Existing Lots facing Maxwell Creek, east of development: Site plan approval is contingent on developer coordination with the City of Murphy and affected residents to ensure frontage of existing east lots maintain public frontage and are in compliance with City Code at the developer's expense.

Exhibit C

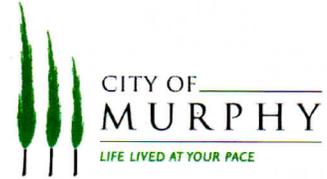
Maxwell Creek Senior Living and Medical Offices Concept Plan 2/3/2015

Exhibit D

Reply Forms and Email Correspondence at time of packet **IN FAVOR**

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



Dear Commissioner:

This request is to consider the application of **Ryan Betz** requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

I am **IN FAVOR** of a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

I am **OPPOSED** to a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

This item will be heard at the Planning & Zoning Commission on **Monday, January 26, 2015 at 6:00 p.m.** at Murphy City Hall, in the City Council Chambers and a public hearing will be held by the **City Council on Tuesday, February 3, 2015 at 6:00 p.m.** in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

On behalf of Murphy Four Ventures and
Champion Langford partners

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Eric Langford

Name (Please Print)

5924 Twin Creeks

Address Dalton

Signature

1/20/15

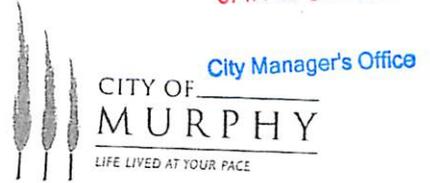
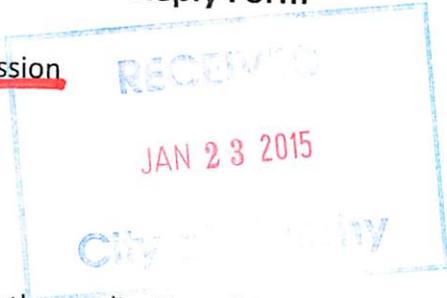
Date

RECEIVED

JAN 23 2015

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



Dear Commissioner:

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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Susan Baack
Name (Please Print)

Susan Baack
Signature

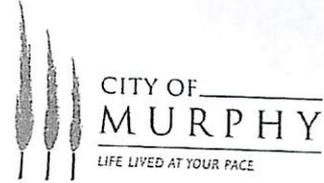
415 Woodcrest Cr.
Address
Murphy

1/19/15
Date

Return to Agenda

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



Dear Commissioner:

This request is to consider the application of **Ryan Betz** requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

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I am **OPPOSED** to a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

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At January 26, 2015 Planning & Zoning meeting, this opposition was retracted and changed to IN FAVOR

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

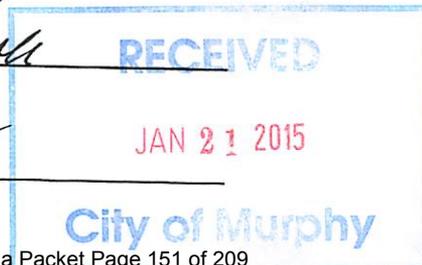
H-RICHY EARLE
Name (Please Print)

129 RIDGESTONE DR
Address

[Return to Agenda](#)

[Signature]
Signature

1/21/15
Date



Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



Dear Commissioner:

This request is to consider the application of **Ryan Betz** requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

X I am **IN FAVOR** of a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

(Grudgingly)
I am **OPPOSED** to a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

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BEST OF WORST SOLUTION. THE TIMBERS HAS BEEN IMPACTED BY NOISE, TRAFFIC AND POLICE + AMBULANCE FROM FM 544. THIS REZONING REQUEST APPROVAL WILL ADD MORE CONGESTION ON FM 544 AS WILL CONTINUED DEVELOPMENT OF MURPHY MARKETPLACE. WE MUST GROW, BUT WE NEED TO PROTECT OUR NEIGHBORHOODS.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Michael R. Bauer
Name (Please Print)

[Signature]
Signature

109 Timber Ridge
Address

1/29/15
Date

[Return to Agenda](#)

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



Dear Commissioner:

This request is to consider the application of **Ryan Betz** requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

I am **IN FAVOR** of a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

I am **OPPOSED** to a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

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I'm in favor of the change in zoner - The Owner of YB+W has agreed to connect my driveway to the realigned Maxwell Creek.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Charles McAllister
Name (Please Print)

[Signature]
Signature

1085 Maxwell Rd
Address

1-22-15
Date

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



Dear Commissioner:

This request is to consider the application of **Ryan Betz** requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

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MR Betz has come up with a concept that will produce quiet neighbors & an acceptable use of land with minimal impact on surrounding neighborhoods. He has worked to address our concerns (namely - dumpster placement, 1-story building height where possible, street light concerns) and has included "solid live screens" along property edges to minimize visual impact. I have confidence that he will continue to work with residents throughout the development process.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Jennifer Bernhardt
Name (Please Print)

Ryan Betz
Signature

416 Woodcrest Cir
Address

1/25/2015
Date

REPLY FORM

Murphy City Council
~~Planning & Zoning Commission~~
206 North Murphy Road
Murphy, Texas 75094



Dear ~~Commissioner~~ **Mayor and Councilmembers**:

This request is to consider the application of Ryan Betz requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

I am **IN FAVOR** of a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PO) District for Medical Office and Assisted Living & Development including a concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

I am **OPPOSED** to a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PO) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

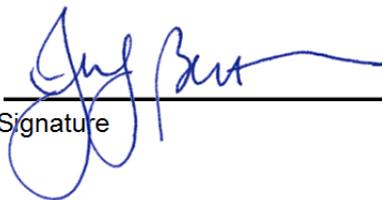
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Please see attached comments.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Jennifer Berthiaume

Name (Please Print)



Signature

416 Woodcrest Cir

Address
[Return to Agenda](#)

January 29, 2015

Date

Dear Mayor and Councilmembers:

I am very pleased with the concept plan that Ryan Betz has developed for the property located just east of mine at FM 544 & S Maxwell Creek Rd. **I ask that you support his effort for rezoning the property and approving the PD as presented.**

Mr. Betz has actively sought out input from the neighbors surrounding his property and has taken into consideration many of our concerns that were brought up on previous occasions with other development plans. Mr. Betz is not a new-comer to the situation – he was interested in the property as far back as 2007, and his continued interest and research of the property makes him a very valuable land owner for the City... not to mention a considerate neighbor to the Timbers and Maxwell Creek!

My interest in his concept plan centers around four main items:

1. Appropriate use of the land

One of my main arguments against the high-density concept plans of the past was that it would not be the highest and best use for the property. While I would still rather have fewer neighbors to the east (who wouldn't), Mr. Betz has proven to me that the ability to develop the land as SF-20 is difficult due to (a) the realignment need for Maxwell Creek Rd, and (b) the location of the new sewer interceptors for the area. In essence, he loses the ability to properly develop his land as true SF-20.

Mr. Betz' concept for a transitional "age-in-place" residential facility is quite smart, considering our aging demographics, and surprisingly appropriate for the size of the lot. His engineers have worked quite hard to make a conceptual plan that will easily transition into a site plan, should this rezoning and PD pass.

2. Appropriate setbacks, one-story development

Mr. Betz carefully listened to and incorporated the Timbers neighbors' concerns from previous plans about the threat of two-story houses encroaching on our backyards and obstructing our view. As such, he has included an appropriate setback from the property lines on the west, east, and south sides of the lot. In addition to the setback, which effectively forces him to place internal driveways / parking areas on the outer perimeter of Tract 2, Mr. Betz has also turned the parking spaces around to face away from the outer perimeter, thereby reducing the amount of car headlight pollution on the neighbors.

Even more importantly, Mr. Betz has included a designated zone within Tract 2 that specifically *could* be two-story development but with the understanding that the portion of the lot would have minimal impact on neighboring parcels. Specifically, this removes the concern of the Timbers neighbors that we would have two-story houses overlooking our backyards. On the east side of the property, there actually is a two-story house and therefore would not impinge on their privacy any more than that house does to this property. I think this is a solid solution for all parties.

3. Solid live screening

Our frustrating Texas clay soils make it very undesirable to see a fence go up around this large of a property. Once a fence goes into the ground, it looks the best it ever will on that first day. Each day after brings the possibility of ground shifts and expansion/contraction of the soils to throw the fence out of alignment. Most of us (on the Timbers side, at least) are in favor of a large, solid live screen that would essentially end up blocking the view of the entire property from our backyards, while also giving us additional greenery that we so enjoy in our area of the neighborhood. We are one of the most "mature" neighborhoods in terms of vegetation and would love to see additional greenery around us. The solid live screening would also benefit us neighbors by helping to block out undesirable lights that already shine on us from across FM544 (e.g., RaceTrack, retail, etc.)

4. Connectivity to the Murphy parks & trail system

With an "age-in-place" residential living community, I was one of the neighbors that proposed inclusion of additional sidewalks/trails that would wind through the parcel and help connect its residents – and neighbors – to the rest of the Murphy parks and trail system. While the trail system in this area is still off in the future (e.g., sidewalk along the south side of FM544 that connects under the bridge along Maxwell Creek, as well as the trails along the Creek that are expected to run to the north and south), Mr. Betz see the potential of the future and is willing to build that connectivity into his own property in order to help Murphy with those plans.

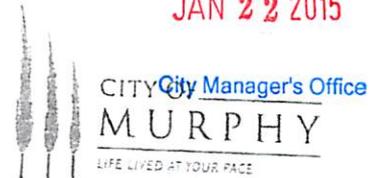
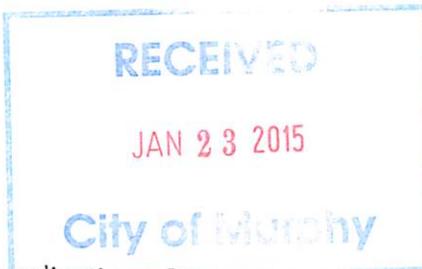
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RECEIVED

JAN 22 2015

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



Dear Commissioner:

This request is to consider the application of **Ryan Betz** requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

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I am **OPPOSED** to a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

This item will be heard at the Planning & Zoning Commission on **Monday, January 26, 2015 at 6:00 p.m.** at Murphy City Hall, in the City Council Chambers and a public hearing will be held by the **City Council on Tuesday, February 3, 2015 at 6:00 p.m.** in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

- 1) We are in favor of the proposed zoning change
- 2) Request a connection through the proposed development, open from Oak Glen Dr. to Maxwell Crk. Rd. for public use & access to the traffic light on Fm 544 be considered as a requirement of the planned development
- 3) Request re-zoning for commercial development or similar be considered for the remaining residential properties on the South side of Fm 544 between Maxwell Crk & Timber Ridge for future benefit to the city and community.

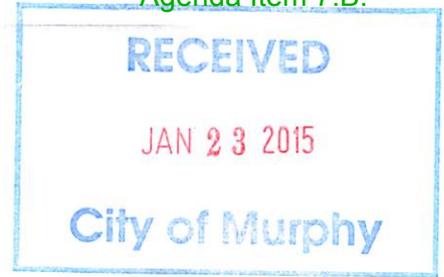
By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Larry Hoffman
Name (Please Print)

[Signature]
Signature

411 Oak Glen Dr., Murphy TX
Address
Return to Agenda 75094

January 19, 2015
Date



Reply Form

Planning & Zoning Commission /City Council
206 North Murphy Road
Murphy, Texas 75094



The application of the City of Murphy is to replat the existing subdivision known as Windy Phase 1. This replat will remove platted building lines and establish the front building accordance with the City's Ordinance No. 14-10-988, adopted by the City of Murphy on Octo

PLEASE NOTE:

Windy Hill Farnis Phase 1 is an existing, built-out single family subdivision with residential from 9,500 square feet to over 15,000 square feet in size. This process will allow the existing uses and structures to continue within the neighborhood, but with correct front building identified in the City's Ordinance referenced above.

 ✓ I (we) am **IN FAVOR** of the replat that will remove platted building lines and e front building setback in accordance with the City's Ordinance No. 14-10-988, adopted by Murphy on October 7, 2014 in the existing subdivision known as Windy Hill Farms Phase 1.

 I (we) am **OPPOSED** to the replat that will remove platted building lines and e front building setback in accordance with the City's Ordinance No. 14-10-988, adopted by Murphy on October 7, 2014 in the existing subdivision known as Windy Hill Farms Phase 1.

In accordance with Texas Local Government Code §211.006, a public hearing will be held by t and Zoning Commission on Monday, January 26, 2015 at 6:00 p.m. and by City Council c February 3, 2015 at 6:00 p.m. in the City Council Chambers at 206 N. Murphy Road, Murphy T

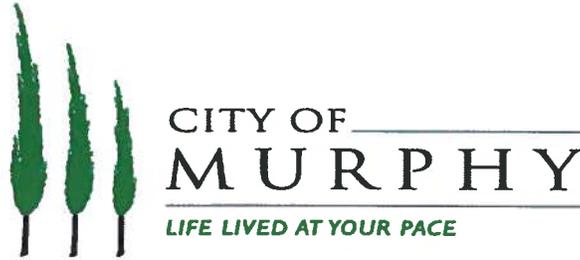
Please provide your written comments below. If additional space is required, you may conti on a separate sheet, one-sided for printing purposes.

By signing this letter, I declare I am the owner or authorized agent of the property at the add below.

Alta Karavias
Name (Please Print)

[Signature]
Signature

Karavias Law, PLLC
101 E. Park Blvd., Suite 600
Plano, TX 75074
Tel. 214.380.4495
Fax 972.423.3140
georgekaraviaslaw@gmail.com
www.georgekaraviaslaw.com



Public Comment Form

The public may address comments on any subject to the Council/Board during the Public Comment portion of the meeting. Please note that the Council/Board can receive your comments and information but may not be able to respond to you at this meeting. The Council/Board is prohibited by the Open Meetings Act to engage in a discussion of any item or issue that is not posted on the Agenda. Your request or comments will be duly noted and scheduled for a future agenda if necessary or referred to City Staff.

The Public Comment portion of the meeting will be opened and your name will be called if you have submitted this form to the City/Staff Secretary. If you have not submitted a form, please notify the Mayor/Chair that you would like to speak and submit your form promptly. Please state your name and address for the record and limit your comments to five minutes. The Council/Board expects any citizen to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- | | |
|---|---|
| <input type="checkbox"/> Animal Shelter Advisory Board | <input checked="" type="checkbox"/> City Council |
| <input type="checkbox"/> 4A (Economic Development Corporation) | <input type="checkbox"/> Parks & Recreation Board |
| <input type="checkbox"/> 4B (Community Development Corporation) | <input type="checkbox"/> Planning & Zoning Commission |
| <input type="checkbox"/> Building & Fire Codes Appeal Board | <input type="checkbox"/> Zoning Board of Adjustments |

Please submit this form and any handouts to the City/Staff Secretary prior to the meeting.

Name: Ryan Sullentrup

Address: 416 Woodcrest Circle

Representing an Organization? _____

Agenda Item No. Zoning Appeal (In Favor Opposed)

Comments: This proposal has neighboring property owners support. It allows for trail connections that would make possible the connection of South Murphy to North Murphy by alternate modes of transportation. It has addresses the building height issues, the dumpster issue, a solid vegetative barrier. All of these surpass what a developer would be required to do with out the master plan. This outcome is better.

Ryan Sullentrup
Signature

1/29/2015
Date

From: Warren Gallion [<mailto:warren@wgallion.com>]
Sent: Monday, January 26, 2015 1:52 PM
To: Kristen Roberts
Subject: Betz property FM544 & Maxwell Creek Road

Please see note at end of attachment.

Personally, I truly appreciate all Mr. Betz has done to improve Track 2 of his proposal.
Track 2 needs to be nailed down a bit more.

Warren & Martha Gallion

Please make attending the Planning & Zoning Meeting Tomorrow (Mon.) at 6:00 p.m. a priority as well as the City Council Meeting on Tuesday, Feb. 3 at 6:00 p.m. Both are held in City Hall.

These are the unofficial notes from the neighborhood meeting on 1/22/2015 concerning the proposed project site on southwest corner of FM 544 and Maxwell Creek Road (referred to as Betz property for clarity). Fourteen Timbers neighbors attended along with Ryan Betz, the property owner/developer. Jennifer B. called the meeting to order and moderated. Below are the questions asked and answers given by attendees /Mr. Betz.

1. The effect of 2 story building on the south side of FM 544 on future zoning?

Attendees were specifically questioning the wisdom of Planning & Zoning allowing a 2 story building on Benz property and the effect it would have on the future zoning of Margaret Smith's property located on FM 544 between Hawthorne and Timber Ridge. P&Z would be more inclined to allow 2 story structures on the Smith property if there were already an existing 2 story structure 2 blocks to the east. Would the neighbors around the Smith property care?

2. Protection of our neighborhood?

Mr. Betz said the proposed gate would offer protection from vehicles entering the neighborhood from the east. It appeared to be generally agreed the children in our neighborhood could still enjoy the current measure of freedom to roam and play. The gate would be controlled by only Murphy emergency personnel and the connecting sidewalk would be too narrow for through traffic.

3. Increased noise pollution?

A fireman in attendance addressed the issue by saying emergency sirens are used only until the vehicles enter the property. There **WILL** be an increase of sirens with an assisted living, memory care facility but he felt the effect on our neighborhood would be minimal.

4. The Gate to close Oak Glen to through traffic?

We were assured the gate closing off Oak Glen would be 6 feet tall wrought iron with OPTICON and not be as ugly as the current rusting pole fence.

5. Increased foot traffic?

Yes, foot traffic will probably increase with the continuing eastward bound sidewalk on the north side of Oak Glen. Mr. Benz agreed to a meandering sidewalk connecting Oak Glen sidewalk to the proposed sidewalk along Maxwell Creek, meeting at the traffic light on FM 544. He related this may decrease cut through traffic on Lot 6, Block A due to screening and homeowner's vegetation. The connecting sidewalk should encourage foot traffic to follow the sidewalk to the street crossing and future Murphy Trails connection.

6. Location of dumpsters?

Current plot indicates dumpsters will be located at the nearest location to the 3 properties siding the Betz property. One is close to the front yard of the home located on Lot 27, Block B. The attendees requested all dumpsters be relocated to the eastern edge of the property. Mr. Betz assured attendees the dumpsters would be relocated away from the west side homes.

7. Screening/ Fencing on west side of Betz property?

Mr. Betz promised densely planted shrubs forming a solid impenetrable vegetative wall 6 feet tall when planted and growing to 10 feet plus planted from the front of the property at FM 544 to the rear, parallel to the east side of the Timbers neighborhood with only an opening for the sidewalk and gate across Oak Glen. Cypress are not evergreen, cedar are. The vegetative wall needs to be evergreen. Mr. Betz indicated there will be a revision to Maxwell Creek Road plus a 4 foot sidewalk on the east side of his property.

8. Light Pollution?

Several attendees spoke to the light pollution already created by the businesses in MURPHY Marketplace and Race Trac. Several also spoke to the lack of compliance and lack of enforcement by the City of Murphy. The visible sight of bulbs is not wanted. Mr. Betz promised he would eliminate light intrusion to ALL THE ADJOINING PROPERTIES. Trust he will remember this when he gets to Track 1.

9. Track 1, the north section of the Betz property designated for a medical building?

Tract 1 is approximately the north 1/3 of the Betz property. The attendees had grave concerns about Track 1 as presented; grave concerns still followed Mr. Betz' comments. As a group, attendees do not trust the building proposed to be done in compliance with zoning. What type structure is built, how it is designed, and who is leasing it will have a direct influence on our homes in the Timbers and the protection of our safe, secure neighborhood.

We absolutely do not want a retail strip mall and the current proposal is not tight enough to prevent retail taking over. Our concerns:

- Possible retail on sight (Mr. Betz said he would limit retail to 25%), 0% retail preferred
- Change of facility proposed if original plan falls through for medical building
- Do not want 24 hour emergency care facility
- If P&Z for medical building goes bust, what happens?
- Integrity of owner, developer and the Murphy employees to enforce P&Z plans

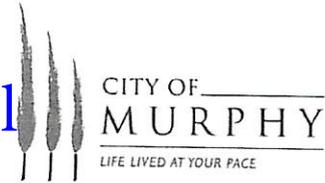
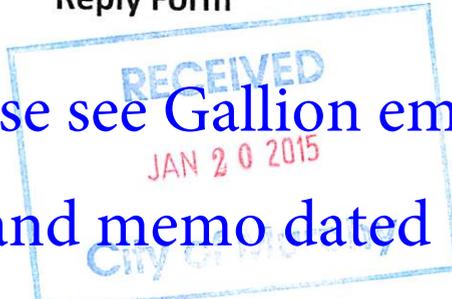
The "looseness" of the plan for Track 1 leaves the Timbers vulnerable to undesirable retail business renting in the building and major design changes possible.

Extra thanks to Mr. Betz for all the changes he has already thought through to make the structure less offensive to the neighborhood. Way to go, Ryan!!

Thanks Jen & her Ryan and Diane & Ray and all the Good neighbors of the Timbers !

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



Please see Gallion email
and memo dated
1/26/2015

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(see wife's letter)

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Warren Gallion
Name (Please Print)

Warren Gallion
Signature

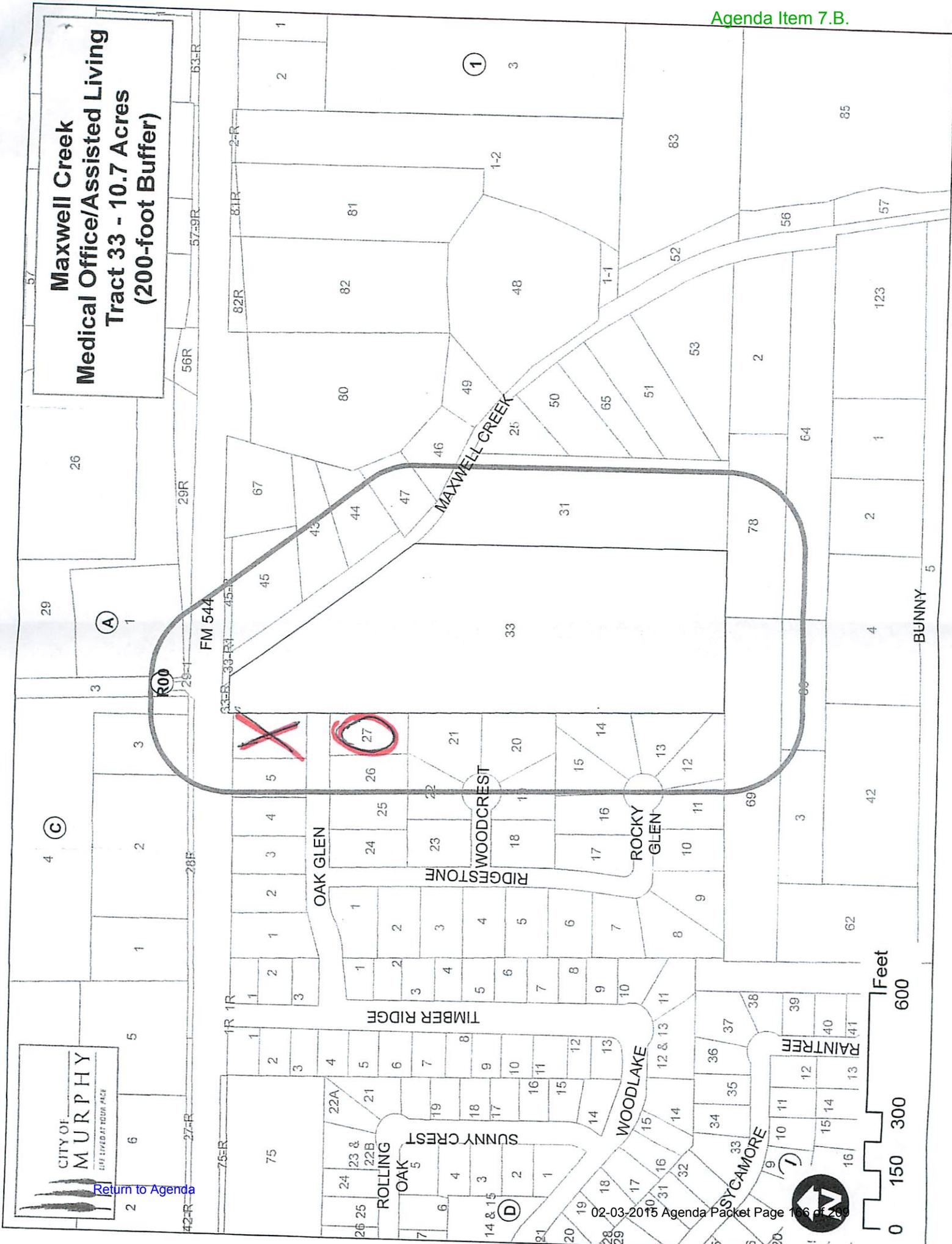
423 Oak Glen Dr
Address

1-21-2015
Date

[Return to Agenda](#)

Form completed by Martha Gallion with VOXER permission by Warren Gallion who is out of the country.

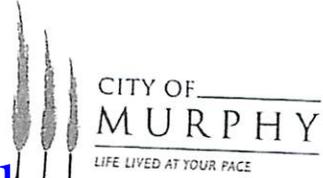
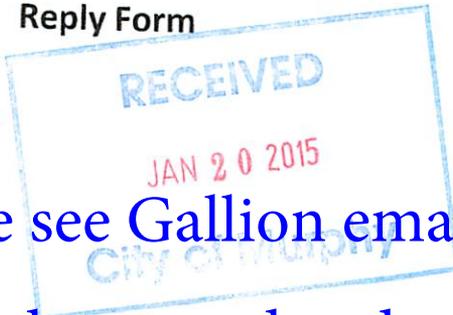
Maxwell Creek Medical Office/Assisted Living Tract 33 - 10.7 Acres (200-foot Buffer)



[Return to Agenda](#)

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



Please see Gallion email
and memo dated
1/26/2015

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Dear Commissioners,
My house is marked with an ~~X~~ (423 Oak Glen) on the attached map. My in-laws live across the street at 424 Oak Glen (marked with **O**).

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below. (continued)

Martha Gallion
Name (Please Print)

Martha Gallion
Signature

423 Oak Glen Dr.
Address

1-21-2015
Date

Now, imagine your home where mine is. Daily you live with the traffic noise of 6 lanes of traffic, several times per month (whenever there is a fender-bender on FM 544) numerous cars don't read the posted signs and your driveway is the turn-around spot for the cars attempting to avoid the back-up, daily multiple fire & police sirens from Wylie and Murphy are heard, and 24/7 your backyard is lit up from the blazing lights at Race Trac.

Now imagine your home in my spot after Mr. Betz makes his changes. Daily you will live with a greater increase in traffic noise with delivery trucks, visitors, health employees, trash collection, ambulance and fire truck visits, and the cars, people and deliveries to the "shops" he proposes close to FM 544. Would you be happy with the proposed changes, especially if you were here first and bought a ranch style home amid other ranch style homes in a quiet neighborhood with very little crime and lots of open space for children to run free (like we did when we were children)?

We are voting OPPOSED to the change in zoning for the following reasons:

1. **Protection of our neighborhood** The proposed gate would prevent through traffic but would only add to the noise and light pollution of our street. We are a child friendly neighborhood.

2. **Increase foot traffic** Currently we have foot traffic up the side of our house which is very disturbing. With a major new paved area conducive to lap walking, foot traffic would increase exponentially with the large paved area and connecting sidewalks. I'm ready to ask the City Council for 30 Barberry shrubs to plant on the side of my house to halt foot traffic up my driveway..

3. **Distrust the Zoning** I personally do not trust the property owner to follow through with the proposed plan after he acquires the zoning change. There are too many options available for retail and high traffic businesses very near my front door. His plan is too flexible. How many times do the people in our neighborhood have to tell the Planning & Zoning Commission we do not want townhomes, high density housing, or anything that destroys the ranch house look and feel of our neighborhood? I will agree most of the design for the south track

of land has taken into consideration parking and one story near housing, but the front track is too open. We do appreciate being listened for part of the plan.

4. **Light pollution** We moved to 'little town' Murphy and had hoped it would retain that feel but Race Trac ruined that. Any stars we could see in the night sky are hidden by light pollution. According to what I read, Mr. Betz wants high bright lighting. No!

5. **Screening** We have a pole fence separating our property from that of Mr. Betz. We expect something equally substantial. Shrubs will never be adequate to separate our property from the one proposed unless they are unusually closely grouped.

I ask you Commissioners to consider these points and act accordingly. We will be unable to attend the meeting due to work and travel.

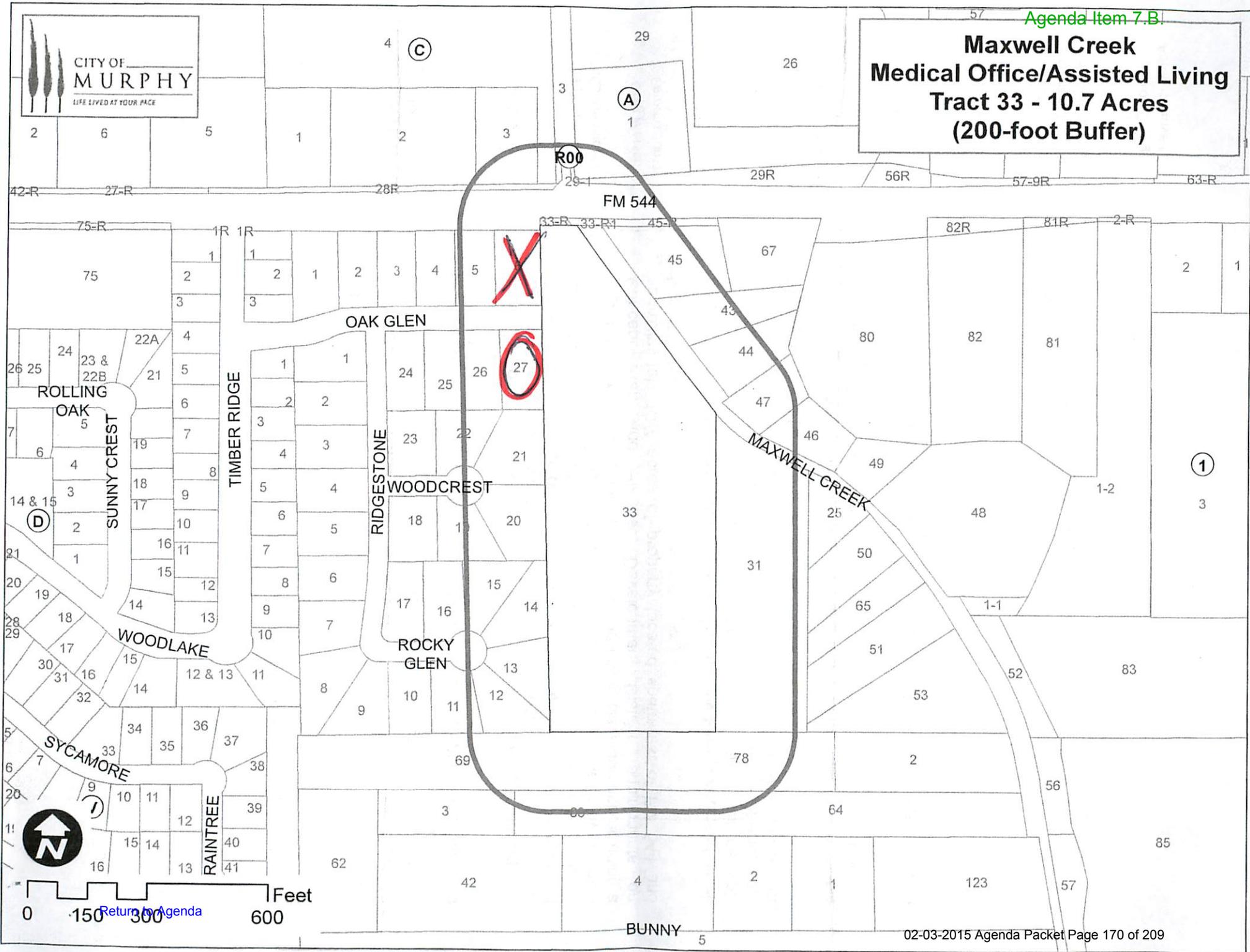
I leave you with this thought:

At what point do the rights of the home owners out-weigh the proposals of the potential developers? Are we just going to be worn down to the point we give up fighting? Is that how you intend to plan the future of Murphy?

*Sincerely,
The Bellions*



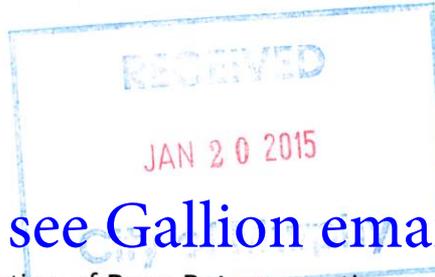
Maxwell Creek Medical Office/Assisted Living Tract 33 - 10.7 Acres (200-foot Buffer)



[Return to Agenda](#)

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



CITY OF
MURPHY
LIFE LIVED AT YOUR PACE

Dear Commissioner:

Please see Gallion email

This request is to consider the application of **Ryan Betz** requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

and memo dated

1/26/2015

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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Clara Gallion

Name (Please Print)

424 Oak Glen

Address

[Return to Agenda](#)

Clara Gallion

Signature

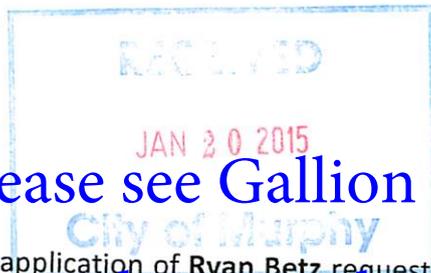
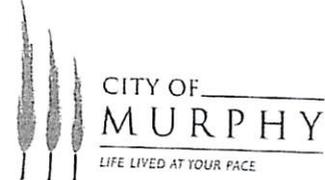
1-21-15

Date

Form completed with verbal agreement by Clara Gallion to Martha Gallion. Clara is currently out of the country.

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



Dear Commissioner:

Please see Gallion email

and memo dated

1/26/2015

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Charles Gallion Charles Gallion

Name (Please Print)

Signature

424 Oak Glen

1-21-15

Address

Date

[Return to Agenda](#)

Form completed by Martha Gallion with oral VOKER permission from Charles Gallion who is authorized to do so.

From: Ryan Betz [<mailto:ryan@betzcompany.com>]
Sent: Tuesday, January 27, 2015 7:26 PM
To: 'Carol Huyck'
Subject: RE: Maxwell Creek Land

Carol,

Do any of the neighbors want to meet? I am available anytime tomorrow before 2. I can meet Thursday after about 1, or Friday morning or evening.

Ryan Betz
469-682-2212

From: Carol Huyck [<mailto:>]
Sent: Tuesday, January 27, 2015 7:12 AM
To: 'Ryan Betz'
Subject: RE: Maxwell Creek Land

Ryan,

It was nice meeting you and your associates last night and speaking with you. After talking with you last night we realize that you do care about the neighbors . As for the additional 20' we are o'k with the way it is, and I love that there will be a living wall rather than a solid wall. We will sign the new form and get it over to you later today. I like you do not have everyones phone numbers but I will try to check with as many of the neighbors as I can about meeting with you. Just let me know where and when would be good for you.

Thank you,
Carol Huyck

From: Ryan Betz [<mailto:ryan@betzcompany.com>]
Sent: Monday, January 26, 2015 11:02 PM
To: [\[redacted\]](mailto:)
Subject: Maxwell Creek Land

It was nice meeting you both tonight. I would like to continue our discussions about the proposed zoning change I am seeking. If you or your neighbors are interested, let's get together in the next day or two.

Alternatively, I would be willing to increase the 1 story buffer area along the east edge by an additional 20', for a total of 60'.

Thanks
Ryan Betz
469-682-2212

5707 Willow Lane
Dallas, TX 75230

Please review link below for agency disclosure: <http://www.trec.state.tx.us/pdf/contracts/op-k.pdf>

[Return to Agenda](#)

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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After speaking with Mr. Betz and realizing that he had made a lot of changes to his initial plan my husband and I feel this will be a good use for this piece of property.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Carol Huyck
Name (Please Print)

Carol Huyck
Signature

127 S. Maxwell Creek Rd.
Address

01-27-15
Date

[Return to Agenda](#)

Please see Huyck email

and reply form dated

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094

1/28/2015



Mr. and Mrs. Huyck asked to have
their opposition rescinded

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Keep it AS zoned due to All 3 sides of this TRACT is SF20.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

~~Keith W. Huyck~~ Keith W. Huyck

Name (Please Print)

Keith W. [Signature]

Signature

127 S. Maxwell Creek

Address

1-26-2015

Date

[Return to Agenda](#)

Exhibit E

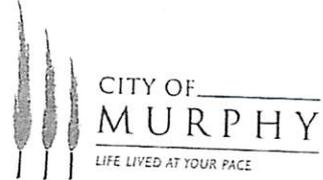
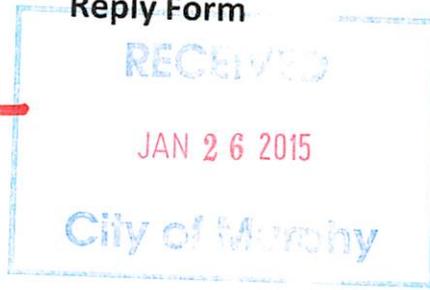
Reply Forms and Email

Correspondence at time of packet

OPPOSED

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



Dear Commissioner:

This request is to consider the application of **Ryan Betz** requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

 I am **IN FAVOR** of a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

I am **OPPOSED** to a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek.

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We have lost so much to noise, traffic, & light pollution. Please don't take away the last vestige of spacious & casual residential living we have. Please make homeowners count more than investors.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Mary Christine Koleber
Name (Please Print)

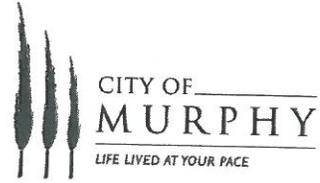
Mary Christine Koleber
Signature

411 Woodcrest Circle
Address

1/26/15
Date

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



Dear Commissioner:

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*The subject property is located in between two well established residential neighborhoods with a small amount of frontage on FM 544. The proposed development does not fit in with the existing residential neighborhoods. We have made it very clear in the past requests in 2008 and in 2013 that only **low density residential (SF 20 or similar)** development would make a good fit within the existing, established residential neighborhoods. Mr. Betz knew what the zoning was whenever he purchased the property. Please protect our neighborhood and uphold the existing zoning; work for the citizens of Murphy and not potential developers!*

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Stephanie Pennington
Name (Please Print)

Stephanie Pennington
Signature

120 S. Maxwell Creek

1/26/15

Address Murphy
Return to Agenda

Date

JAN 23 2015

Reply Form

City Manager's Office

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



CITY OF _____
MURPHY
LIFE LIVED AT YOUR PACE

Dear Commissioner:

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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Robert C. Clauer
Name (Please Print)

[Signature]
Signature

121 Bridge Lane Dr
Address Murphy TX 75094

1/21/15
Date

Return to Agenda

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Renee Collins
Name (Please Print)

Renee Collins
Signature

419 Rocky Glen Circle
Address

1/26/2015
Date

[Return to Agenda](#)

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



Dear Commissioner:

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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

MICHAEL GOGGINS
Name (Please Print)

Michael Goggin
Signature

112 S. MAXWELL CREEK RD
Address
[Return to Agenda](#)

1-26-15
Date



Public Comment Form

The public may address comments on any subject to the Council/Board during the Public Comment portion of the meeting. Please note that the Council/Board can receive your comments and information but may not be able to respond to you at this meeting. The Council/Board is prohibited by the Open Meetings Act to engage in a discussion of any item or issue that is not posted on the Agenda. Your request or comments will be duly noted and scheduled for a future agenda if necessary or referred to City Staff.

The Public Comment portion of the meeting will be opened and your name will be called if you have submitted this form to the City/Staff Secretary. If you have not submitted a form, please notify the Mayor/Chair that you would like to speak and submit your form promptly. Please state your name and address for the record and limit your comments to five minutes. The Council/Board expects any citizen to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- | | |
|---|--|
| <input type="checkbox"/> Animal Shelter Advisory Board | <input type="checkbox"/> City Council |
| <input type="checkbox"/> 4A (Economic Development Corporation) | <input type="checkbox"/> Parks & Recreation Board |
| <input type="checkbox"/> 4B (Community Development Corporation) | <input checked="" type="checkbox"/> Planning & Zoning Commission |
| <input type="checkbox"/> Building & Fire Codes Appeal Board | <input type="checkbox"/> Zoning Board of Adjustments |

Please submit this form and any handouts to the City/Staff Secretary prior to the meeting.

Name: MICHAEL GOGGINS

Address: 112 S MAXWELL CREEK RD

Representing an Organization? _____

Agenda Item No. _____ (In Favor Opposed)

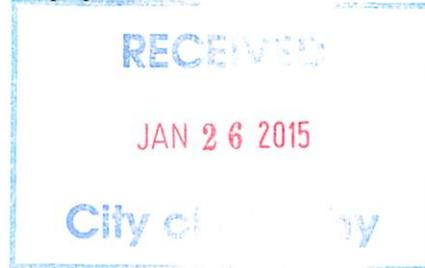
Comments: _____


Signature

1-26-15
Date

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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1.) We are concerned about the water flow to our property (directly south) and would like assurance that this development would not create flooding on our land.

2.) There are trees on the south side of the property (10.7 acres) located SW of FM 544 + Maxwell Creek that buffer the sounds from FM 544 and improve the scenery. We would like the trees to remain.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

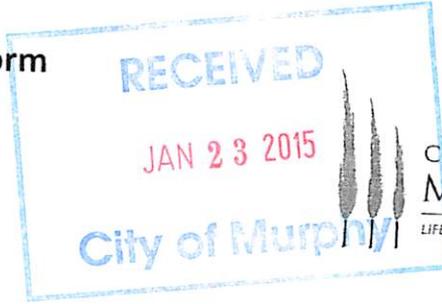
Margie Mc Clanahan
Name (Please Print)

Margie Mc Clanahan
Signature

26 Bunny Run, Murphy, TX 75094
Address
[Return to Agenda](#)

1/22/15
Date

Reply Form



CITY OF MURPHY
LIFE LIVED AT YOUR PACE

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094

Dear Commissioner:

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For years developers have been trying to sneak in a way to change the zoning on this property. It was never intended to be anything other than Residential. We bought our home under the auspices that that property would never be commercially developed. We already have an assisted living center + plenty of medical offices!

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

John + Lyle Doyle

Name (Please Print)

John Doyle / Lyle Doyle

Signature

411 Rockyglan Circle

Murphy, TX 75094

Address

Return to Agenda

January 19, 2015

Date

Please listen to your citizens, not some developer!

Reply Form



CITY OF MURPHY
LIFE LIVED AT YOUR PACE

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094

Dear Commissioner:

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WHAT PART OF NO DON'T THESE PEOPLE UNDERSTAND.
IF WE WANTED TO LIVE IN HIGH DENSITY & COMMERCIAL PROPERTY,
WE WOULD HAVE SETTLED IN TOWN & LEASED APARTMENTS OR BOUGHT
COMBOS. JUST BECAUSE SOMEONE WANTS TO TURN A "FAST BUCK"
IS NO REASON TO PUT OUR HOMES & LIFE STYLE AT RISK.
LEAVE OUR SF-20 ZONING AS IT IS.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Jim DeMASTERS
Name (Please Print)

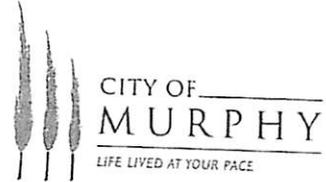
Jim DeMasters
Signature

416 ROCKY GLEN CIRCLE
Address
[Return to Agenda](#)

1/19/15
Date

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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If I had known 12 yrs ago when I bought my property, that the land behind my fence would ever be zoned for medical development, I would never have purchased my property! I am strictly opposed to any medical development in my backyard.

By signing this letter, I declare I am the owner or authorized agent of the property at the cont → address written below.

Diane R. Waller
Name (Please Print)

Droweller
Signature

on p. 2 attached

133 S. Maxwell Creek
Address
Murphy TX

Jan. 23, 2015
Date

[Return to Agenda](#)

page 2

cont.

It is unfair to impose the traffic, public lighting and medical waste on residents nearby who bought their homes with the intent of living in a residential neighborhood.

A medical office building and assisted living would destroy the kind of environment and life I planned on when I purchased my home in 2003.

I understand Mrs. Pearce's need to sell her property since her plans for it have changed, ^{AND} ^{REGARDLESS} but my plans have not ^{IF SHE} ^{ALREADY} ^{SOLD} changed, I intend to live my ^{IT} life through, here in Murphy.

Has the city considered purchasing the property? Ideally, a developer would buy the land and build 20 homes on it - not be so greedy as to want to place 70 or so homes on it.

Please do not change the zoning.

JAN 22 2015

Reply Form

City Manager's Office

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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David Cole
Name (Please Print)

[Signature]
Signature

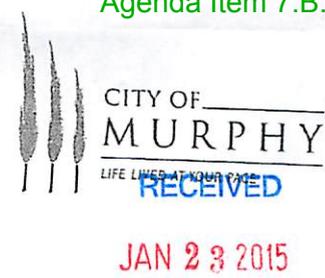
420 Oak Glen Dr.
Address
[Return to Agenda](#)

1/20/15
Date

Reply Form

Agenda Item 7.B.

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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I WOULD ONLY SUPPORT SF-20 ZONING TO BLEND WITH MY NEIGHBORHOOD. ESPECIALLY AGAINST ANY MULTI-STORY STRUCTURES!

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Brad Mounsey
Name (Please Print)

412 Woodcrest Cir.
Address

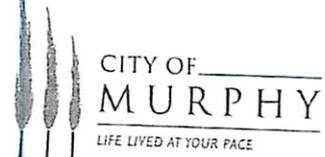
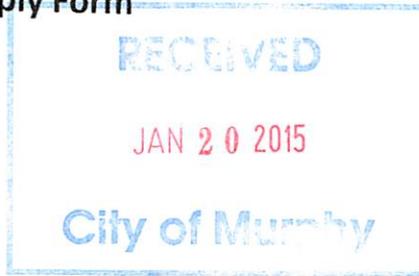
Brad Mounsey
Signature

1-19-15
Date

[Return to Agenda](#)

Reply Form

Planning & Zoning Commission
206 North Murphy Road
Murphy, Texas 75094



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BONITA MENARD
Name (Please Print)

Bonita Menard
Signature

128 S MAXWELL CREEK RD
Address
MURPHY, TX 75094

1-19-2015
Date

Return to Agenda

**City Council Meeting
February 3, 2015**

Issue

Consider and take appropriate action, if any, on the authorization to solicit bids for the Betsy Lane Widening and Drainage Improvements project from North Murphy Road to McCreary Road.

Staff Resource/Department

James Fisher, City Manager
Gary Hendricks, P.E., R.P.L.S., City Engineer

Summary

The City of Murphy adopted a Thoroughfare Plan in 2002 that listed three major arterial roadways: FM 544, Murphy Road, and Betsy Lane. These major arterials are approximately 120 feet in width: 16 feet on each side, 72 feet for all lanes, and 16 feet for a center median. FM 544 and Murphy Road (once completed in Spring 2015) are the only two roads that come close to meeting that criteria. Betsy Lane is constructed, between North Murphy Road and our western City limits, to the standards of a "Type B – Secondary Arterial" roadway, which is approximately 84 feet in width: 10 feet on each side, 48 feet for all lanes, and 16 feet for a center median. Betsy Lane from North Murphy Road east to McCreary Road is only a two-lane road at this time. It is my understanding that the City allowed developers to participate in the construction of these two northern lanes and the City would build the two southern lanes at a later date.

In 2012, Gary Hendricks, P.E. and I became aware of additional funds that may become available from surplus revenue on SH 121 toll project. Gary and I worked diligently with Tracy Homfeld, P.E. of Collin County, to get Betsy Lane into the funding mix. The City listed Betsy Lane as a road of regional significance and not only asked for our funding, but also funding for Wylie. Wylie was not funded this cycle, but we are supporting their future requests.

The City received notice from the State in February 2013 that it had received funding in the amount of \$3,200,600: the State would fund \$2,560,480 and the City would fund 20% of the \$3,200,600, or \$640,120. During the initial project funding discussions with Collin County, the City asked if the 2007 Collin County Bond Funds that allocated funds for Betsy could be used as Murphy's funding requirement. In March 2013, the City was advised that yes, we could use these funds to build the southern two lanes of Betsy Lane from North Murphy Road west to McCreary Road. At the April 16, 2013 City Council meeting, the Interlocal Agreement with Collin County and the Advanced Funding Agreement with the State were approved.

At the June 4, 2013 City Council meeting, the professional engineering services agreement to allow the City Engineer to survey the area for right-of-way acquisition, drainage improvements, and construction activities was authorized by the Council.

Financial Considerations

The total project cost is estimated in 2013 was \$3,200,600: \$2,560,480 funded by surplus revenue on the SH 121 toll project, and \$640,120 from the 2007 Collin County Bond Funds. The City has received those funds. The City of Murphy will have staff time dedicated to this project, but no actual dollars at this time.

[Return to Agenda](#)

Action Requested

The city staff is asking for authorization to proceed to the bidding process for the Betsy Lane Paving and Drainage Improvement project.

Attachments

- 1) Letter from Gary Hendricks dated January 23, 2015

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS

JAN 23 2015

City Manager's Office

11910 Greenville Ave., Suite 600 Dallas, Texas 75243 Phone (214) 361-7900

www.bhcllp.com

JOHN W. BIRKHOFF, P.E.
GARY C. HENDRICKS, P.E.
JOE R. CARTER, P.E.
MATT HICKEY, P.E.
ANDREW MATA, JR., P.E.
JOSEPH T. GRAJEWSKI, III, P.E.
DEREK B. CHANEY, P.E.
CRAIG M. KERKHOFF, P.E.

January 23, 2015

Mr. James Fisher
City Manager
City of Murphy
206 N. Murphy Road
Murphy, Texas 75094

Re: Betsy Lane Paving & Drainage Improvements
Final Plans

Dear Mr. Fisher:

We are enclosing two (2) sets of final construction plans for the Betsy Lane Paving & Drainage Improvements project for your review and comments. The specifications and bidding documents have also been enclosed in preliminary form.

Our opinion of probable construction cost based on this final submittal is \$2,874,000.00. We are enclosing an itemized opinion of cost for your review.

The notice included in the bidding documents sets the bid opening for 2:00 P.M. on Tuesday, February, 24, 2015. We have prepared the following schedule for the bidding and construction phase of the Betsy Lane Paving and Drainage Improvements project based on that bid opening:

Advertise Project (First).....	February 10, 2015
Advertise Project (Second).....	February 17, 2015
Bid Opening.....	February 24, 2015 at 2:00 P.M.
Submit Award Recommendation to City.....	March 3, 2015
Council Award Construction Contract.....	March 17, 2015
Pre-Construction Conference with NTP.....	April 8, 2015
Contract Time Begins.....	April 18, 2015
Contract Time Ends (365 Calendar Days).....	April 17, 2016

We are available to discuss this project further at your convenience.

Sincerely,



Joseph T. Grajewski, P.E.

Enclosures
Mr. Bernie Parker

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BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
TBPE Firm 526

Project No. 2013-113

Client: CITY OF MURPHY, TEXAS

Date: 22-Jan-15

Project: Betsy Lane Paving & Drainage Improvements

By: J.T.G.

ENGINEER'S OPINION OF CONSTRUCTION COST

Item No.	Description	Quantity	Unit	Price	Amount
	ROADWAY				
101	Prepare Right of Way Including Clearing & Grubbing	47.5	STA	\$ 2,500.00	\$ 118,750.00
102	Unclassified Excavation	3,523	C.Y.	\$ 15.00	\$ 52,845.00
103	Place Imported Fill	12,220	C.Y.	\$ 20.00	\$ 244,400.00
104	Remove & Dispose of Concrete Pavement, Curbs, Sidewalks or Driveways	2,252	S.Y.	\$ 7.00	\$ 15,764.00
105	Remove & Dispose of Asphalt Pavement	1,150	S.Y.	\$ 8.00	\$ 9,200.00
106	Remove & Salvage Existing Sign	24	Ea.	\$ 100.00	\$ 2,400.00
107	Remove & Dispose of Barbed Wire Fence	1,148	L.F.	\$ 3.00	\$ 3,444.00
108	Remove & Dispose of Abandoned Car	1	L.S.	\$ 500.00	\$ 500.00
109	Remove & Dispose of 30-Inch RCP	30	L.F.	\$ 5.00	\$ 150.00
110	Remove & Dispose of Existing Sign	1	Ea.	\$ 50.00	\$ 50.00
111	Relocate Existing Water Meter	1	L.S.	\$ 1,500.00	\$ 1,500.00
112	Relocate Existing Stop Sign	1	Ea.	\$ 300.00	\$ 300.00
113	Furnish & Install 9-Inch Reinforced Concrete Pavement with Monolithic Curbs	14,728	S.Y.	\$ 45.00	\$ 662,760.70
114	Furnish & Install Lime Stabilized Subgrade	14,835	S.Y.	\$ 5.00	\$ 74,175.00
115	Furnish Hydrated Lime (54 Lbs. per S.Y.)	401	Tons	\$ 180.00	\$ 72,180.00
116	Furnish & Install 4-Inch Reinforced Concrete Sidewalks	5,342	S.Y.	\$ 35.00	\$ 186,984.33
117	Furnish, Install & Maintain Habiturf	14,800	S.Y.	\$ 5.00	\$ 74,000.00
118	Furnish, Install & Maintain Hydromulch	9,400	S.Y.	\$ 1.50	\$ 14,100.00
119	Furnish & Place Topsoil (4-Inches)	24,200	S.Y.	\$ 2.00	\$ 48,400.00
120	Sawcut Existing Concrete Pavement	697	L.F.	\$ 3.50	\$ 2,439.50
121	Construction Longitudinal Butt Joint	967	L.F.	\$ 6.00	\$ 5,802.00
122	Furnish & Install Hand Hole	8	Ea.	\$ 500.00	\$ 4,000.00
123	Furnish & Install 2-Inch Schedule 40 PVC Conduit	341	L.F.	\$ 10.00	\$ 3,410.00
124	Connect to Concrete Street Header	1	Ea.	\$ 1,000.00	\$ 1,000.00

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BIRKHOFF, HENDRICKS & CARTER, L.L.P.
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 TBPE Firm 526

Project No. 2013-113

Client: CITY OF MURPHY, TEXAS

Date: 22-Jan-15

Project: Betsy Lane Paving & Drainage Improvements

By: J.T.G.

ENGINEER'S OPINION OF CONSTRUCTION COST

Item No.	Description	Quantity	Unit	Price	Amount
125	Furnish & Install TxDOT Type 1 Pedestrian Ramp	3	Ea.	\$ 1,500.00	\$ 4,500.00
126	Furnish & Install Flex Base on Compacted Subgrade	568	S.Y.	\$ 20.00	\$ 11,357.40
127	Furnish & Install Type 6 Concrete Retaining Wall	400	S.F.	\$ 25.00	\$ 10,000.00
128	Furnish & Install Concrete Curb & Gutter	155	L.F.	\$ 2.50	\$ 387.50
129	Furnish & Install Pedestrian Rail	1,410	L.F.	\$ 110.00	\$ 155,045.00
130	Connect To Existing Sidewalk	2	Ea.	\$ 500.00	\$ 1,000.00
131	Furnish & Install Broken White Lane Marking	8,886	L.F.	\$ 0.75	\$ 6,664.50
132	Furnish & Install Speed Limit Sign (R2-1) (24" x 30")	3	Ea.	\$ 650.00	\$ 1,950.00
133	Furnish & Install Turn Bay Line	462	L.F.	\$ 2.00	\$ 924.00
134	Furnish & Install 12-Inch Wide Solid White Reflective Pavement Mark (100 MIL)	369	L.F.	\$ 4.00	\$ 1,476.00
135	Furnish & Install 24-Inch Wide Thermoplastic Stop Bar	68	L.F.	\$ 6.00	\$ 408.00
136	Furnish & Install Stop Sign (R1-1) (30" x 30")	2	Ea.	\$ 650.00	\$ 1,300.00
137	Furnish & Install Left Lane Must Turn Left Sign (R3-7L) (30" x 30")	1	Ea.	\$ 650.00	\$ 650.00
138	Furnish & Install Lane Direction Sign (R3-8 (VAR)) (48" x 30")	1	Ea.	\$ 1,000.00	\$ 1,000.00
139	Furnish & Install "LEFT ARROW" Pavement Marking	2	Ea.	\$ 150.00	\$ 300.00
140	Furnish & Install "ONLY" Pavement Marking	3	Ea.	\$ 250.00	\$ 750.00
141	Furnish & Install TxDOT Type CH-FW-0 Culvert Headwall	3	Ea.	\$ 4,000.00	\$ 12,000.00
142	Furnish & Install 18-Inch Class III RCP	718	L.F.	\$ 45.00	\$ 32,310.00
143	Furnish & Install 21-Inch Class III RCP	138	L.F.	\$ 50.00	\$ 6,900.00
144	Furnish & Install 24-Inch Class III RCP	777	L.F.	\$ 55.00	\$ 42,735.00
145	Furnish & Install 27-Inch Class III RCP	163	L.F.	\$ 75.00	\$ 12,225.00
146	Furnish & Install 30-Inch Class III RCP	824	L.F.	\$ 75.00	\$ 61,800.00
147	Furnish & Install 60-Inch Class III RCP	196	L.F.	\$ 250.00	\$ 49,000.00
148	Furnish & Install 6-Foot Recessed Curb Inlet	6	Ea.	\$ 3,000.00	\$ 18,000.00
149	Furnish & Install 10-Foot Recessed Curb Inlet	2	Ea.	\$ 4,500.00	\$ 9,000.00

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BIRKHOFF, HENDRICKS & CARTER, L.L.P.
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Project No. 2013-113

Client: CITY OF MURPHY, TEXAS

Date: 22-Jan-15

Project: Betsy Lane Paving & Drainage Improvements

By: J.T.G.

ENGINEER'S OPINION OF CONSTRUCTION COST

Item No.	Description	Quantity	Unit	Price	Amount
150	Furnish & Install 16-Foot Recessed Curb Inlet	1	Ea.	\$ 6,000.00	\$ 6,000.00
151	Remove & Replace Existing Concrete Pavement	49	S.Y.	\$ 75.00	\$ 3,675.00
152	Connect to Existing 21-Inch RCP	1	Ea.	\$ 500.00	\$ 500.00
153	Connect to Existing Storm Sewer Junction Box	1	Ea.	\$ 1,000.00	\$ 1,000.00
154	Connect To Existing 60-Inch RCP	1	Ea.	\$ 1,000.00	\$ 1,000.00
155	Remove Existing Headwall and Concrete Rip Rap	2	L.S.	\$ 1,000.00	\$ 2,000.00
156	Connect To Existing 27-Inch RCP	1	Ea.	\$ 500.00	\$ 500.00
157	Furnish, Install, Maintain & Remove Inlet Protection	24	Ea.	\$ 100.00	\$ 2,400.00
158	Furnish, Install, Maintain & Remove Silt Fence	2,715	L.F.	\$ 1.00	\$ 2,715.00
159	Furnish, Install, Maintain & Remove Stone Overflow Structure	5	Ea.	\$ 100.00	\$ 500.00
160	Furnish Storm Water Pollution Prevention Plan (SW3P)	1	L.S.	\$ 1,500.00	\$ 1,500.00
161	Furnish & Install 12-Inch PVC Sanitary Sewer Line with Class 'H' Embedment	182	L.F.	\$ 75.00	\$ 13,650.00
162	Furnish & Install 5-Foot Diameter Sanitary Sewer Manhole	3	Ea.	\$ 5,000.00	\$ 15,000.00
163	Cut & Plug Existing Sanitary Sewer Line	2	Ea.	\$ 500.00	\$ 1,000.00
164	Connect to Existing 12-Inch Sanitary Sewer Line	2	Ea.	\$ 1,500.00	\$ 3,000.00
165	Furnish & Install 4-Inch Sanitary Sewer Line	5	L.F.	\$ 75.00	\$ 375.00
166	Furnish & Install 4-Inch Sanitary Sewer Plug	1	Ea.	\$ 100.00	\$ 100.00
167	Furnish & Install Median Irrigation	1	L.S.	\$ 75,000.00	\$ 75,000.00
168	Furnish Trench Safety Plan	1	L.S.	\$ 1,500.00	\$ 1,500.00
169	Install & Implement Trench Safety Plan	2,644	L.F.	\$ 1.00	\$ 2,644.00
170	Furnish, Install, Maintain & Remove all Necessary Traffic Control Measures	1	L.S.	\$ 30,000.00	\$ 30,000.00
171	Furnish & Install Project Sign	2	Ea.	\$ 500.00	\$ 1,000.00
172	Bid Allowance for Irrigation System Repairs near Foxcreek Drive	1	L.S.	\$ 10,000.00	\$ 10,000.00
Subtotal: Roadway					\$ 2,215,295.93

BIRKHOFF, HENDRICKS & CARTER, L.L.P.

PROFESSIONAL ENGINEERS

TBPE Firm 526

Project No. 2013-113

Client: CITY OF MURPHY, TEXAS

Date: 22-Jan-15

Project: Betsy Lane Paving & Drainage Improvements

By: J.T.G.

ENGINEER'S OPINION OF CONSTRUCTION COST

Item No.	Description	Quantity	Unit	Price	Amount
	BRIDGE				
201	18" Dia. Drilled Shafts (TxDOT 416-2002)	340	L.F.	\$ 80.00	\$ 27,200.00
202	Abutment Concrete (TxDOT 420-2003)	29.4	C.Y.	\$ 800.00	\$ 23,504.65
203	Bent Concrete (420-2004)	69.4	C.Y.	\$ 700.00	\$ 48,583.07
204	Reinforced Concrete Approach Slab (TxDOT 420-2033)	87.4	C.Y.	\$ 350.00	\$ 30,590.00
205	Reinforced Concrete Pan Girder (TxDOT 420-2030)	293	C.Y.	\$ 1,250.00	\$ 366,250.00
206	Concrete Surface Treatment (TxDOT 428-2002)	734.2	S.Y.	\$ 3.00	\$ 2,202.60
207	Class 'B' Concrete Riprap (TxDOT 432-2030)	210.9	C.Y.	\$ 350.00	\$ 73,815.00
208	Structural Steel (Misc Non-Bridge) (TxDOT 442-2048)	228	Lb.	\$ 10.75	\$ 2,451.00
209	T223 Railing (TxDOT 450)	237.8	L.F.	\$ 90.00	\$ 21,397.50
210	C223 Railing (TxDOT 450)	275.4	L.F.	\$ 100.00	\$ 27,535.00
211	Pedestrian Railing (TxDOT 450)	237.8	L.F.	\$ 110.00	\$ 26,152.50
212	Expansion Joint Type 'AJ' (Unsealed) (TxDOT 454-2004)	87	L.F.	\$ 75.00	\$ 6,525.00
213	Concrete Structural Removal (TxDOT 496)	2	Ea.	\$ 1,000.00	\$ 2,000.00
	Subtotal: Bridge				\$ 658,206.32
	GRAND TOTAL:			USE:	\$ 2,874,000.00

**City Council Meeting
February 3, 2015**

Issue

Discuss and/or consider implementing community blog(s) and regulations relating thereto for the City of Murphy website blogs and video streaming broadcasts.

Staff Resource/Department

James Fisher, City Manager
Wendle Medford, Manager of Information Technology

Background/History

The purpose of proposing these policies is to outline the acceptable use of public facing social media sites and video broadcast systems under the city's purview. These guidelines are being proposed in an effort to protect the City of Murphy from damaging effects of inappropriate uses and to ensure that social media and video broadcasts are being utilized in a safe and responsible manner to engage citizens and allow civil discourse.

Action Requested

Approve implementing community blog(s) and regulations relating thereto for the City of Murphy website blogs and video streaming broadcasts.

Attachments

Murphy Community Blog Acceptable Use Policy
Live Video Streaming Policy
Public Communications Guide

Acceptable Use Policy

The City of Murphy encourages an open exchange of affirming and dissenting opinions on posted content, and we consider it an important element of the user experience on our website.

We invite you to comment on our content as part of our interactive community. But we ask that you remain civil, and please follow these guidelines:

-- In an effort to raise the level of discourse on our site, commenters are required to use their real names when posting. If we suspect that your online persona is not real -- judging by your "name," your lack of friends, your lack of posts about anything other than our stories, or other factors -- your posts will not be visible.

-- Do not resort to personal attacks. You may disagree with the content, but do not attack anyone personally.

-- Do not use foul language. And don't try to camouflage profanity with asterisks or other symbols or foreign phrases.

-- Avoid hate speech. Abusive comments, racist rants or defamatory statements will be deleted.

-- Do not use threatening language or make threats of violence.

-- Do not post spam or advertising of any kind.

If a post is determined to have violated the guidelines listed above, it may be blocked or deleted without notice.

Users who continue posting comments that violate these guidelines may, at our discretion, be blocked from submitting future comments as well.

Please be aware that your comments, once posted, are considered public information and shall be maintained by the City as such as required by law.

Any posts by a city council member, city officer, or city employee's views or opinions in this blog do not constitute the City's official policy, unless already ratified by the city council as a whole. Nor should any comments be construed as any formal action on any matter that may be discussed.

Thank you, and enjoy expressing your opinions.

LIVE VIDEO STREAMING POLICY

OBJECTIVE

The purpose of this policy is to enhance Council's commitment to engage with its community through the live streaming of its meetings through the Internet.

SCOPE

This policy applies to all Council ordinary meetings, special meetings, agenda briefing forums, and electors meetings. This policy does not apply to any part of the meeting which is closed under Executive Session.

POLICY PRINCIPLES

1. The City is committed to engaging with its community and recognizes that providing opportunities for the community to attend council meetings will result in more informed and engaged residents.
2. The City will therefore provide access for the public to attend council meetings through the live streaming of meetings through the Internet.
3. The live streaming will commence at the times that the meetings are due to commence and finish when the presiding member closes or adjourns the meeting for any reason.
4. Meetings closed for consideration of matters under Executive Session or by resolution of Council will not be streamed.
5. Meetings shall be live streamed in accordance with this policy unless a motion to the contrary is passed by simple majority at the beginning or at any other time during the meeting.
6. Meetings live streamed will be recorded and securely stored on Swagit's Content Network indefinitely.
7. Video recordings of city council meetings will be made publicly accessible via the City's website for three years before the content is archived.
8. Any requests for video content that expands beyond the three year retention period will require a formal open records request submitted to the city secretary's office.
9. No protection will be afforded to council members, staff, or the public for comments and statements made during the live streaming of meetings which are subsequently challenged in a court of law and determined to be slanderous.



PUBLIC COMMUNICATIONS GUIDE 2015

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INTRODUCTION

The City of Murphy is committed to transparent, accurate, and consistent communication. City of Murphy staff members make every effort to provide public access to information regarding the City and its services. The staff makes every effort to assure timely communication with citizens, clear and useful information, and transparency in decision making.

The Public Communications Guide benefits by:

- **Encouraging Informed Participation**
Citizens can express their needs when they have accurate information regarding City plans and actions. Communication from the City educates the public and encourages citizen involvement.
- **Builds a Successful Community**
Providing information to citizens helps them understand how their tax dollars are used. Educating citizens about City functions, issues, and services helps develop a positive reputation for the City.
- **Encourages Growth and Improves the City**
Good communication draws people to the community, encourages business development, and attracts capable employees who strengthen City services.

A sound Communication Plan is a good investment and should be a main priority for the City of Murphy. The City should not rely on outside sources to inform its citizens of events and issues. The City must provide the information to its citizens to ensure consistent, accurate, and comprehensive knowledge.



ROLES AND RESPONSIBILITIES

With regard to community communications, all City employees should:

- Participate in an effective communication plan with the public
- Maintain the process to provide timely, accurate, and complete information to the public using the strategy within this guide
- Provide a consistent format and appearance of all communications so the City remains a reliable source of information
- Strive to deliver consistent messages about all services and issues
- Use a variety of authorized and secure means to communicate the same message to reach the maximum number of citizens
- Focus time and resources on the appropriate and authorized methods of communication from the City

The following list of contacts consists of representatives from all City departments who work together to ensure consistency and quality of the content of all communications, improve the delivery process for all information, and coordinate timely communication efforts across the City.

Information Owner	Name	Information Notification Types
Finance Director	Linda Truitt	Finance-related events
Chief of Police	GM Cox	Police-related events
Public Services Director	Bernie Parker	Traffic/Construction/Parks –related events
Community Services Director	Kristen Roberts	Community-related events (Economic Development)
Fire Chief	Mark Lee	Fire/Accident/Emergency Management-related events
Human Resources Director	Jana Traxler	Personnel Issues
City Secretary	Susie Quinn	Open Records Requests/Freedom of Information Act events
Recreation Manager	Caitlyn Mullins	Recreation-related events
Information Technology Manager	Wendle Medford	IT-related events

All Information Notifications must go to:

City Manager	James Fisher	Reviews all information and approves all notifications
Public Information Officer (PIO)	Celso Martinez	Only person authorized to post to all authorized city sites (if unavailable, then Recreation Manager posts to sites)
IT Manager	Wendle Medford	Reviews all notifications prior to the PIO posting on sites



COMMUNICATION PLAN

The 2015 City of Murphy Public Communication Guide focuses on three areas:

1. Communication Delivery
2. Communication Consistency
3. Methods of Communication (Twitter, Facebook, Nixle, Google Social Media, Newsletter, Code Red, and Civic Plus Notify Me)

City of Murphy citizens have an expectation of timely access to accurate information, and the City will continue to work to meet those expectations. All staff members must ask the following questions prior to sending notifications to the Public Information Officer:

- Is the City communicating as much as it should?
- Is the City communicating the right information – the most important and necessary information?
- Is the City using the best ways to communicate?
- Is the City communicating in a timely manner?

All City of Murphy staff members, contractors, consultants, partners, and vendors must use the following Communication plan for all City notifications.

1. Upon receipt of information regarding the City of Murphy, all personnel must send the information (or piece of communication) to the appropriate Information Owner and the City Manager.
 - a. All Information Owners must acknowledge the receipt of information with the sender and the City Manager.
2. Information Owners manage all issues and information within their departments and provide updates to the City Manager in the process.
 - a. Information Owners must have approval from the City Manager prior to releasing information to the Public Information Officer (PIO).
3. Once approved by the City Manager, the Information Owner sends the information to the PIO.
4. The PIO writes the public notification and sends it to the Information Owner and City Manager for review.
5. Once approved by the Information Owner and City Manager, the PIO posts the notification to all authorized City sites (Twitter, Facebook, Nixle, Google Social Media, Newsletter, Code Red, and Civic Plus Notify Me).
 - a. If the PIO is unavailable, the Recreation Manager sends the notification to the authorized sites.
6. When the Information Owner resolves/closes the issue, he/she informs the PIO and City Manager.
7. The PIO removes the notification from all authorized sites or provides an update to the notification.





Information on a City occurrence is submitted to City Personnel



City Personnel send information to the correct Information Owner and the City Manager



The Information Owner acknowledges receipt of the information with the sender and City Manager



The Information Owner manages the issue/activity and provides information to the City Manager. Once the City Manager approves the information for public notice, the Information Owner sends the information to the Public Information Officer (PIO)



The PIO writes the notification and sends it to the Information Owner and City Manager for review



After approval, the PIO posts the notification to all authorized* sites



The Information Owner notifies the PIO and City Manager when the issue is resolved/completed



The PIO removes the notification from all authorized sites or updates the notification

* Twitter, Facebook, Nixle, Google Social Media, Newsletter, Code Red, and Civic Plus Notify Me



COMMUNICATION RULES AND REGULATIONS

1. The PIO writes and posts all approved notifications to all the authorized City sites. If the PIO is unavailable, the Recreation Manager writes and posts the notifications. Information Owners, staff members, and other City personnel do **not** provide notifications of City activities, issues, or events. Utilizing one point of contact for all communications helps ensure accurate, consistent, and timely information; it also prevents unauthorized content or redundant messages from existing on City sites or other unapproved web sites and social media.
2. The PIO communicates City news and information internally and externally in a timely, accurate, and consistent manner so that citizens and City employees remain knowledgeable. The PIO disseminates information to the media and citizens related to City activities, projects, events, issues, and activities with the approval of Information Owners and the City Manager. The PIO only uses authorized sites and social media for City information.
3. Each City department must have a dedicated Information Owner as a central point person to gather and prioritize City information for distribution by the PIO. Information Owners research and explore all pieces of information that are relayed to them prior to providing the information to the PIO. The City Manager reviews and approves all information prior to releasing it to the PIO for public distribution.
4. All City of Murphy personnel must follow these guidelines. No personnel may post information or provide details on City activities to personal, private, and unauthorized sites or social media.



**City Council Meeting
February 3, 2015**

Issue

Discussion regarding the 2015 City Council Planning Session.

Staff Resource/Department

James Fisher, City Manager

Summary

The City Council in 2012 adopted the Strategic Direction Plan that established a roadmap for the City Council, staff and community to follow during the years of 2012 – 2015. This Plan has been instrumental during the budgeting process as staff seeks to implement the goals and initiatives of the City Council.

Background/History

The City Council Retreats/Strategic Vision/Planning Sessions have occurred over the last ten years. The City has used a variety of formats to accomplish its task and all have their strengths and challenges. However, in order to understand where we are going, how we are going to get there, what is it going to take to get us there and what we will look like when we get there, a plan must be established.

Financial Considerations

If this item is done in-house without a facilitator, the only dollars that will be expended are staff time, building usage (MCC), food/beverages and miscellaneous items.

If the Council decides to bring in a facilitator (\$10,000 - \$20,000), that cost would be in addition to staff time, building usage (MCC), food/beverages and miscellaneous items.

Action Requested

Staff is requesting City Council to set a date or dates in March or April. Two City Council members have advised of dates in March that are currently available, the week of March 16th and any day except Spring Break. PISD and WISD Spring Break is March 7 – 15.