

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
APRIL 21, 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 April 21, 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. Proclamation recognizing Asian/Pacific American Heritage Month.
- B. Presentation of financial report and investment report as of March 31, 2015.

6. CONSENT AGENDA

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

- A. Consider and take action, if any, on a Resolution approving an Interlocal Agreement with Collin County Governmental Purchasers Forum and authorizing the City Manager to execute such agreement.

7. INDIVIDUAL CONSIDERATION

- A. Consider and take action, if any, on the approval of a Resolution authorizing continued participation with the steering committee of cities served by Oncor; and authorizing the payment of 11 cents per capita to the steering committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC for 2015.
- B. Consider and/or act on the Final Plat Application of Beacon Hill Centre, LLC, located at the Northwest corner of F.M. Highway No. 544 and Heritage Parkway, subject to the execution and recording of the Sanitary Sewer Easement

Agreement as well as the Underground Stormwater Detention Facility Maintenance Agreement (Agenda Item 7.C.) and insertion of the associated Collin County Property Record Instrument Numbers on the Final Plat prior to recording of the Final Plat. Beacon Hill Centre, LLC is responsible for providing Final Plat mylars for signature, filing the Final Plat in the Collin County property records, and providing the City with an original filed Final Plat.

- C. Consider and/or act upon authorizing the City Manager to execute the Sanitary Sewer Easement Agreement as well as the Underground Stormwater Detention Facility Maintenance Agreement with Beacon Hill Centre, LLC.
- D. Consider and/or act on the Water Conservation Plan (Ordinance No. 14-09-982) and Water Resource and Emergency Management Plan (Ordinance No. 14-09-983) by approving May 1, 2015 as the effective date.
- E. Discussion on the 2015 Planning Session.

8. CITY MANAGER/STAFF REPORTS

- A. Timbers Nature Preserve
- B. South Maxwell Creek Parallel Trunk Sewer Line
- C. Betsy Lane Road Widening Project
- D. Keep Texas Beautiful Event held April 18, 2015
- E. Farmers Market held April 18, 2015
- F. Collin County Historical Event to be held April 25, 2015

9. EXECUTIVE SESSION

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

- A. §551.087 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. §551.072 To deliberate the purchase, exchange, lease, or value of real property, including fee simple and easements associated with Abstract A0579, Henry Maxwell Survey, Tract 33, 10.9065 acres (owned by 4 B&W Land LLC) and fee simple located at 309 McMillen Drive, Murphy and easements in the same

vicinity across Collin County CAD Identification Numbers 427390 and 2527842 (owned by Catherine M. Bailey).

- C. §551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter in regard to Safe Routes to School and Open Records Act and procedures.

10. RECONVENTE INTO REGULAR SESSION

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

- A. §551.087 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. §551.072 To deliberate the purchase, exchange, lease, or value of real property, including fee simple and easements associated with Abstract A0579, Henry Maxwell Survey, Tract 33, 10.9065 acres (owned by 4 B&W Land LLC) and fee simple located at 309 McMillen Drive, Murphy and easements in the same vicinity across Collin County CAD Identification Numbers 427390 and 2527842 (owned by Catherine M. Bailey).
- C. §551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter in regard to Safe Routes to School and Open Records Act and procedures.
- D. Take Action on any Executive Session Items.

11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on April 17, 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.

Proclamation

City of Murphy, Texas

“Asian/Pacific American Heritage Month”

WHEREAS, Asian Heritage Week was officially established by a Congressional proclamation in 1978; and

WHEREAS, in May 1990, the event was expanded to a month-long observance by President George H. W. Bush; and

WHEREAS, during the month of May, we commemorate the rich and diverse culture of Asian Americans and Pacific Islanders and recognize the more than 30 ethnic groups from Asia and the Pacific that are found in the United States; and

WHEREAS, we also honor the millions of Asian/Pacific Americans who, through their wisdom, diverse talents, courage and loyalty, have made this a stronger and greater nation; and

WHEREAS, Asian/Pacific American Heritage Month is a celebration of diversity and a time to embrace the unique value that can be found in all of us.

THEREFORE, I, Eric Barna, Mayor of the City of Murphy, do hereby proclaim May, 2015, as Asian/Pacific American Heritage Month

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of Murphy on this 21st day of April in the year 2015.



Eric Barna, Mayor

City of Murphy

City Council Meeting
April 21, 2015

Issue

Consider and take action, if any, on a Resolution approving an Interlocal Agreement with Collin County Governmental Purchasers Forum and authorizing the City Manager to execute such agreement.

Staff Resource/Department

Linda Truitt, Finance Director

Background

The City of Murphy is a member of the Collin County Governmental Purchasers Forum which allows the City to purchase items using Annual Contracts (bids) as prepared and bid by Collin County. The City has been a member of this Forum since March, 2005. This agreement will be highly beneficial to the taxpayers of Murphy through the anticipated savings to be realized by using the Forum to purchase goods and services.

Financial Considerations

N/A

Staff Recommendation

Approval of the resolution as presented.

Attachments

- 1) Resolution
- 2) Agreement
- 3) Letter from Collin County
- 4) List of entities of Collin County Governmental Purchasers Forum

RESOLUTION NO. 15-R-815

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF MURPHY, TEXAS, AND PARTICIPANTS IN THE COLLIN COUNTY GOVERNMENTAL PURCHASERS FORUM PROVIDING FOR A COOPERATIVE PURCHASING PROGRAM FOR GOODS AND SERVICES; DESIGNATING THE CITY MANAGER AS OFFICIAL REPRESENTATIVE OF THE CITY IN MATTERS RELATING TO THE PROGRAM; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a proposed Interlocal Agreement by and between the City of Murphy, Texas, and participants in the Collin County Governmental Purchasers Forum, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and,

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager, or his designee shall be authorized to execute it on behalf of the city of Murphy;

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

Section I. The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Murphy and found to be acceptable and in the best interest of the City of Murphy and its citizens, are hereby in all things approved.

Section II. The City Manager of the City of Murphy, under the direction of the City Council of the City of Murphy is hereby designated as the official representative to act for the City in all matter relating to the Cooperative Purchasing Program including the designation of specific contracts in which the City desires to participate.

Section III. The City Manager, or his designee, is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Murphy, substantially according to the terms and conditions set forth in the Agreement.

Section IV. This resolution shall become effective from and after its passage. Furthermore, any pervious Interlocal Agreements between the City of Murphy and other participants in this Forum shall be null and void upon passage of this document and this document shall become the valid agreement between the participants.

PRESENTED AND PASSED on this the 21st day of April, 2015.

Eric Barna, Mayor
City of Murphy, Texas

ATTEST:

Susie Quinn, City Secretary
City of Murphy, Texas

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney
City of Murphy, Texas

INTERLOCAL AGREEMENT

This agreement made and entered into this 21st day of April, 2015, by and between City of Murphy (hereinafter called “MURPHY”) and participants in the Collin County Governmental Purchaser’s FORUM, (hereinafter called “FORUM”) each acting by and through its duly authorized officials:

WHEREAS, MURPHY and the present FOURM participants are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function;

WHEREAS, MURPHY and FOURM wish to enter into an Interlocal Agreement pursuant to Chapter 791 of the Texas Government Code (hereinafter “Interlocal Cooperation Act”) to set forth the terms and conditions upon which MURPHY and FORUM may purchase various goods and services commonly utilized by each entity;

WHEREAS, participation in an interlocal agreement will be highly beneficial to the taxpayers of MURPHY and FORUM through the anticipated savings to be realized and is of mutual concern to the contracting parties;

WHEREAS, MURPHY and FORUM have current funds available to satisfy any fees owed pursuant to this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein; MURPHY and FORUM agree as follows:

1. MURPHY and FORUM may cooperate in the purchase of various goods and services commonly utilized by the participants, where available and applicable, and may purchase goods and services from vendors under present and future contracts;
2. MURPHY and FORUM shall each be individually responsible for payments directly to the vendor and for the vendor’s compliance with all conditions of delivery and quality of purchased items under such contracts. MURPHY and FORUM shall each make their respective payments from current revenues available to the paying party.
3. The Agreement shall be in full force and effect until terminated by either party;
4. Notwithstanding anything herein to the contrary, participation in this Agreement may be terminated by either party upon thirty (30) days written notice to another participating entity;
5. The undersigned officer and/or agents of the part(ies) hereto are duly authorized officials and possess the requisite authority to execute this Agreement on behalf of the parties hereto;
6. This Agreement may be executed separately by the participating entities, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

EXECUTED hereto on the day and year first above written.

Authorized Signature

STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, _____
by _____.

Notary Public in and for the
State of Texas



COLLIN COUNTY

Office of the Purchasing Agent
2300 Bloomdale Road
Suite 3160
McKinney, Texas 75071
www.collincountytx.gov

February 12, 2015

City of Murphy
206 N. Murphy Road
Murphy, Texas 75094

Re: Collin County Governmental Purchasers Forum Interlocal Agreement

Dear Forum Member:

The Interlocal Agreement on file with the Collin County Governmental Purchasers Forum has or will soon expire. To be eligible to piggyback off another entity's contract or participate in a Forum contract, the Forum must have an up to date Interlocal Agreement.

As coordinator for all original Collin County Governmental Purchasers Forum Interlocal Agreements, please provide Collin County with a current Interlocal Agreement as soon as possible. A copy of your previous Interlocal Agreement is enclosed for your review.

Should your entity no longer wish to participate in the Forum, please notify me in writing.

Please feel free to contact me directly at 972-548-4142, jbaxter@co.collin.tx.us, or 972-548-4694 (fax) should you have any questions.

Thank you in advance for your prompt response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Baxter".

Jennifer Baxter
Buyer I

Enclosure

COLLIN COUNTY GOVERNMENTAL PURCHASERS FORUM

OTHER ENTITIES

*Collin County
Purchasing Department*
2300 Bloomdale Road, Suite 3160
McKinney, TX 75071
Phone-972/548-4165
Metro-972/424-1460 x4165
Fax-972/548-4694
Website: www.collincountytx.gov

*Collin County Community College
Purchasing Department*
3452 Spur 399, Suite 367
McKinney, TX 75069
Phone-972/758-3871
Fax-972/377-1013
Website: www.collin.edu/purchasing

*Collin County Children's Protective
Services Board*
1912 Glenwick Drive
Plano, TX 75075
Phone-214/709-3361
Fax: 817/514-5211

*Collin County MHMR Life Path
Systems*
PO Box 828
McKinney, TX 75070
Phone-972/562-0190 x1146
Fax-972/562-3647
Website: www.lifepathsystems.org

*North Texas Tollway Authority
Procurement Services Department*
PO Box 260729
5900 W. Plano Parkway, Suite 100
Plano TX 75026
Phone 214/224-2495
Fax 972/930-3495
Website: www.ntta.org

*University of Texas-Dallas
Procurement Management*
800 W. Campbell Road AD34
Richardson, TX 75080-3021
Phone-972/883-2300
Fax-972/883-2348
Website:
www.utdallas.edu/procurement

CITIES/TOWNS

*City of Allen
Purchasing Department*
305 Century Parkway
Allen, TX 75013
Phone-214/509-4630
Fax-214/509-4675
Website : www.cityofallen.org

*City of Anna
PO Box 776
Anna, TX 75409
Phone-972/924-3325
Fax-972/924-2620
Website: www.annatexas.gov*

*City of Blue Ridge
City Secretary*
200 S. Main
Blue Ridge, TX 75424
972/752-5791
972/752-9160 Fax

*City of Carrollton
Purchasing Division*
PO Box 110535
Carrollton, TX 75011-0535
Phone-972/466-3115
Fax-972/466-3175
Website: www.cityofcarrollton.com

*City of Celina
Director of Finance*
142 N. Ohio
Celina, TX 75009
Phone-972/382-2682
Fax-972/382-3736
Website: www.celina-tx.gov

*City of Frisco
Purchasing Department*
6101 Frisco Square Blvd, 1st Floor
Frisco, TX 75034
Phone-972/292-5541
Fax: 972/292-5586
Website: www.friscotexas.gov

*Town of Fairview
Accounting Manager*
372 Town Place
Fairview, TX 75069
Phone-972/886-4241
Fax-972/548-0268
Website: www.fairviewtexas.org

*City of Garland
Purchasing Department*
200 North 5th Street
Garland, TX 75040
Phone-972/205-2415
Fax-972/205-2495
Website: www.ci.garland.tx.us/home

*City of Josephine
City Secretary*
PO Box 99
Josephine, Texas 75164-0099
Phone-972/843-8282
Fax-972/843-8377
Website: www.cityofjosephinetx.com

*City of Lucas
Finance Manager*
665 Country Club Road
Lucas, TX 75002
Phone-972/912-1203
Fax-972/727-0091
Website: www.lucastexas.us

*City of McKinney
Purchasing Department*
1550 S. College
McKinney, TX 75069
Phone-972/547-7580
Metro-972/562-6080 x7580
Fax-972/547-7585

*City of Murphy
Finance Director*
206 N. Murphy Rd
Murphy, TX 75028
Phone-972/468-4119
Web Site: www.murphytx.org

*City of Parker
Finance Manager*
5700 East Parker Rd
Parker, TX 75002
Phone-972/442-6811
Fax-972/442-2894
Website: www.parkertexas.us

*City of Plano
Purchasing Department*
PO Box 860358
Plano, TX 75086-0358
Phone-972/941-7136
Fax-972/461-6837
Website: www.plano.gov

*City of Princeton
Director Finance*
PO Box 970
Princeton, TX 75407
Phone-972/736-2416
Fax-972/734-2548

*Town of Prosper
Purchasing Agent*
121 W. Broadway
Prosper, TX 75078
Phone-972/569-1018
Website: www.prospertx.gov

*City of Richardson
Purchasing Department*
411 W. Arapaho Road
Richardson, TX 75080
Phone-972/744-4132
Fax-972/744-5808
Website: www.cor.net

*City of Sachse
Finance Department*
3815-B Sachse Road
Sachse, TX 75048
Phone-972/495-1212 Ext 4767
Fax-972/495-9356

*City of Wylie
Purchasing Department*
300 Country Club Road
Wylie, TX 75098
Phone-972/516-6140
Fax-972/516-6142
Website: www.wylietexas.gov

ISDs

*Allen ISD
Finance & Operations*
612 E. Bethany Drive
Allen, TX 75013
Phone-972/727-7114
Fax-972/727-7113
Website: www.allenisd.org

*Celina ISD
Superintendent*
205 S. Colorado
Celina, TX 75009
Phone-469/742-9100 Ext 1110
Fax-972/382-3607
Website: www.celinaisd.com

*Frisco ISD
Purchasing Department*
5515 Ohio Drive
Frisco, TX 75035
Phone-469/633-6381
Fax-469/633-6350
Website: www.friscoisd.org

*Lovejoy ISD
Director of Purchasing*
259 Country Club Road
Allen, TX 75002
Phone 469/742-8018
Fax-469/742-8074
Website: www.lovejoyisd.net

*McKinney ISD
Purchasing Department*
#1 Duvall Street
McKinney, TX 75069
Phone-469/302-4013
Fax-469/302-4139
Website: www.mckinneyisd.net

*Plano ISD
Purchasing Department*
6600 Alma Drive
Plano, TX 75025
Phone-469/752-0285
Fax-469/752-0281
Website:
<http://www.pisd.edu/about.us/purchasing/index.shtml>

*Princeton ISD
Deputy Superintendent*
321 Panther Parkway
Princeton, TX 75407
Phone-469/952-5400
Fax-972/736-3505
Website: www.princetonisd.net

*Richardson ISD
Director of Purchasing*
970 Security Row
Richardson, TX 75081
Phone-469/593-0560
Fax-469/593-0563
Website:
http://www.risd.org/group/departments/Purchasing_Department/PurchasingDepartment_main.asp

*Wylie ISD
Purchasing Department*
P.O. Box 490
Wylie, TX 75098 or
951 S Ballard Avenue
Wylie, TX 75098
Phone-972/429-3020
Fax-972/941-6020
Website: www.wylieisd.net

City Council Meeting
April 21, 2015

Issue

Consider and take action, if any, on the approval of a Resolution authorizing continued participation with the steering committee of cities served by Oncor; and authorizing the payment of 11 cents per capita to the steering committee to fund regulatory and legal proceedings and activities related to Oncor Electric Delivery Company, LLC for 2015.

Staff Resource/Department

Linda Truitt, Finance Director

Background

The City of Murphy, Texas is a member of a 153-member city coalition known as the Steering Committee of Cities Served by Oncor. The resolution approves the assessment of an eleven cent (\$0.11) per capita fee to fund the activities of the Steering Committee for 2015.

Why this Resolution is Necessary

The Steering Committee undertakes activities on behalf of municipalities for which it needs funding support from its members. Municipalities have original jurisdiction over the electric distribution rates and services within the city. The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s. Empowered by city resolutions and funded by per capita assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, ERCOT, the courts, and the Legislature on electric utility regulation matters for over two decades.

The Steering Committee is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Oncor Electric Delivery Company, LLC within the City. Steering Committee representation is also strong at ERCOT. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that the Steering Committee be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

The work undertaken by the Steering Committee has saved cities and ratepayers millions of dollars in unreasonable charges. In order to continue to be an effective voice before the Public Utility Commission of Texas ("Commission" or "PUC"), ERCOT, the Legislature, and in the courts, the Steering Committee must have your support. The membership assessment is deposited in an account which funds Steering Committee activities.

In 2014, Oncor's parent, EFH, filed for bankruptcy. The Steering Committee has been an active participant in that process seeking to ensure that ratepayers are not harmed. In addition, the Steering Committee remained involved in numerous rulemakings and projects at the PUC. The Steering Committee also participated in Oncor's Energy Efficiency Cost Recovery Factor ("EECRF") proceeding, which is the annual proceeding to determine the surcharge to fund the Commission's energy efficiency program.

City Council Meeting
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On December 11, 2014, the Steering Committee approved the 2015 assessment for Steering Committee membership. Based upon the population-based assessment protocol previously adopted by the Steering Committee, the assessment for 2015 is a per capita fee of \$0.11 based upon the population figures for each city shown in the latest TML Directory of City Officials.

Explanation of “Be It Resolved” Paragraphs

- I. The City is currently a member of the Steering Committee; this paragraph authorizes the continuation of the City’s membership.
- II. This paragraph authorizes payment of the City’s assessment to the Steering Committee in the amount of eleven cents (\$0.11) per capita, based on the population figure for the City as shown in the latest TML Directory of City Officials.
- III. This paragraph requires notification to the Chair of the Steering Committee, Paige Mims, that the City has adopted the Resolution.

Financial Considerations

The cities 2015 membership assessment is \$0.11 per population of 19,515 which equates to \$2,146.65 for FY 2015.

Staff Recommendation

Approval of the resolution as presented.

Attachments

- 1) Resolution for 2015 Assessment
- 2) Letter regarding 2015 Assessment
- 3) 2015 Assessment Invoice
- 4) 2015 Members
- 5) 2014 OCSC Year in Review

RESOLUTION NO. 15-R-817**A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF 11 CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.**

WHEREAS, the City of Murphy, Texas is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the city; and

WHEREAS, the Steering Committee has historically intervened in Oncor rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and

WHEREAS, the City is a member of the Steering Committee of Cities Served by Oncor; and

WHEREAS, the Steering Committee functions under the direction of an Executive Committee (whose current members are identified in Attachment 1) which sets an annual budget and directs interventions before state and federal agencies, courts and legislatures, subject to the right of any member to request and cause its party status to be withdrawn from such activities; and

WHEREAS, the Executive Committee in its December 2014 meeting set a budget for 2015 that compels an assessment of eleven cents (\$0.11) per capita; and

WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric utility service and the rates to be charged, it must assess its members for such costs.

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

SECTION 1. That the City is authorized to continue its membership with the Steering Committee of Cities Served by Oncor to protect the interests of the City of Murphy and protect the interests of the customers of Oncor Electric Delivery Company, LLC residing and conducting business within the City limits.

SECTION 2. The City is further authorized to pay its assessment to the Steering Committee of eleven cents (\$0.11) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.

SECTION 3. A copy of this Resolution and the assessment payment check made payable to “*Steering Committee of Cities Served by Oncor*” shall be sent to David Barber, Steering Committee of Cities Served by Oncor, c/o City Attorney’s Office, Mail Stop 63-0300, Post Office Box 90231, Arlington, Texas 76004-3231.

PRESENTED AND PASSED on this the 21st day of April 2015, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Murphy, Texas.

Eric Barna, Mayor
City of Murphy

ATTEST:

Susie Quinn, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney
City Attorney

Attachment 1
OCSC 2015 Executive Committee Members

Allen	Eric Ellwanger, Assistant to City Manager
Arlington	David Barber, Assistant City Attorney
Burkburnett	Trish Holley, Director of Administration
Carrollton	Elizabeth Horn, Assistant City Attorney
Cleburne	Kim Galvin, Director of Finance
Colleyville	Cathy Cunningham, City Attorney
Comanche	Ronnie Clifton, Mayor
Dallas	Nick Fehrenbach, Manager of Regulatory Affairs & Utility Franchising
Denison	Courtney Goodman-Morris, City Attorney
Ennis	Joel Welch, Director of Finance
Flower Mound	Christianne Price, Budget & Grants Manager
Fort Worth	Bridgette Garrett, Director of Budget & Management Services
Frisco	Ben Brezina, Assistant to City Manager
Grand Prairie	Don Postell, City Attorney
Irving	Carrie Morris, Assistant City Attorney
Lewisville	Phil Boyd, Consultant
Mansfield	Joe Smolinski, Director of Utility Operations
Mesquite	Cynthia Steiner, Assistant City Attorney
Odessa	Konrad Hildebrandt, Assistant City Manager
Plano	Mark Israelson, Director of Policy and Government Relations
Sherman	Brandon Shelby, City Attorney
The Colony	Gwen Mansfield, Assistant Finance Director
Tyler	Deborah G. Pullum, Assistant City Attorney
Waco	Jennifer Richie, City Attorney
Watauga	Greg Vick, City Manager
Waxahachie	Doug Barnes, Director of Economic Development

MEMORANDUM

TO: Steering Committee of Cities Served by Oncor

FROM: Paige Mims, Chair

DATE: March 4, 2015

RE: **Action Needed – 2015 Membership Assessment Invoice**

Enclosed please find the 2015 Steering Committee of Cities Served by Oncor (“Steering Committee”) membership assessment invoice and draft resolution. These items are discussed below. We ask that your city please take action on the membership assessment as soon as possible.

Although the Steering Committee does not require that your city take action by resolution to approve the assessment, some members have requested a resolution authorizing payment of the 2015 membership assessment. Payment of the membership assessment fee shall be deemed to be in agreement with the terms of the Steering Committee participation agreement.

Please forward the membership assessment fee and, if applicable, the signed resolution to David Barber, Steering Committee of Cities Served by Oncor, c/o City Attorney’s Office, Mail Stop 63-0300, Post Office Box 90231, Arlington, Texas 76004-3231. Checks should be made payable to: *Steering Committee of Cities Served by Oncor*. If you have any questions, please feel free to contact me at (972/941-7125) or Geoffrey Gay (ggay@lglawfirm.com, 512/322-5875) or Thomas Brocato (tbrocato@lglawfirm.com, 512/322-5857).

Membership Assessment Invoice and Resolution

The Steering Committee is the most active consumer group advocating the interests of cities and residential and small commercial customers within the cities to keep electric transmission and distribution (*i.e.*, wires) rates reasonable. Steering Committee activities protect the authority of municipalities over the regulated wires service and rates charged by Oncor Electric Delivery Company, LLC (“Oncor”).

The work undertaken by the Steering Committee has saved cities and ratepayers millions of dollars in unreasonable charges. In order to continue to be an effective voice before the Public Utility Commission of Texas (“Commission” or “PUC”), ERCOT, the Legislature, and in the courts, the Steering Committee must have your support. The membership assessment is deposited in an account which funds Steering Committee activities.

In 2014, Oncor’s parent, EFH, filed for bankruptcy. The Steering Committee has been an active participant in that process seeking to ensure that ratepayers are not harmed. In addition, the Steering Committee remained involved in numerous rulemakings and projects at the PUC. The Steering Committee also participated in Oncor’s Energy Efficiency Cost Recovery Factor (“EECRF”) proceeding, which is the annual proceeding to determine the surcharge to fund the Commission’s energy efficiency program.

On December 11, 2014, the Steering Committee approved the 2015 assessment for Steering Committee membership. Based upon the population-based assessment protocol previously adopted by the Steering Committee, the assessment for 2015 is a per capita fee of \$0.11 based upon the population figures for each city shown in the latest TML Directory of City Officials. The enclosed invoice represents your city's assessment amount.

To assist you in the assessment process, we have attached several documents to this memorandum for your use:

- OCSC 2014 Year in Review
- Model resolution approving the 2015 assessment (optional, provided for those cities that have requested a resolution to authorize payment)
- Model staff report supporting the resolution
- List of Steering Committee members
- 2015 Assessment invoice
- 2014 Assessment invoice and statement (only if not yet paid)
- Blank member contact form to update distribution lists

City of Arlington, c/o Oncor Cities Steering Committee

Attn: David Barber, Asst. City Attorney

Post Office Box 90231

MS # 63-0300

Arlington, TX 76004-3231

Invoice

Date	Invoice #
3/12/2015	15-101

Bill To
City of Murphy

Item	Population	Per capita	Amount
2015 Membership Assessment	19,515	0.11	2,146.65
Total			\$2,146.65

Please make check payable to: Oncor Cities Steering Committee and mail to Oncor Cities Steering Committee, c/o David Barber, Arlington City Attorney's Office, PO Box 90231, Mail Stop 63-0300, Arlington, Texas 76004-3231

STEERING COMMITTEE CITIES SERVED BY ONCOR (153)

Addison	Euless	Mesquite
Allen	Everman	Midland
Alvarado	Fairview	Midlothian
Andrews	Farmers Branch	Murchison
Anna	Fate	Murphy
Archer City	Flower Mound	Nacogdoches
Argyle	Forest Hill	New Chapel Hill
Arlington	Fort Worth	North Richland Hills
Azle	Frisco	Oak Leaf
Bedford	Frost	Oak Point
Bellmead	Gainesville	Odessa
Belton	Garland	O'Donnell
Benbrook	Glenn Heights	Ovilla
Beverly Hills	Grand Prairie	Palestine
Big Spring	Granger	Pantego
Breckenridge	Grapevine	Paris
Bridgeport	Haltom City	Plano
Brownwood	Harker Heights	Pottsboro
Buffalo	Haslet	Prosper
Burkburnett	Heath	Ranger
Burleson	Henrietta	Rhome
Caddo Mills	Hewitt	Richardson
Cameron	Highland Park	Richland Hills
Canton	Honey Grove	River Oaks
Carrollton	Howe	Roanoke
Cedar Hill	Hurst	Robinson
Celina	Hutto	Rockwall
Centerville	Iowa Park	Rosser
Cleburne	Irving	Rowlett
Coahoma	Jolly	Sachse
Colleyville	Josephine	Saginaw
Collinsville	Justin	Sansom Park
Comanche	Kaufman	Seagoville
Commerce	Keller	Sherman
Coppell	Kerens	Snyder
Copperas Cove	Killeen	Southlake
Corinth	Krum	Springtown
Crowley	Lake Worth	Stephenville
Dallas	Lakeside	Sulphur Springs
Dalworthington Gardens	Lamesa	Sunnyvale
DeLeon	Lancaster	Sweetwater
De Soto	Lewisville	Temple
Denison	Lindale	Terrell
Duncanville	Little Elm	The Colony
Early	Little River Academy	Trophy Club
Eastland	Malakoff	Tyler
Edgecliff Village	Mansfield	University Park
Ennis	McKinney	Venus

Waco
Watauga
Waxahachie
Westover Hills
White Settlement
Wichita Falls
Willow Park
Woodway
Wylie

Steering Committee of Cities Served by Oncor

2014 Year in Review



Steering Committee membership:

This past year was a busy one for the Steering Committee of Cities Served by Oncor (“OCSC”). With the Texas Legislature soon to be in session, things are only going to ramp up in 2015. This annual review highlights the significant events of 2014 that impacted OCSC and what’s on the horizon this year.

Sincerely,

Paige Mims, OCSC Chair

Significant Events of 2014

PUC PROJECT NO. 41622 – RULEMAKING TO PROPOSE NEW RULE 25.245 RELATING TO RECOVERY OF EXPENSES FOR RATEMAKING PROCEEDINGS

At its July 10 Open Meeting, the Public Utility Commission (“PUC” or “Commission”) adopted new rules governing the recoverability of utility and municipal rate case expenses proposed in Project No. 41622. Pursuant to amendments offered by Commissioner Donna Nelson, parties are now required to track fees and expenses by issue. This effort will add to the time and effort involved in litigating a rate case, which will in turn increase rate case expenses.

Additionally, the new rule gives the ability of the examiner or Commission to make disallowances of rate case expenses based on the extent to which a

party was unsuccessful in winning issues rather than the totality of issues argued by a party.

The rules were adopted despite concerns that it would be difficult to distinguish the amount of time spent on a particular issue when there are multiple issues in a particular case. To address this concern, the Commissioners asked for language in the Preamble giving adequate room to make reasonable allocations, stating that “Commission sense has to prevail.”

EFH BANKRUPTCY CONTINUES – SALE OF ONCOR

For years, Energy Future Holdings Corp. (“EFH”) has been struggling to manage its massive \$40 billion debt. But in April of 2014, it finally threw in the towel and filed for Chapter 11 Bankruptcy. With many creditor agreements in place, EFH officials had hoped for a quick 11-month proceeding in bankruptcy court that would end with EFH’s subsidiaries, including Oncor, being split up between creditors. However, multiple delays largely due to the sale of Oncor, have prolonged the process.

With over \$330 million in profits in 2013 and solid ring fence protection from the bankruptcy, Oncor has been seen as EFH’s most valuable asset. In April, Oncor was poised to be taken over by a creditors’ group led by Hunt Consolidated and the Teacher Retirement System of Texas but Florida-based power company NextEra Energy upset that deal by placing its own \$18 billion bid on the transmission company. In August, EFH decided to open up bidding to the public in hopes of extracting an even higher bid. Reportedly, CenterPoint Energy and Berkshire Hathaway, along with

Hunt and NextEra, have expressed interest and signed up to review confidential financial information on Oncor.

The first round of bidding was originally scheduled to close October 23, with the final auction to take place in February 2015 but the auction has faced multiple delays. Most recently, in November, U.S. Bankruptcy Court Judge Christopher Sontchi ruled that EFH must change the way its affiliates approve of the Oncor sale plan. Although Judge Sontchi did not set a timeline, he said the bidding process must now involve two official creditors’ committees and the timeline should be extended to allow for the development of alternative deals, which will likely delay the auction a couple of months. Going forward, the Oncor sale is dependent on EFH’s confirmation of a plan of reorganization, which it expects to do by the end of 2015.

OCSC will continue to closely monitor the EFH bankruptcy and will participate in any arising proceedings to protect its membership and ensure no negative consequences result for Oncor’s customers.

ONCOR BATTERY PROPOSAL

Oncor Electric Delivery Company, LLC (“Oncor”) ended the year with a bang by surprising the energy world with a proposal to invest up to \$5.2 billion in grid-connected battery storage. The investment would potentially add up to five gigawatts (GW) of storage capacity, enough electricity to power 1.5 million Texas homes on a hot summer day, to back up Oncor’s transmission and distribution network.

During the deregulation of the electricity market in 1999, Texas lawmakers adopted a law that prevents transmission companies from selling electricity on the wholesale market. Oncor claims the implementation of its plan depends on changing this law. According to a report published by The Brattle Group, a consulting group hired by Oncor to analyze the impact of the potential multi-billion dollar investment, neither a transmission company nor a generator could make the battery economics work under the current laws. To be economical, a company would need to tap cost savings on both ends. The Brattle Group reports that “approximately 30% to 40% of the total system-wide benefits of storage investments are associated with reliability, transmission, and distribution functions that are not reflected in wholesale market prices.” The Brattle Group recommends that the state legislature change the law to allow transmission providers to “auction off” the market value of battery storage to wholesalers. In Oncor’s eyes, this would maintain the separation between generation and transmission companies while allowing both sides to share the full system-wide benefits and making the investment feasible.

Oncor’s proposal will most certainly face opposition and, indeed, is already receiving pushback from its sister companies, TXU Energy and Luminant. The retail electricity provider and power generator, owned together with Oncor by Energy Future Holdings (“EFH”), issued a joint statement saying that while they support battery technology on the electric grid, they do not



want customers paying for it. The energy giants voiced concern that such a move would “shift risk to ratepayers and undermine the competitive market.” According to them, “batteries act like generation resources so they should remain part of the competitive market, which can better handle and appropriately price battery technology risks.”

Risk factors include Oncor’s assumption that battery prices will continue to fall. Oncor’s plan presumes that the cost of lithium-ion storage batteries will drop to half of today’s cost within the next seven or eight years, making battery storage a cheaper way to provide grid stability and prevent power outages than large-scale renovation of Texas’ electric infrastructure. Oncor says it will work with Tesla Motors to supply the batteries from its planned gigafactory in Nevada, which Tesla claims will have gigawatts’ worth of grid-ready storage systems by 2018, when Oncor hopes to start deployment.

Oncor touts the lowering of consumer electric bills as one of the benefits of its behemoth battery storage plan. However, The Brattle Group reports that deploying up to 5 GW of battery storage could shave just 34 cents off an average household bill of \$176 per month.

Oncor has started a lobbying effort but, reportedly, does not expect to get legislation passed this upcoming session. Nevertheless, we expect battery storage to be a much-discussed item during the session and a hot topic in 2015.



APPEALS COURT ISSUES OPINION IN ONCOR'S 2008 RATE CASE



On August 6, after over three years, the Third Court of Appeals issued its opinion in *State of Texas' Agencies and Institutions of*

Higher Learning, et al. v. Public Utility Commission of Texas, et al., Cause No. 03-11-00072-CV – the appeal of Oncor's 2008 rate case, PUC Docket No. 35717, *Application of Oncor Electric Delivery Company, LLC for Authority to Change Rates*. Twelve issues were raised in the appeal, but two were of particular interest to and were argued by Cities: (1) Consolidated Tax Savings Adjustment (CTSA) and (2) Franchise Fees.

Agreeing with Cities, the appellate court held that the district court erred in determining that Oncor was not a member of an affiliated group eligible to file a consolidated return under Public Utility Regulatory Act ("PURA") § 36.060 and remanded the issue to the Commission for recalculation of the CTSA. Likewise, the Third Court of Appeals concluded that Oncor did not meet its burden of proving that it had franchise fee agreements in effect on September 1, 1999 that had since expired.

In addition to these important issues, the court reversed the district court's ruling regarding the university discount, affirming the Commission's

decision that Oncor provides services to retail electric providers, but does not provide electric service to state universities. The court also found that Oncor's investment in automated meters that did not comply with the technical specifications established by the PUC was prudent. Finally, the court affirmed the PUC's decision regarding incentive-compensation and Oncor's reimbursement of municipalities' regulatory expenses, both overruling Oncor.

Oncor filed a Motion for Rehearing on all issues and on December 4, the court withdrew its August opinion and issued a new opinion granting Oncor's motion regarding a university discount but denying the rest. Consistent with Oncor's motion, the court reversed and determined that Oncor is not required to provide state colleges and universities the discount outlined in PURA § 36.351. However, the court maintained its original position on the other issues and once again reversed and remanded the issues of the CTSA and franchise fees to the PUC and affirmed the district court's judgment in all other respects.

Parties are expected to appeal this opinion further to the Texas Supreme Court. Petitions for Review are due on February 19, 2015.

PUC PROJECT NO. 42330 – RULEMAKING RELATING TO DISCOVERY LIMITATIONS



In October, the PUC approved a Proposal for Publication in Project No. 42330 in order to receive comments on a proposal to require that, for all rate proceedings, a discovery control

plan be established by an order entered by the presiding officer of the Commission.

The rules, proposed by PUC staff, would prescribe specific discovery limitations on requests for information, requests for admission, and deposition by oral examination, while affording the presiding officer latitude in granting requests for additional discovery upon a showing of good cause. Modifications by the presiding officer or the Commission would also be authorized upon the occurrence of certain events. In

addition, PUC staff would be exempted from the discovery limitations.

Initial comments were due at the beginning of December and 16 parties, including OCSC, filed comments and requested a public hearing to be held before the Commission decides whether to adopt the new rule. OCSC's comments expressed concern regarding the necessity of the proposed rule, given that the majority of rate cases since 2002 have settled, and noted that the limitations proposed in the rule would harm the scrutiny given to utilities' rate filings. Parties filed reply comments at the end of December and OCSC reiterated the recommendation that the rule extend the circumstance-specific discovery control plan approach set for comprehensive base rate cases to all PUC ratemaking proceedings. OCSC will continue to participate in this rulemaking as it continues in 2015.

What to Expect in 2015?

2015 LEGISLATIVE AGENDA

The 84th Texas Legislature begins January 13, 2015 and runs through June 1, 2015. OCSC representatives have spent the past year actively preparing a full agenda and are hopeful the session will prove successful.

As in the past, this session's agenda is primarily focused on defensive issues. OCSC will oppose piecemeal ratemaking efforts to the extent that they reduce the ability of cities and the Commission to effectively fulfill their regulatory functions and will oppose any effort to reduce or eliminate cities' original jurisdiction in rate cases. Additionally, OCSC will defend cities against legislation that would erode franchise fee payments or cities' position on utility relocations.

Proactively, OCSC will promote legislation that would require a standard offer deal among retail electric providers ("REPs") to enhance competition

and consumer satisfaction during the REP selection process. OCSC is also pursuing the possibility of legislation that would allow cities to utilize electric transmission rights of way for hike and bike trails by limiting the liability of utilities for accidents within transmission corridors. Additionally, OCSC will renew last session's effort of promoting private/public partnerships to develop small scale generation projects.

Please keep in mind that this is a working agenda and is subject to additional research and evaluation as the session progresses. If there are any other issues that you would like to see added to the agenda, please feel free to contact us at any point.



2015 OCSC QUARTERLY MEETING SCHEDULE

Thursday, April 2

Thursday, June 25

Thursday, September 17

Thursday, December 17

Questions?

For questions or concerns regarding any OCSC matter or communication, please contact the following representatives, who will be happy to provide assistance:

Geoffrey Gay
512-322-5875
ggay@lglawfirm.com

Thomas Brocato
512-322-5857
tbrocato@lglawfirm.com



Lloyd Gosselink Rochelle and Townsend, P.C.
816 Congress Avenue Suite 1900
Austin, Texas 78701

**City Council Meeting
April 21, 2015**

Issue

Consider and/or act on the Final Plat Application of Beacon Hill Centre, LLC, located at the Northwest corner of F.M. Highway No. 544 and Heritage Parkway, subject to the execution and recording of the Sanitary Sewer Easement Agreement as well as the Underground Stormwater Detention Facility Maintenance Agreement (Agenda Item 7.C.) and insertion of the associated Collin County Property Record Instrument Numbers on the Final Plat prior to recording of the Final Plat. Beacon Hill Centre, LLC is responsible for providing Final Plat mylars for signature, filing the Final Plat in the Collin County property records, and providing the City with an original filed Final Plat.

Summary

On August 6, 2013, the City Council approved the Construction Plat for Beacon Hill Development contingent upon the Applicant addressing outstanding issues related to the underground detention pond and sanitary sewer serving the property to the north before approval of the Final Plat. The proposed Sanitary Sewer Easement Agreement as well as the Underground Stormwater Detention Facility Maintenance Agreement with Beacon Hill Centre, LLC on today's agenda (Agenda item 7.C) resolve the outstanding concerns related to the Construction Plat.

Board Discussion/Action

The Planning and Zoning Commission reviewed the Construction Plat on July 22, 2013.

The City Council approved the Construction Plat on August 6, 2013.

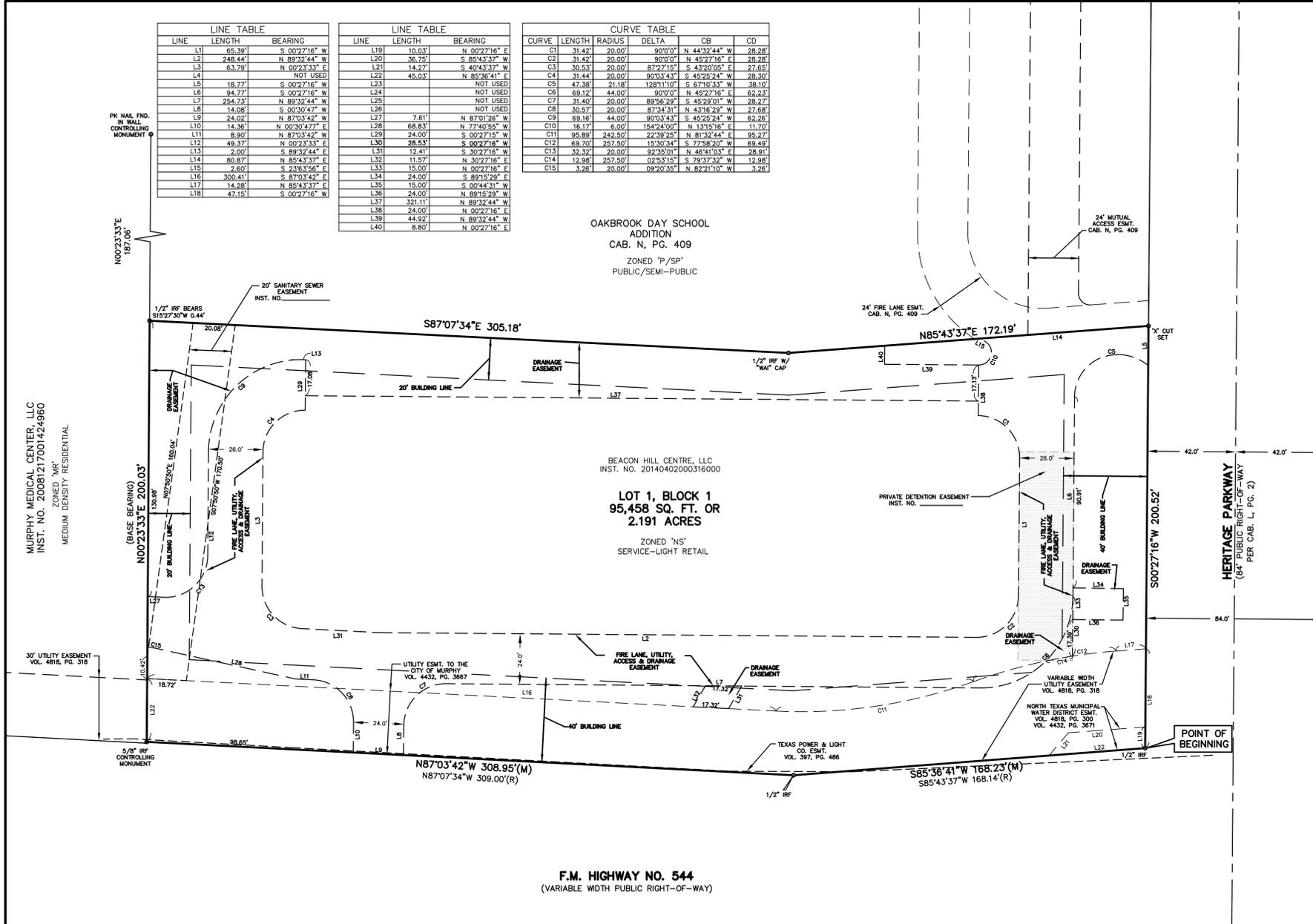
Considerations

Staff recommends approving the Final Plat as proposed with the following contingencies:

1. Prior to recording of the Final Plat, the Sanitary Sewer Easement Agreement as well as the Underground Stormwater Detention Facility Maintenance Agreement (Agenda Item 7.C.) be executed and recorded and insert the associated Collin County Property Record Instrument Numbers on the Final Plat.
2. Beacon Hill Centre, LLC is responsible for providing Final Plat mylars for signature, filing the Final Plat in the Collin County property records, and providing the City with an original filed Final Plat.

Attachments

Final Plat



STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS Beacon Hill Centre, LLC is the sole owner of that certain 2.191 acre tract of land situated in the Mary Scott Survey, Abstract No. 859, City of Murphy, Collin County, Texas, and being all that certain tract of land to Beacon Hill Centre, LLC, by Instrument No 20140402000316000, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the southeast corner of said Beacon Hill tract, same being the intersection of the north right-of-way line of F.M. 544 with the west right-of-way line of Heritage Parkway (an 84' right-of-way);

THENCE along the common line of said Beacon Hill tract and the north right-of-way line of said F.M. 544 as follows:

South 85 deg. 36 min. 41 sec. West, a distance of 168.23 feet to a 1/2 inch iron rod found for an angle point;

North 87 deg. 03 min. 42 sec. West, a distance of 308.95 feet to a 5/8 inch iron rod found for the southwest corner of said Beacon Hill tract, same being the southeast corner of that certain tract of land to Murphy Medical Center, LLC, by deed recorded in Instrument No. 20081217001424960, said Official Public Records;

THENCE North 00 deg. 23 min. 33 sec. East (basis of bearings), along the common line of said Beacon Hill tract, and said Murphy Medical Center tract, a distance of 200.03 feet to a point from which a 1/2 inch iron rod found bears South 15 deg. 27 min. 30 sec. West, 0.44 foot for the northwest corner of said Beacon Hill tract, same being the southwest corner of Oakbrook Day School Addition, an addition to the City of Murphy, Collin County, Texas, according to the plat thereof recorded in Cabinet N, Page 409, Plat Records, Collin County, Texas;

THENCE along the common line of said Beacon Hill tract, and said Oakbrook Day School Addition as follows:

South 87 deg. 07 min. 34 sec. East, a distance of 305.18 feet to a 1/2 inch iron rod found with "WAI" cap for an angle point;

North 85 deg. 43 min. 37 sec. East, a distance of 172.19 feet to a point for the northeast corner of said Beacon Hill tract, same being the southeast corner of said Oakbrook Day School Addition, same being in the west right-of-way line of aforesaid Heritage Parkway;

THENCE South 00 deg. 27 min. 16 sec. West, along the common line of said Beacon Hill tract, and the west right-of-way line of said Heritage Parkway, a distance of 200.52 feet to the POINT OF BEGINNING and containing 95,458 square feet or 2.191 acres of computed land, more or less.

Fire Lanes:

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

Access Easements:

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

FLOOD CERTIFICATE

As determined by the FLOOD INSURANCE RATE MAPS for Collin County, the subject property Does Not appear to lie within a Special Flood Hazard Area (100 Year Flood), Map date 06/02/09 Community Panel No. 48085C0395J subject lot is located in Zone 'X'.

If this site is not within an identified flood hazard area, this Flood Statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Flood Statement shall not create liability on the part of the Surveyor.

FINAL PLAT
Approved by the City of Murphy for filing at the office of the County Clerk of Collin County, Texas.

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

Signature of Chairperson Date of Recommendation

APPROVED BY: City Council
City of Murphy, Texas

Signature of Mayor Date of Approval

ATTEST:

City Secretary Date Date

PROPERTY OWNER'S CERTIFICATE:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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

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

WITNESS, my hand, this the ___ day of _____, 2015.

By: Beacon Hill Centre, LLC
Masoud E. Najari, President

Jacqueline T. Nguyen, Vice President

STATE OF TEXAS*
COUNTY OF _____*

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Masoud E. Najari, President of Beacon Hill Centre, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ___ day of _____, 2015.

Notary Public in and for the State of Texas

STATE OF TEXAS*
COUNTY OF _____*

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Jacqueline T. Nguyen, Vice President of Beacon Hill Centre, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this ___ day of _____, 2015.

Notary Public in and for the State of Texas

KNOW ALL MEN BY THESE PRESENTS:

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

PRELIMINARY: NOT TO BE RELEASED
Registered Public Land Surveyor
Registration No. 6122

STATE OF TEXAS*
COUNTY OF TARRANT*

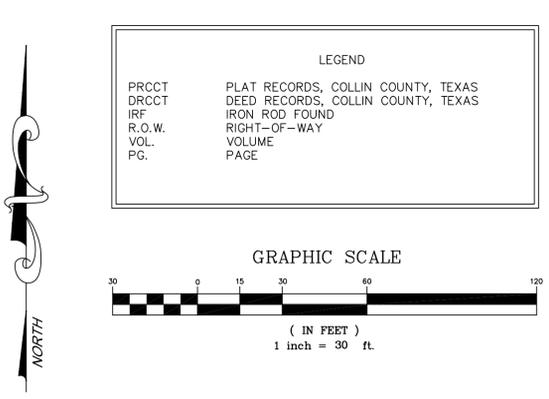
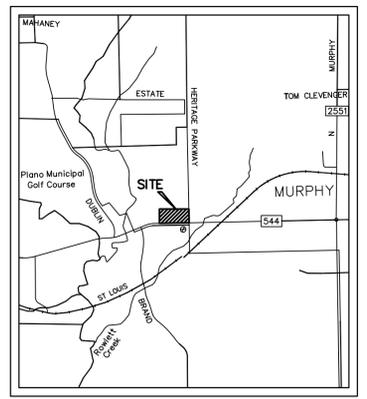
Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Timothy R. Mankin, Registered Public Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for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

Given under my hand and seal of office, this ___ day of _____, 2015.

Notary Public in and for the State of Texas

My Commission Expires On: 8/15/2016

PRIVATE DETENTION EASEMENT
SUBJECT TO AGREEMENT BETWEEN
OWNER AND CITY OF MURPHY
RECORDED AS
OWNER SHALL INSPECT AND MAINTAIN
UNDERGROUND DETENTION FACILITY IN
ACCORDANCE WITH AGREEMENT.
(HATCHED AREA)



- NOTES:
1. IRF - Iron Rod Found
 2. IRS - Iron Rod Set w/ Peiser Surveying red plastic cap
 3. Basis of Bearing - Based on the west line (North 00 deg. 23 min. 33 sec. East) of that certain tract of land to Masoud E. Najari and Jacqueline T. Nguyen, by Instrument No 20061229001828230, Official Public Records, Collin County, Texas.
 4. NOTICE: Selling a portion of this addition by metes and bounds is a violation of City ordinance and State law, and is subject to fines and withholding of utilities and building permits.
 5. The purpose of this plat is to Plat a tract of land and easements for development.

OWNER:
Beacon Hill Centre, LLC
Masoud E. Najari, President
Jacqueline T. Nguyen, Vice President
6346 Shady Oaks drive
Frisco, Texas 75034-7235

JOB NO.:	13-0101		PEISER & MANKIN SURVEYING, LLC www.peisersurveying.com
DATE:	04/06/2015		
REV:			
SCALE:	1" = 30'	623 E. DALLAS ROAD GRAPEVINE, TEXAS 76051 817-481-1806 (O) 817-481-1809 (F)	COMMERCIAL RESIDENTIAL BOUNDARIES TOPOGRAPHY MORTGAGE
DRAWN:	T.R.M.	FIRM NO: 100999-00	Member Since 1977
CHECKED:	J.B.W.		

City Council Meeting
April 21, 2015

Issue

Consider and/or act upon authorizing the City Manager to execute the Sanitary Sewer Easement Agreement as well as the Underground Stormwater Detention Facility Maintenance Agreement with Beacon Hill Centre, LLC.

Summary

The proposed Final Plat for Beacon Hill Development is on today's Council Agenda (Agenda item 7.B). After approval of the Construction Plat for Beacon Hill Development, the development staff team met with the Applicant on numerous occasions to discuss sewer and stormwater detention on the site and other requirements of development. The staff and Applicant negotiated a Sanitary Sewer Easement Agreement as well as the Underground Stormwater Detention Facility Maintenance Agreement to assign the Applicant's responsibility related to specific infrastructure within Beacon Hill Development.

Background/History

When Council approved the Construction Plat for this development, the approval was contingent upon the Applicant documenting the ongoing maintenance obligation for the detention pond and addressing the existing private sewer line serving the Oakbrook Day School located north of Beacon Hill Development.

Staff Recommendation

Staff recommends approving the construction plat and related construction plat documents as proposed.

Attachments

Sanitary Sewer Easement Agreement
Underground Stormwater Detention Facility Maintenance Agreement

After Recording Return To:
Jackson Walker, LLP
901 Main Street
Suite 6000
Dallas, Texas 75202
ATTN: William S. Dahlstrom

SANITARY SEWER EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (this “Agreement”) is made as of the ___ day of _____, 2015, between BEACON HILL CENTRE, LLC, a Texas limited liability company (“Owner”), and the City of Murphy, Texas (the “City”).

RECITALS

WHEREAS, Owner is owner of that certain 2.191 acre parcel of land described more fully in Exhibit “A” which is attached hereto for all purposes (the “Property”); and

WHEREAS, an eight-inch sanitary sewer line servicing the use on the land contiguous with the Property’s north boundary traverses the Property in a north-south direction (the “Sanitary Sewer Line”); and

WHEREAS, the Sanitary Sewer Line exists within the Property; and

WHEREAS, the Sanitary Sewer Line is in need of repair; and

WHEREAS, the City requests Owner to provide an easement for the Sanitary Sewer Line; and

WHEREAS, Owner is agreeable to provide an easement for the Sanitary Sewer Line under the conditions set forth herein;

NOW THEREFORE, in consideration of mutual benefits and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Incorporation of Recitals. The recitals set forth above, the documents referred to therein, and the exhibits attached hereto are hereby incorporated herein by reference as if set forth in full in the body of this Agreement.
2. Grant. Owner, for the consideration and subject to the Special Provisions (defined below) and other matters stated herein, grants, sells and conveys to the City a twenty (20) foot nonexclusive Sanitary Sewer Easement (the “Sanitary Sewer Easement”), as is shown in more detail on Exhibit “B” attached hereto, and shall be dedicated by Owner to the City and depicted on Owner’s final plat, over, upon and across the Property, to have and to hold the Sanitary Sewer Easement forever.

3. Special Provisions. Owner’s grant of the Sanitary Sewer Easement is made subject to the following special conditions (referred to herein collectively as the “Special Provisions”):
 - a. The width of the Sanitary Sewer Easement shall be no greater than ten (10) feet on either side of the centerline shown on Exhibit “B” attached hereto.
 - b. The Sanitary Sewer Easement shall be used by the City solely for the Sanitary Sewer Line unless otherwise agreed to in writing by Owner. No additional sanitary sewer lines may be installed in the Sanitary Sewer Easement.
 - c. The location and size of the Sanitary Sewer Easement shall be as shown on the plan attached hereto for all purposes as Exhibit “B”.
 - d. The City will allow Owner to connect Owner’s improvements to the Sanitary Sewer Line with no tap fee charged to Owner; provided, however, Owner acknowledges that all additional connections to the Sanitary Sewer Line by Owner thereafter will be subject to, and in accordance with, all applicable City regulations.
 - e. The Sanitary Sewer Line will not increase in size.
 - f. The City, at its sole cost, will within a reasonable time either make repairs to the Sanitary Sewer Line, which are currently needed, or pay for a utility contractor to make such repairs while construction on the Property occurs.
 - g. All future repairs to the Sanitary Sewer Line shall be made, or caused, by the City at no cost or expense to Owner.
 - h. After accessing the Sanitary Sewer Easement or Sanitary Sewer Line for any purpose, the City shall, at no cost or expense to Owner, return the Property, and any to the same or better condition as immediately before the access occurred, save and except for reasonable saw cut lines.
 - i. Owner reserves, for itself and its successors and assigns, the right to enter upon and use any portion of the Sanitary Sewer Easement for reasonable purposes that do not materially interfere with the rights granted to the City hereunder.
 - j. Owner reserves to Owner and Owner's successors and assigns all mineral interests currently owned by Owner in, on and under and that may be produced and saved from the Sanitary Sewer Easement or acreage pooled or unitized therewith, and the full and exclusive executive rights to execute leases in connection therewith, provided such production, leases and exercise of such rights shall in no way interfere with or interrupt the use or enjoyment of the Sanitary Sewer Easement by the City for the rights granted to the City hereunder.
 - k. Owner is not responsible for the operation, maintenance or liability of the Sanitary Sewer Line.
 - l. This conveyance is made by Owner and accepted by the City.

4. Acceptance; AS-IS; NO WARRANTY. In consideration of the conveyance of the Sanitary Sewer Easement and the herein stated obligations of Owner, the City hereby accepts the Sanitary Sewer Easement and permits Owner to connect to the Sanitary Sewer Line, subject to the Special Provisions set forth above and any and all existing easements, covenants, rights-of-way, conditions, restrictions, outstanding mineral interests and royalty interests and all other matters of record, if any, affecting the Sanitary Sewer Easement, to the extent, and only to the extent, that the same are valid, in force and effect, and either shown of record in the office of the County Clerk of the County in which any part of the Sanitary Sewer Easement is located, or that may be visually apparent on the Sanitary Sewer

Easement as of the date hereof. FURTHER, BY ACCEPTANCE OF SANITARY SEWER EASEMENT, THE CITY ACCEPTS THE SANITARY SEWER EASEMENT ON AN AS-IS, WHERE IS AND WITH ALL FAULTS BASIS, WITHOUT ANY REPRESENTATIONS, WARRANTIES OR COVENANTS, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE, BY OWNER.

5. Notices. Notices required by this Agreement shall be in writing and effective upon the earlier of actual receipt when delivered by any means or within five (5) days after deposited, certified mail with return receipt requested, with the U.S. Postal Service.
Notice to the City shall be to: Notice to Owner shall be to:

City Manager
 206 North Murphy Road
 Murphy, TX 75094
 972-468-4000

170 E. FM 544, Suite 100
 Murphy, Texas 75094
 Attn.: Masoud E. Najari

6. Amendments. This Agreement may not be altered, modified, amended or terminated except by an instrument in writing duly executed by the parties then bound by this Agreement and in recordable form, which shall be recorded promptly and the expense thereof shall be borne equally by all parties then bound hereunder.Headings. The headings used in this Agreement are for convenience and reference only and are not a part of this Agreement and do not in any way control, define, limit, or add to the terms, covenants, conditions and provisions hereof.Governing Law. This Agreement shall be construed, interpreted and governed by the laws of the State of Texas.Binding Effect. This Agreement shall be recorded and be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns. Entire Agreement. This Agreement contains the entire agreement among the parties hereto with respect to the subject matter hereof, and there are no other terms, conditions, provisions, understandings, statements, or representations, express or implied, concerning the subject matter hereof.Liens. The City shall keep the Sanitary Sewer Easement, and the Property, free and clear of all mechanics' and materialman's liens filed by anyone claiming by, through or under the City. If any such lien or claim is filed by anyone claiming by, through or under the City, the City shall, at its sole cost and expense, cause the lien to be released or bonded around in accordance with the Texas Property Code on or before sixty (60) days after it receives written notice of the filing.

12. Severability. To the extent that any clause or provision is held illegal, invalid, or unenforceable under present or future law effective during the term of this Agreement, then the remainder of this Agreement is not affected by the law, and in lieu of any illegal, invalid, or unenforceable clause or provision, a clause or provision, as similar in terms to the illegal, invalid, or unenforceable clause or provision as may be possible and be legal, valid, and enforceable, will be added to this Agreement automatically.

13. Waiver of Sovereign Immunity. To the extent permitted by applicable law, but expressly limited to the extent necessary to enforce Owner's claim for specific performance, the City hereby waives its sovereign immunity to which it may be entitled for the purposes of enforcement of City's obligations under this Agreement.

[Signatures on Following Page]

WITNESS the following signatures of the duly authorized representatives of the parties to this Agreement:

OWNER:

BEACON HILL CENTRE, LLC, a Texas limited liability company

By: Masoud E. Najari, Member

STATE OF TEXAS §
 §
COLLIN COUNTY §

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Masoud E. Najari, Member of Beacon Hill Centre, LLC, a Texas limited liability company, on behalf said company.

Notary Public, State of Texas

CITY:

James Fisher, City Manager

STATE OF TEXAS §
 §
COLLIN COUNTY §

5The foregoing instrument was acknowledged before me this _____ day of _____ 2015, by James Fisher, City Manager of the City of Murphy, Texas, on behalf of the City.

Notary Public, State of Texas

EXHIBIT A
THE PROPERTY

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS Masoud E. Najari and Jacqueline T. Nguyen are the sole owners of that certain 2.191 acre tract of land situated in the Mary Scott Survey, Abstract No. 859, City of Murphy, Collin County, Texas, and being all that certain tract of land to Masoud E. Najari and Jaqueline T. Nguyen, by Instrument No 20061229001828230, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the southeast corner of said Najari and Nguyen tract, same being the intersection of the north right-of-way line of F.M. 544 with the west right-of-way line of Heritage Parkway (an 84' right-of-way);

THENCE along the common line of said Najari and Nguyen tract and the north right-of-way line of said F.M. 544 as follows:

South 85 deg. 36 min. 41 sec. West, a distance of 168.23 feet to a 1/2 inch iron rod found for an angle point;

North 87 deg. 03 min. 42 sec. West, a distance of 308.95 feet to a 5/8 inch iron rod found for the southwest corner of said Najari and Nguyen tract, same being the southeast corner of that certain tract of land to Murphy Medical Center, LLC, by deed recorded in Instrument No. 20081217001424960, said Official Public Records;

THENCE North 00 deg. 23 min. 33 sec. East (basis of bearings), along the common line of said Najari and Nguyen tract, and said Murphy Medical Center tract, a distance of 200.03 feet to a point from which a 1/2 inch iron rod found bears South 15 deg. 27 min. 30 sec. West, 0.44 foot for the northwest corner of said Najari and Nguyen tract, same being the southwest corner of Oakbrook Day School Addition, an addition to the City of Murphy, Collin County, Texas, according to the plat thereof recorded in Cabinet N, Page 409, Plat Records, Collin County, Texas;

THENCE along the common line of said Najari and Nguyen tract, and said Oakbrook Day School Addition as follows:

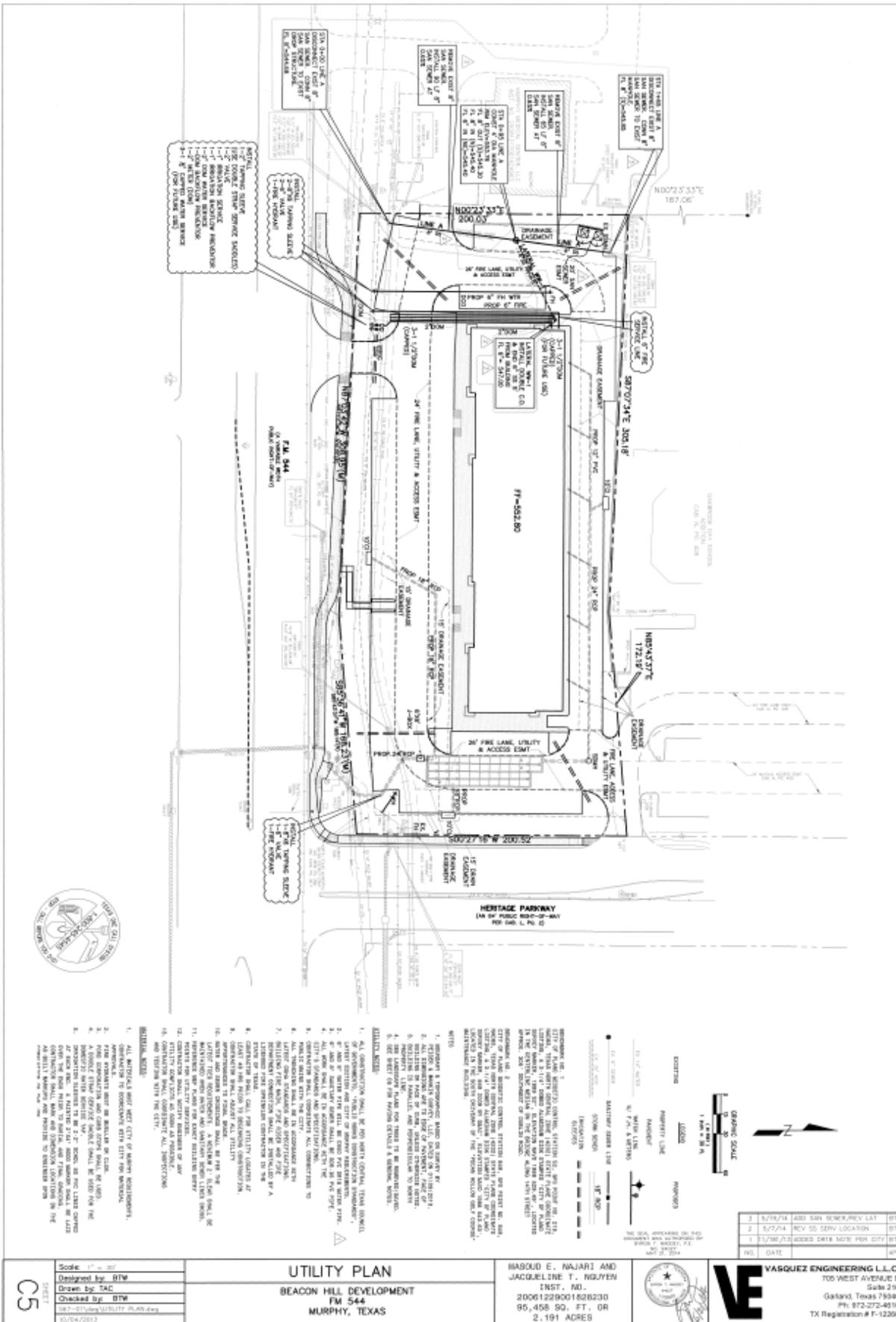
South 87 deg. 07 min. 34 sec. East, a distance of 305.18 feet to a 1/2 inch iron rod found with "WAI" cap for an angle point;

North 85 deg. 43 min. 37 sec. East, a distance of 172.19 feet to a point for the northeast corner of said Najari and Nguyen tract, same being the southeast corner of said Oakbrook Day School Addition, same being in the west right-of-way line of aforesaid Heritage Parkway;

THENCE South 00 deg. 27 min. 16 sec. West, along the common line of said Najari and Nguyen tract, and the west right-of-way line of said Heritage Parkway, a distance of 200.52 feet to the POINT OF BEGINNING and containing 95,458 square feet or 2.191 acres of computed land, more or less.

EXHIBIT B

**DEPICTION OF SANITARY SEWER EASEMENT, LINE A (10 FEET ON EACH SIDE
OF THE CENTER LINE OF LINE A)**



Sanitary Sewer Easement Agreement – EXHIBIT B

After Recording Return To:
Jackson Walker, LLP
901 Main Street
Suite 6000
Dallas, Texas 75202
ATTN: William S. Dahlstrom

SANITARY SEWER EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (this “Agreement”) is made as of the ___ day of _____, 2015, between BEACON HILL CENTRE, LLC, a Texas limited liability company (“Owner”), and the City of Murphy, Texas (the “City”).

RECITALS

WHEREAS, Owner is owner of that certain 2.191 acre parcel of land described more fully in Exhibit “A” which is attached hereto for all purposes (the “Property”); and

WHEREAS, an eight-inch sanitary sewer line servicing the use on the land contiguous with the Property’s north boundary traverses the Property in a north-south direction (the “Sanitary Sewer Line”); and

WHEREAS, the Sanitary Sewer Line exists within the Property; and

WHEREAS, the Sanitary Sewer Line is in need of repair; and

WHEREAS, the City requests Owner to provide an easement for the Sanitary Sewer Line; and

WHEREAS, Owner is agreeable to provide an easement for the Sanitary Sewer Line under the conditions set forth herein;

NOW THEREFORE, in consideration of mutual benefits and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Incorporation of Recitals. The recitals set forth above, the documents referred to therein, and the exhibits attached hereto are hereby incorporated herein by reference as if set forth in full in the body of this Agreement.
2. Grant. Owner, for the consideration and subject to the Special Provisions (defined below) and other matters stated herein, grants, sells and conveys to the City a twenty (20) foot nonexclusive Sanitary Sewer Easement (the “Sanitary Sewer Easement”), as is shown in more detail on Exhibit “B” attached hereto, and shall be dedicated by Owner to the City and depicted on Owner’s final plat, over, upon and across the Property, to have and to hold the Sanitary Sewer Easement forever.

3. Special Provisions. Owner’s grant of the Sanitary Sewer Easement is made subject to the following special conditions (referred to herein collectively as the “Special Provisions”):
 - a. The width of the Sanitary Sewer Easement shall be no greater than ten (10) feet on either side of the centerline shown on Exhibit “B” attached hereto.
 - b. The Sanitary Sewer Easement shall be used by the City solely for the Sanitary Sewer Line unless otherwise agreed to in writing by Owner. No additional sanitary sewer lines may be installed in the Sanitary Sewer Easement.
 - c. The location and size of the Sanitary Sewer Easement shall be as shown on the plan attached hereto for all purposes as Exhibit “B”.
 - d. The City will allow Owner to connect Owner’s improvements to the Sanitary Sewer Line with no tap fee charged to Owner; provided, however, Owner acknowledges that all additional connections to the Sanitary Sewer Line by Owner thereafter will be subject to, and in accordance with, all applicable City regulations.
 - e. The Sanitary Sewer Line will not increase in size.
 - f. The City, at its sole cost, will within a reasonable time either make repairs to the Sanitary Sewer Line, which are currently needed, or pay for a utility contractor to make such repairs while construction on the Property occurs.
 - g. All future repairs to the Sanitary Sewer Line shall be made, or caused, by the City at no cost or expense to Owner.
 - h. After accessing the Sanitary Sewer Easement or Sanitary Sewer Line for any purpose, the City shall, at no cost or expense to Owner, return the Property, and any to the same or better condition as immediately before the access occurred, save and except for reasonable saw cut lines.
 - i. Owner reserves, for itself and its successors and assigns, the right to enter upon and use any portion of the Sanitary Sewer Easement for reasonable purposes that do not materially interfere with the rights granted to the City hereunder.
 - j. Owner reserves to Owner and Owner's successors and assigns all mineral interests currently owned by Owner in, on and under and that may be produced and saved from the Sanitary Sewer Easement or acreage pooled or unitized therewith, and the full and exclusive executive rights to execute leases in connection therewith, provided such production, leases and exercise of such rights shall in no way interfere with or interrupt the use or enjoyment of the Sanitary Sewer Easement by the City for the rights granted to the City hereunder.
 - k. Owner is not responsible for the operation, maintenance or liability of the Sanitary Sewer Line.
 - l. This conveyance is made by Owner and accepted by the City.

4. Acceptance; AS-IS; NO WARRANTY. In consideration of the conveyance of the Sanitary Sewer Easement and the herein stated obligations of Owner, the City hereby accepts the Sanitary Sewer Easement and permits Owner to connect to the Sanitary Sewer Line, subject to the Special Provisions set forth above and any and all existing easements, covenants, rights-of-way, conditions, restrictions, outstanding mineral interests and royalty interests and all other matters of record, if any, affecting the Sanitary Sewer Easement, to the extent, and only to the extent, that the same are valid, in force and effect, and either shown of record in the office of the County Clerk of the County in which any part of the Sanitary Sewer Easement is located, or that may be visually apparent on the Sanitary Sewer

Easement as of the date hereof. FURTHER, BY ACCEPTANCE OF SANITARY SEWER EASEMENT, THE CITY ACCEPTS THE SANITARY SEWER EASEMENT ON AN AS-IS, WHERE IS AND WITH ALL FAULTS BASIS, WITHOUT ANY REPRESENTATIONS, WARRANTIES OR COVENANTS, EXPRESS OR IMPLIED, OF ANY KIND OR NATURE, BY OWNER.

5. Notices. Notices required by this Agreement shall be in writing and effective upon the earlier of actual receipt when delivered by any means or within five (5) days after deposited, certified mail with return receipt requested, with the U.S. Postal Service.
Notice to the City shall be to: Notice to Owner shall be to:

City Manager
 206 North Murphy Road
 Murphy, TX 75094
 972-468-4000

170 E. FM 544, Suite 100
 Murphy, Texas 75094
 Attn.: Masoud E. Najari

6. Amendments. This Agreement may not be altered, modified, amended or terminated except by an instrument in writing duly executed by the parties then bound by this Agreement and in recordable form, which shall be recorded promptly and the expense thereof shall be borne equally by all parties then bound hereunder.Headings. The headings used in this Agreement are for convenience and reference only and are not a part of this Agreement and do not in any way control, define, limit, or add to the terms, covenants, conditions and provisions hereof.Governing Law. This Agreement shall be construed, interpreted and governed by the laws of the State of Texas.Binding Effect. This Agreement shall be recorded and be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns. Entire Agreement. This Agreement contains the entire agreement among the parties hereto with respect to the subject matter hereof, and there are no other terms, conditions, provisions, understandings, statements, or representations, express or implied, concerning the subject matter hereof.Liens. The City shall keep the Sanitary Sewer Easement, and the Property, free and clear of all mechanics' and materialman's liens filed by anyone claiming by, through or under the City. If any such lien or claim is filed by anyone claiming by, through or under the City, the City shall, at its sole cost and expense, cause the lien to be released or bonded around in accordance with the Texas Property Code on or before sixty (60) days after it receives written notice of the filing.

12. Severability. To the extent that any clause or provision is held illegal, invalid, or unenforceable under present or future law effective during the term of this Agreement, then the remainder of this Agreement is not affected by the law, and in lieu of any illegal, invalid, or unenforceable clause or provision, a clause or provision, as similar in terms to the illegal, invalid, or unenforceable clause or provision as may be possible and be legal, valid, and enforceable, will be added to this Agreement automatically.

13. Waiver of Sovereign Immunity. To the extent permitted by applicable law, but expressly limited to the extent necessary to enforce Owner's claim for specific performance, the City hereby waives its sovereign immunity to which it may be entitled for the purposes of enforcement of City's obligations under this Agreement.

[Signatures on Following Page]

WITNESS the following signatures of the duly authorized representatives of the parties to this Agreement:

OWNER:

BEACON HILL CENTRE, LLC, a Texas limited liability company

By: Masoud E. Najari, Member

STATE OF TEXAS §
 §
COLLIN COUNTY §

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Masoud E. Najari, Member of Beacon Hill Centre, LLC, a Texas limited liability company, on behalf said company.

Notary Public, State of Texas

CITY:

James Fisher, City Manager

STATE OF TEXAS §
 §
COLLIN COUNTY §

5The foregoing instrument was acknowledged before me this _____ day of _____ 2015, by James Fisher, City Manager of the City of Murphy, Texas, on behalf of the City.

Notary Public, State of Texas

EXHIBIT A
THE PROPERTY

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS Masoud E. Najari and Jacqueline T. Nguyen are the sole owners of that certain 2.191 acre tract of land situated in the Mary Scott Survey, Abstract No. 859, City of Murphy, Collin County, Texas, and being all that certain tract of land to Masoud E. Najari and Jaqueline T. Nguyen, by Instrument No 20061229001828230, Official Public Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the southeast corner of said Najari and Nguyen tract, same being the intersection of the north right-of-way line of F.M. 544 with the west right-of-way line of Heritage Parkway (an 84' right-of-way);

THENCE along the common line of said Najari and Nguyen tract and the north right-of-way line of said F.M. 544 as follows:

South 85 deg. 36 min. 41 sec. West, a distance of 168.23 feet to a 1/2 inch iron rod found for an angle point;

North 87 deg. 03 min. 42 sec. West, a distance of 308.95 feet to a 5/8 inch iron rod found for the southwest corner of said Najari and Nguyen tract, same being the southeast corner of that certain tract of land to Murphy Medical Center, LLC, by deed recorded in Instrument No. 20081217001424960, said Official Public Records;

THENCE North 00 deg. 23 min. 33 sec. East (basis of bearings), along the common line of said Najari and Nguyen tract, and said Murphy Medical Center tract, a distance of 200.03 feet to a point from which a 1/2 inch iron rod found bears South 15 deg. 27 min. 30 sec. West, 0.44 foot for the northwest corner of said Najari and Nguyen tract, same being the southwest corner of Oakbrook Day School Addition, an addition to the City of Murphy, Collin County, Texas, according to the plat thereof recorded in Cabinet N, Page 409, Plat Records, Collin County, Texas;

THENCE along the common line of said Najari and Nguyen tract, and said Oakbrook Day School Addition as follows:

South 87 deg. 07 min. 34 sec. East, a distance of 305.18 feet to a 1/2 inch iron rod found with "WAI" cap for an angle point;

North 85 deg. 43 min. 37 sec. East, a distance of 172.19 feet to a point for the northeast corner of said Najari and Nguyen tract, same being the southeast corner of said Oakbrook Day School Addition, same being in the west right-of-way line of aforesaid Heritage Parkway;

THENCE South 00 deg. 27 min. 16 sec. West, along the common line of said Najari and Nguyen tract, and the west right-of-way line of said Heritage Parkway, a distance of 200.52 feet to the POINT OF BEGINNING and containing 95,458 square feet or 2.191 acres of computed land, more or less.

Sanitary Sewer Easement Agreement – EXHIBIT A

EXHIBIT B

**DEPICTION OF SANITARY SEWER EASEMENT, LINE A (10 FEET ON EACH SIDE
OF THE CENTER LINE OF LINE A)**

After Recording Return To:

Messer Rockefeller & Fort
6351 Preston Road
Suite 350
Frisco, Texas 75034

**UNDERGROUND STORMWATER DETENTION FACILITY
MAINTENANCE AGREEMENT**

Lot 1, Block 1 of the Beacon Hill Addition

THIS MAINTENANCE AGREEMENT (“Agreement”) is made as of the ____ day of _____, 2015 by BEACON HILL CENTRE, LLC, a Texas limited liability company (the “Owner”), and the City of Murphy, Texas (“City”).

RECITALS

WHEREAS, the Owner is owner of that certain parcel of land described as Lot 1, Block 1 of the Beacon Hill Addition in the City of Murphy, Collin County, Texas (the “Property”); and

WHEREAS, the Owner requested approval of an underground detention facility (the “Facility”) as a part of the Construction Plat and related construction plat documents approved by the Murphy City Council on August 6, 2013, (the “Plan”); and

WHEREAS, the location of the Facility was approved as a part of the Plan and is described more fully in **Exhibit A** hereto and incorporated herein; and

WHEREAS, the City, as a condition of Plan approval, required that the Facility be constructed in accordance with the Plan and adequately maintained by the Owner.

NOW, THEREFORE, in consideration of mutual benefits and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

AGREEMENT

1. The recitals set forth above shall be incorporated as if fully set forth herein.
2. The Owner shall provide maintenance for the Facility to ensure that the Facility is and remains in proper working condition in accordance with the manufacturer’s specifications and the Plan. Maintenance shall include repair, reconstruction or replacement of the Facility as necessary to satisfy the terms of this Agreement.
3. Maintenance shall also include the following activities monthly or within 24 hours after every significant runoff producing rainfall event at the Property (defined as rainfall of 1.0 inch or greater as determined by the National Weather Service for zip code 75094): the removal of debris from grates and detention devices, clearing any obstructions, and inspecting discharge outlets to maintain them in proper working condition and repairing and replacing them when necessary.

4. The Owner shall cause inspections on the Facility to be conducted as follows:

A. The Owner shall cause inspections of the Facility by a qualified professional recommended by the manufacturer of the Facility or the City. The inspector shall be retained by the Owner at the Owner's expense. Inspections shall take place within ninety (90) days after the issuance of a Certificate of Occupancy for the main building and at least once annually thereafter.

B. An inspection report shall be submitted in writing to the City within thirty (30) days after each inspection and shall include the following:

- i. The date of inspection;
- ii. The name of the inspector;
- iii. The condition of underground drainage structures, sediment loads, gates and valves and any other item that affects the proper functioning of the Facility; and
- iv. The description of all maintenance the inspector deems necessary in order to ensure the Facility continues to function in accordance with its design and the Plan.

C. The Owner shall promptly perform, or cause to be performed, all maintenance reported by the inspector.

5. The Owner, hereby grants, bargains and conveys to the City or its agent, a non-exclusive easement over the paved areas of the Property for access from public rights-of-way to the Facility for the purpose of inspecting, operating, installing, constructing, reconstructing, maintaining, repairing or replacing the Facility as necessary to ensure the proper working condition of the Facility, as provided in paragraphs 2 and 3 above.

6. In the event the Owner fails to correct any defects to maintain the proper working condition of the Facility within thirty (30) days after written notice of such defects to the Owner, the City may enter upon the Property and correct such defects. As stated below, the City is under no obligation to maintain or repair the Facility.

7. The Owner acknowledges, as evidenced by his/her signature hereto, that the City is not responsible for the operation, maintenance or liability of the Facility.

8. Owner will not at any time dedicate the Facility to the public, to public use or to the City, nor will Owner convey the Property, or any portion of the Property, without the instrument of conveyance for such conveyance reciting that this Agreement, and the obligations it contains, run with the land and affect the Property. The Owner also covenants that any instrument of conveyance conveying all or any portion of the Property shall require the grantee thereunder to become a member of any property owner's association that affects the Property at the time of such conveyance.

9. In an event of emergency involving the Facility, as reasonably determined by the City, the City or its agent may enter immediately upon the Property and take reasonable steps

necessary to meet the emergency. The City shall notify the Owner of such emergency and entry as soon as possible but no event later than twenty-four (24) hours after such entry. Alternatively, the City may notify the Owner by phone to take reasonable action necessary to meet the emergency. Should the Owner fail to respond, or should the Owner inform the City that it intends not to respond timely, the City or its agent may enter immediately upon the land and take reasonable steps necessary to meet the emergency.

10. The City shall not pay any compensation for its use of the Property for the inspection and maintenance of the Facility, including access to the Facility.

11. In the event the City, pursuant to this Agreement, performs work or expends any funds reasonably necessary for the maintenance or construction of the Facility, including labor, equipment, supplies and materials, the Owner shall reimburse the City within fifteen (15) business days after the City gives the Owner written notice of such expenditures.

12. Any amounts owed to the City hereunder shall be the joint and several obligation of the current record owners of all or any portion of the Property and their predecessors in interest that held title to any portion of the Property when such amount was due. The full amounts owed, and not paid when due, plus any costs of collection shall become a lien on the Property pursuant to the provisions of Texas Property Code Ch. 53.

13. THE OWNER, ITS EXECUTORS, ADMINISTRATOR, ASSIGNS AND ANY OTHER SUCCESSORS IN INTEREST, SHALL INDEMNIFY, HOLD HARMLESS AND DEFEND THE CITY, ITS AGENTS AND EMPLOYEES (COLLECTIVELY "INDEMNIFIED PARTIES" AND INDIVIDUALLY, "INDEMNIFIED PARTY") FOR ANY AND ALL DAMAGES, ACCIDENTS, CASUALTIES, OCCURRENCES OR CLAIMS (COLLECTIVELY "COVERED MATTERS") WHICH ARISE OR ARE ASSERTED AGAINST THE CITY BY ANY PERSON OR ENTITY ARISING OUT OF OR RESULTING FROM THE CONSTRUCTION, PRESENCE, EXISTENCE, MAINTENANCE OR USE OF THE FACILITY BY THE OWNER OR THE CITY UNLESS SUCH COVERED MATTERS ARE CAUSED BY THE GROSS NEGLIGENCE, WILLFUL MISCONDUCT OR INTENTIONAL ACTS OF THE INDEMNIFIED PARTIES. ANY CLAIMS RETAINED BY OWNER SHALL BE ASSIGNED TO CITY.

14. SUBJECT TO THE LIMITATIONS CONTAINED IN PARAGRAPH 13 ABOVE, IN THE EVENT A CLAIM IS ASSERTED AGAINST ANY INDEMNIFIED PARTY, THE CITY SHALL PROMPTLY NOTIFY THE OWNER AND OWNER SHALL DEFEND AT ITS OWN EXPENSE ANY SUIT BASED ON SUCH CLAIM. IF ANY JUDGMENT OR CLAIM AGAINST ANY INDEMNIFIED PARTY SHALL BE ALLOWED, THE OWNER SHALL PAY ALL REASONABLE COSTS AND EXPENSES IMMEDIATELY.

15. The Owner shall promptly notify the City when the Owner transfers its interest in the Property or any portion thereof. The Owner shall supply the City with a duly executed copy of any document transferring an interest in the Property held by the Owner.

16. Except for the telephone notice in paragraph 9 above, notices required by this Agreement shall be in writing and effective upon the earlier of actual receipt when delivered by any means or within five (5) days after deposited, certified mail with return receipt requested, with the U.S. Postal Service.

Notice to the City shall be to:

City Manager
206 North Murphy Road
Murphy, TX 75094
972-468-4000

Notice to the Owner shall be to:

170 E. FM 544, Suite 100
Murphy, Texas 75094
Attn.: Masoud E. Najari

The Owner shall notify the City immediately upon any change of address.

17. The responsibilities and obligations of the Owner shall constitute a covenant running with the land, and shall be binding upon all present and subsequent owners, their administrators, executors, assigns, heirs and any other successors in interest so long as they own an interest in the Property or any portion thereof. Notwithstanding the foregoing, any liability arising while any owner owns an interest in the Property or any portion thereof, remains as a personal liability of such owner and such owner and its successors in interest are jointly and severally liable thereof.

18. The laws of the State of Texas shall govern the construction of this Agreement and all claims and actions related to this Agreement shall be filed in the courts in Collin County, Texas.

19. Words importing the singular number shall include the plural number and vice versa.

20. This Agreement shall be recorded in the property records of Collin County, Texas.

[Signature Pages to Follow]

WITNESS the following signatures of the duly authorized representatives of the parties to this Agreement:

OWNER:

BEACON HILL CENTRE, LLC, a Texas limited liability company

By: Masoud E. Najari, Member

STATE OF TEXAS §

§

COLLIN COUNTY §

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by Masoud E. Najari, Member of Beacon Hill Centre, LLC, a Texas limited liability company, on behalf said company.

Notary Public, State of Texas

CITY:

James Fisher, City Manager

STATE OF TEXAS §

§

COLLIN COUNTY §

The foregoing instrument was acknowledged before me this _____ day of _____ 2015, by James Fisher, City Manager of the City of Murphy, Texas, on behalf of the City.

Notary Public, State of Texas

EXHIBIT A

Being a part of that certain 2.191 acre tract of land situated in the Mary Scott Survey, Abstract No. 859, City of Murphy, Collin County, Texas, and being part of that certain tract of land to Masoud E. Najari and Jacqueline T. Nguyen, by Instrument No 20061229001828230, Official Public Records, Collin County, Texas, and being more particularly described as follows:

COMMENCING at a point being the northeast corner of said, same being the southeast corner of, an addition to the City of Murphy, Collin County, Texas, according to the plat thereof recorded in Cabinet N, Page 409, Plat Records, Collin County, Texas; same being in the west right-of-way line of Heritage Parkway;

THENCE South 85 deg. 43 min. 37 sec. West, along the common line of said Najari and Nguyen tract and said Oakbrook Day School Addition a distance of 35.12 feet to a point;

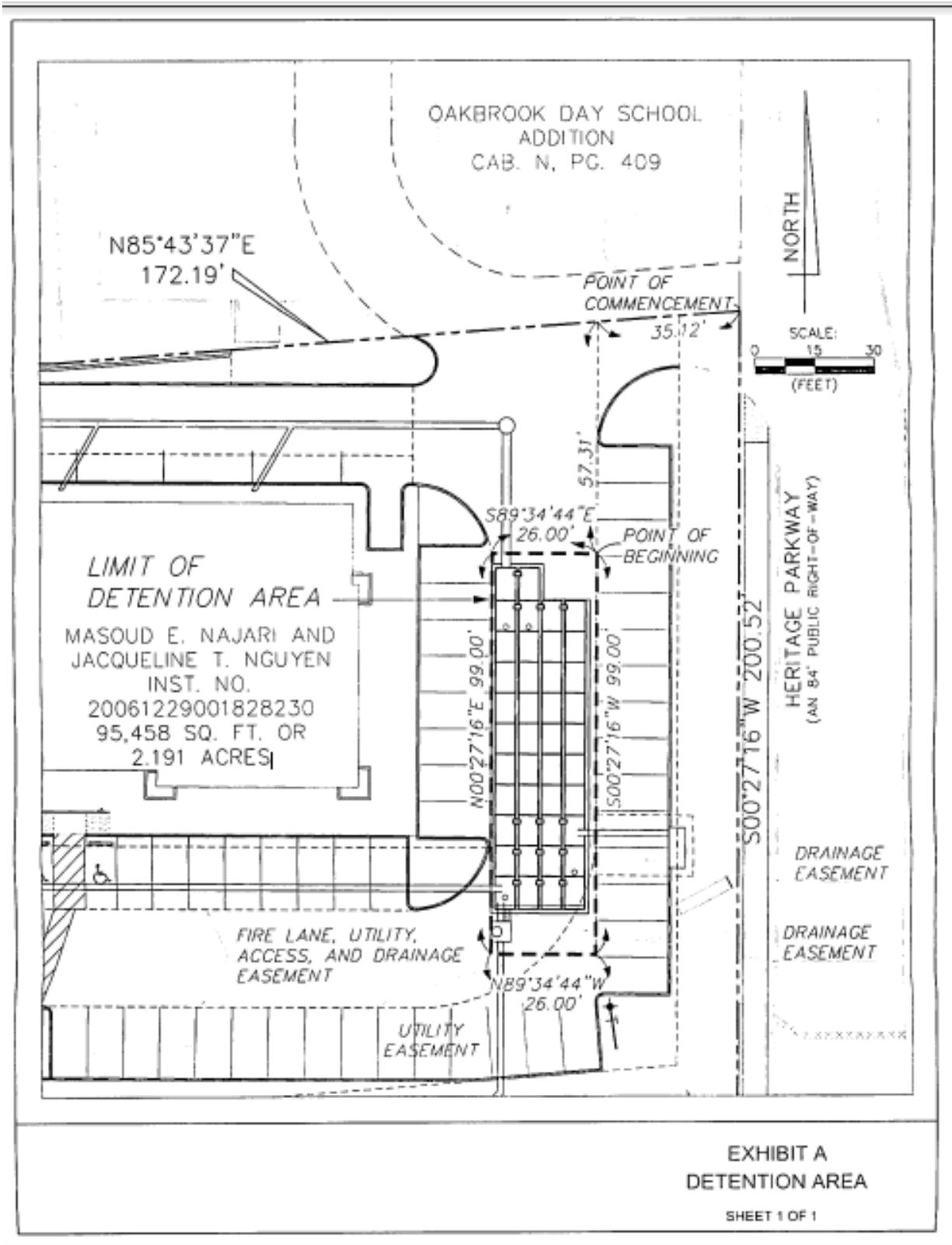
THENCE South 0 deg. 27 min. 16 sec. West, leaving the common line of said Najari and Nguyen tract and said Oakbrook Day School Addition a distance of 57.31 feet to the POINT OF BEGINNING;

THENCE South 0 deg. 27 min. 16 sec. West a distance of 99.00 feet to a point for corner;

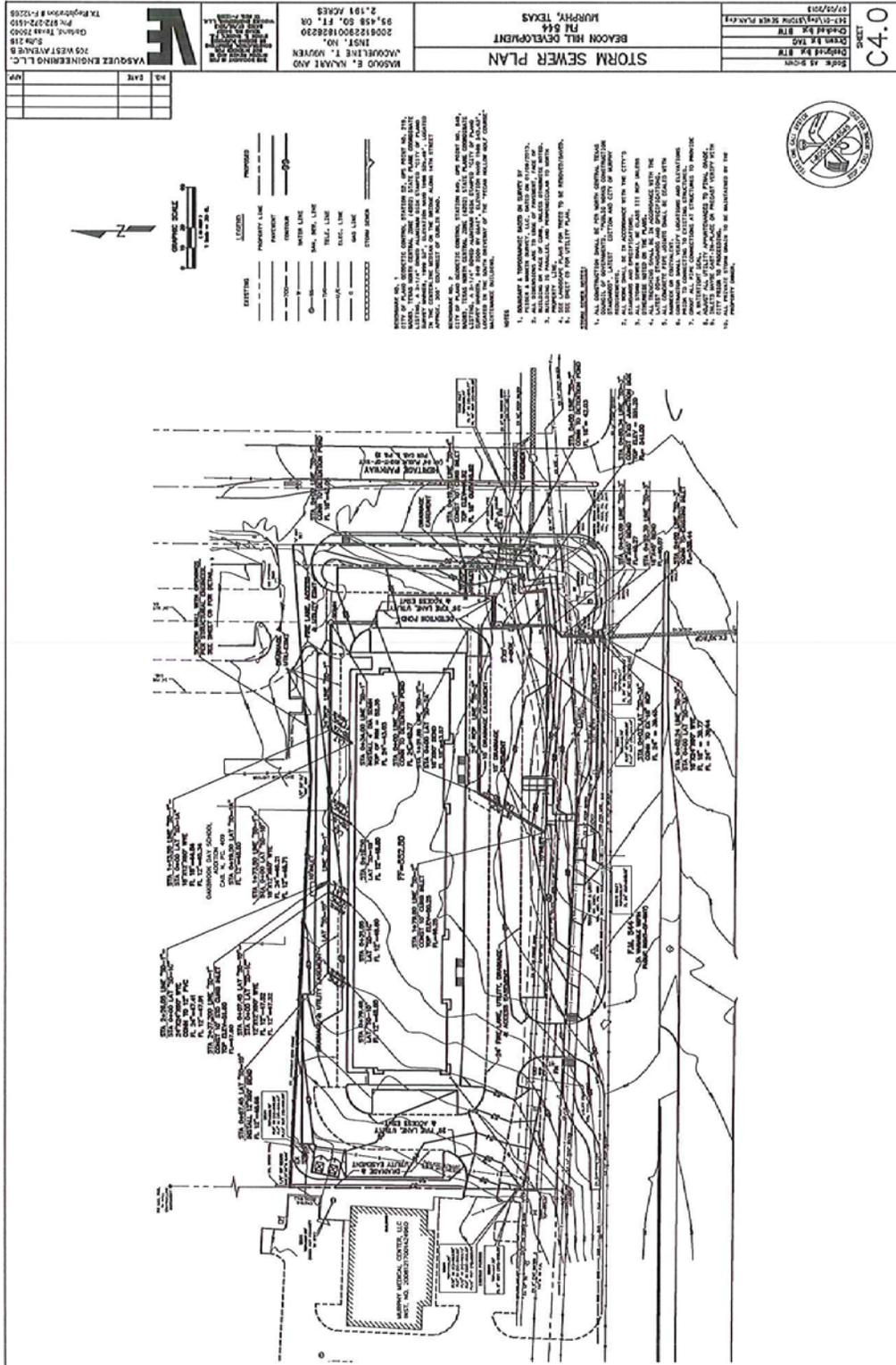
THENCE North 89 deg. 34 min. 44 sec. West a distance of 26.00 feet to a point for corner;

THENCE North 0 deg. 27 min. 16 sec. East a distance of 99.00 feet to a point for corner;

THENCE South 89 deg. 34 min. 44 sec. East a distance of 26.00 feet to the POINT OF BEGINNING and containing 2,574 square feet or 0.059 acres of land more or less.



Item 7.D.



8.6 13 Agenda Packet 38 of 143

City Council Meeting
April 21, 2015

Issue

Consider and/or act on the Water Conservation Plan (Ordinance No. 14-09-982) and Water Resource and Emergency Management Plan (Ordinance No. 14-09-983) by approving an effective date.

Staff Resource/Department

James Fisher/City Manager

Background/History

The City of Murphy is currently in Stage 3.

During Stage 3 Conditions, residents are limited to watering twice a month (odd numbered addresses on Mondays and even numbered addresses on Wednesdays) and public schools; nonresidential, city and HOA's may water on Friday. During the time period of November 1st through April 30th, watering is limited to twice a month.

North Texas Municipal Water District (NTMWD) is terminating all drought stages and will implement its Water Conservation Plan that limits landscape watering to no more than two days per week. This plan prohibits lawn irrigation watering from 10am to 6pm.

In September, 2014 Council formally adopted the Water Conservation Plan (Ordinance No. 14-09-982) and Water Resource and Emergency Management Plan (Ordinance No. 14-09-983) without an effective date. Now that the North Texas Municipal Water District is easing the watering restrictions, the effective date should be May 1, 2015.

Discussion Item

To follow NTMWD direction to ease watering restrictions effective May 1st.

Action Requested

Amend the Water Conservation Plan (Ordinance No. 14-09-982) and Water Resource and Emergency Management Plan (Ordinance No. 14-09-983) to be effective on May 1, 2015.

Attachments

Ordinance 14-09-982

Ordinance 14-09-983

News Release from North Texas Municipal Water District

ORDINANCE NO. 14-09-982

ADOPTION OF WATER CONSERVATION PLAN

AN ORDINANCE ADOPTING A WATER CONSERVATION PLAN FOR THE CITY OF MURPHY TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER CONSERVATION PLAN.

WHEREAS, the City of Murphy, Texas (the “City”), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environment Quality, (the “Commission”) require that the City adopt a Water Conservation Plan; and

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Water Conservation Plan; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and

WHEREAS, the City Council of the City of Murphy desires to adopt the North Texas Municipal Water District (the “NTMWD”) Model Water Conservation Plan as official City policy for the conservation of water.

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

Section 1. The City Council hereby approves and adopts the NTMWD Model Water Conservation Plan (the “Plan”), attached hereto as Addendum A, as if recited verbatim herein with the exception of an amended definition of REGULATED IRRIGATION PROPERTY. Section 2.12 of the Plan shall read: REGULATED IRRIGATION PROPERTY means any property that uses 1 million gallons of water or more for irrigation purposes in a single calendar year (...”or is greater than 1 acre in size” is removed from definition). The City commits to implement the requirements and procedures set forth in the adopted Plan.

Section 2. Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars

(\$2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 3. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 4. Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

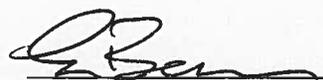
Section 5. The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 6. The City Secretary is hereby authorized and directed to cause publication of the description caption of this ordinance as an alternative method of publication provided by law.

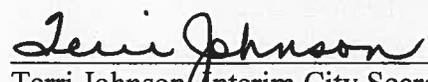
Section 7. Ordinance No. 11-06-886, adopted on June 21, 2011 is hereby repealed.

Passed by the City Council on this the 2nd day of September, 2014.




Eric Barna, Mayor
City of Murphy, Texas

ATTEST:


Terri Johnson, Interim City Secretary

ADDENDUM A
(Water Conservation Plan)

WATER CONSERVATION PLAN CITY OF MURPHY

APRIL 2014



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APPENDICES

- APPENDIX A List of References**
- APPENDIX B Texas Commission on Environmental Quality Rules on Municipal Water Conservation Plans**
- Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter A, Rule §288.1 – Definitions (Page B-1)
 - Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter A, Rule §288.2 – Water Conservation Plans for Municipal Uses by Public Water Suppliers (Page B-4)
- APPENDIX C TCEQ Water Utility Profile**
- APPENDIX D NTMWD Member City and Customer Annual Water Conservation Report**
- APPENDIX E Considerations for Landscape Water Management Regulations**
- APPENDIX F Letters to Region C and Region D Water Planning Groups**
- APPENDIX G Adoption of Water Conservation Plan**
- Municipal Ordinance Adopting Water Conservation Plan
- APPENDIX H TCEQ Water Conservation Implementation Report**

1. INTRODUCTION AND OBJECTIVES

Water supply has always been a key issue in the development of Texas. In recent years, the increasing population and economic development of North Central Texas have led to growing demands for water supplies. At the same time, local and less expensive sources of water supply are largely already developed. Additional supplies to meet future demands will be expensive and difficult to secure. Severe drought conditions in recent years have highlighted the importance of efficient use of our existing supplies to make them last as long as possible. This will delay the need for new supplies, minimize the environmental impacts associated with developing new supplies, and delay the high cost of additional water supply development.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has developed guidelines and requirements governing the development of water conservation and drought contingency plans for wholesale water suppliers². The TCEQ guidelines and requirements for wholesale suppliers are included in Appendix B. The North Texas Municipal Water District (NTMWD) has developed this model water conservation plan pursuant to TCEQ guidelines and requirements. The best management practices established by the Water Conservation Implementation Task Force³ were also considered in the development of the water conservation measures.

This model water conservation plan includes measures that are intended to result in ongoing, long-term water savings. This plan replaces the previous plans dated August 2004, April 2006 and March 2008⁴.

The objectives of this water conservation plan are as follows:

- To reduce water consumption from the levels that would prevail without conservation efforts.
- To reduce the loss and waste of water.
- To improve efficiency in the use of water.
- Encourage efficient outdoor water use.
- To document the level of recycling and reuse in the water supply.

- To extend the life of current water supplies by reducing the rate of growth in demand.

In order to adopt this plan, the City of Murphy will need to do the following:

- Complete the water utility profile (provided in Appendix C).
- Complete the annual water conservation implementation report (in Appendix H).
- Set five-year and ten-year goals for per capita water use.
- Adopt ordinance(s) or regulation(s) approving the model plan.

The water utility profile, goals, and ordinance(s) or regulations should be provided to NTMWD in draft form for review and comments. Final adopted versions should also be provided to NTMWD, as well as TCEQ. This model plan includes all of the elements required by TCEQ. Some elements of this model plan go beyond TCEQ requirements. Any water supplier wishing to adjust elements of the plan should coordinate with NTMWD.

¹ Superscripted numbers match references listed in Appendix A.

2. DEFINITIONS

1. **ATHLETIC FIELD** means a public sports competition field, the essential feature of which is turf grass, used primarily for organized sports practice, competition or exhibition events for schools, professional sports, or sanctioned league play.
2. **COOL SEASON GRASSES** are varieties of turf grass that grow best in cool climates primarily in northern and central regions of the U.S. Cool season grasses include perennial and annual rye grass, Kentucky blue grass and fescues.
3. **CUSTOMERS** include those entities to whom NTMWD provides water on a customer basis that are not members of NTMWD.
4. **EVAPOTRANSPIRATION** abbreviated as ET represents the amount of water lost from plant material to evaporation and transpiration. The amount of ET can be estimated based on the temperature, wind, and relative humidity.
5. **ET/SMART CONTROLLERS** are irrigation controllers that adjust their schedule and run times based on weather (ET) data. These controllers are designed to replace the amount of water lost to evapotranspiration.
6. **EXECUTIVE DIRECTOR** means the Executive Director of the North Texas Municipal Water District and includes a person the Director has designated to administer or perform any task, duty, function, role, or action related to this plan or on behalf of the Executive Director.
7. **INSTITUTIONAL USE** means the use of water by an establishment dedicated to public service, such as a school, university, church, hospital, nursing home, prison or government facility. All facilities dedicated to public service are considered institutional regardless of ownership.
8. **MEMBER CITIES** include the cities of Allen, Farmersville, Forney, Frisco, Garland, McKinney, Mesquite, Plano, Princeton, Richardson, Rockwall, Royce City, and Wylie, Texas.
9. **MULTI-FAMILY PROPERTY** means a property containing five or more dwelling units.

10. MUNICIPAL USE means the use of potable water provided by a public water supplier as well as the use of treated wastewater effluent for residential, commercial, industrial, agricultural, institutional, and wholesale uses.
11. RECLAIMED WATER means reclaimed municipal wastewater that has been treated to a quality that meets or exceeds the minimum standards of the 30 Texas Administrative Code, Chapter 210 and is used for lawn irrigation, industry, or other non-potable purposes.
12. REGULATED IRRIGATION PROPERTY means any property that uses 1 million gallons of water or more for irrigation purposes in a single calendar year.
13. RESIDENTIAL GALLONS PER CAPITA PER DAY (Residential GPCD) the total gallons sold for residential use by a public water supplier divided by the residential population served and then divided by the number of days in the year.
14. TOTAL GALLONS PER CAPITA PER DAY (Total GPCD) The total amount of water diverted and/or pumped for potable use divided by the total permanent population divided by the days of the year. Diversion volumes of reuse as defined in TAC 288.1 shall be credited against total diversion volumes for the purposes of calculating GPCD for targets and goals.
15. WATER CONSERVATION PLAN means this water conservation plan approved and adopted by the NTMWD Board of Directors in 2014.

3. REGULATORY BASIS FOR WATER CONSERVATION PLAN

3.1 TCEQ Rules Governing Conservation Plans

The TCEQ rules governing development of water conservation plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code, which is included in Appendix B. For the purpose of these rules, a water conservation plan is defined as “A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water².” The elements in the TCEQ water conservation rules covered in this conservation plan are listed below.

Minimum Conservation Plan Requirements

The minimum requirements in the Texas Administrative Code for Water Conservation Plans for Public Water Suppliers are covered in this report as follows:

- 288.2(a)(1)(A) – Utility Profile – Section 4 and Appendix C
- 288.2(a)(1)(B) – Specification of Goals – Section 5
- 288.2(a)(1)(C) – Specific, Quantified Goals – Section 5
- 288.2(a)(1)(D) – Accurate Metering – Section 6.1.1
- 288.2(a)(1)(E) – Universal Metering – Section 6.1.2
- 288.2(a)(1)(F) – Determination and Control of Water Loss – Section 6.1.3
- 288.2(a)(1)(G) – Public Education and Information Program – Section 6.2
- 288.2(a)(1)(H) – Non-Promotional Water Rate Structure – Section 7.1
- 288.2(a)(1)(I) – Reservoir System Operation Plan – Section 6.3
- 288.2(a)(1)(J) – Means of Implementation and Enforcement – Section 8
- 288.2(a)(1)(K) – Coordination with Regional Water Planning Group – Section 6.4 and Appendix F
- 288.2(c) – Review and Update of Plan – Section 9

Conservation Additional Requirements (Population over 5,000)

- The Texas Administrative Code includes additional requirements for water conservation plans for drinking water supplies serving a population over 5,000
- 288.2(a)(2)(A) – Leak Detection, Repair, and Water Loss Accounting – Sections 6.1.4
- 288.2(a)(2)(B) – Record Management System – Section 6.1.5
- 288.2(a)(2)(C) – Requirement for Water Conservation Plans by Wholesale Customers – Section 6.6

Additional Conservation Strategies

The TCEQ requires that a water conservation implementation report be completed and submitted on an annual basis. The template for this report is included in Appendix H.

In addition to the TCEQ required water conservation strategies, the NTMWD also requires the following strategy to be included in the Member City and Customer plans:

- 288.2(a)(3)(F) – Considerations for Landscape Water Management Regulations – Section 7.5 and Appendix E

TCEQ rules also include optional, but not required, conservation may be adopted by suppliers. The NTMWD recommends that the following strategies be included in the Member City and Customer water conservation plans:

- 288.2(a)(3)(A) – Conservation Oriented Water Rates – Section 7.1
- 288.2(a)(3)(B) – Ordinances, Plumbing Codes or Rules on Water-Conserving Fixtures – Section 7.2
- 288.2(a)(3)(C) – Replacement or Retrofit of Water-Conserving Plumbing Fixtures – Section 7.6
- 288.2(a)(3)(D) – Reuse and Recycling of Wastewater – Section 7.3
- 288.2(a)(3)(F) – Considerations for Landscape Water Management Regulations – Section 7.4, 7.5 and Appendix E
- 288.2(a)(3)(G) – Monitoring Method – Section 7.7
- 288.2(a)(3)(H) – Additional Conservation Ordinance Provisions – Section 7.6

3.2 Guidance and Methodology for Reporting on Water Conservation and Water Use

In addition to TCEQ rules regarding water conservation, this plan also incorporates elements of the Guidance and Methodology for Reporting on Water Conservation and Water Use developed by TWDB and TCEQ, in consultation with the Water Conservation Advisory Council (the “Guidance”). The Guidance was developed in response to a charge by the 82nd Texas Legislature to develop water use and calculation methodology and guidance for preparation of water use reports and water conservation plans in accordance with TCEQ rules.

4. WATER UTILITY PROFILE

Appendix C to this water conservation plan is a water utility profile based on the format recommended by the TCEQ. In adopting this model water conservation plan, the City of Murphy will provide a water utility profile to NTMWD for review and comment. A final water utility profile will be provided to NTMWD.

5. SPECIFICATION OF WATER CONSERVATION GOALS

TCEQ rules require the adoption of specific water conservation goals for a water conservation plan. As part of plan adoption, the City of Murphy must develop 5-year and 10-year goals for per capita municipal use. These goals should be submitted to NTMWD. The goals for this water conservation plan include the following:

- Maintain the total and residential per capita water use below the specified amount in gallons per capita per day in a dry year, as shown in the completed Table 5-1.
- Maintain the water loss percentage in the system below 12 percent annually in 2013 and subsequent years, as discussed in Section 6.1.3. (The 12 percent goal for water loss is recommended but is not required. Systems with long distances between customers may adopt a higher percent water loss goal.)
- Implement and maintain a program of universal metering and meter replacement and repair, as discussed in Section 6.1.2.
- Increase efficient water usage through a water conservation ordinance, order or resolution as discussed in Section 7.5 and Appendix E. (This ordinance is required by the NTMWD.)
- Decrease waste in lawn irrigation by implementation and enforcement of landscape water management regulations, as discussed in Section 7.6. (These landscape water management regulations are recommended but are not required.)
- Raise public awareness of water conservation and encourage responsible public behavior by a public education and information program, as discussed in Section 6.2.
- Develop a system specific strategy to conserve water during peak demands, thereby reducing the peak use.



Table 5-1 Five-Year and Ten-Year Per Capita Water Use Goals (gpcd)

Description	Current Average (gpcd)	5-Year Goal (gpcd)	10-Year Goal (gpcd)
Current 5-Year Average Total Per Capita Use with Credit for Reuse	195.6	230	225
Current 5-Year Average Residential Per Capita Use	176	211	206
Water Loss (GPCD) ¹	23.8	<20.1	<20.1
Water Loss (Percentage) ²	14.12%	<12%	<12%
Expected Reduction due to Low-Flow Plumbing Fixtures		3	3
Projected Reduction Due to Elements in this Plan			
Water Conservation Goals (with credit for reuse)			

1. Water Loss GPCD = (Total Water Loss ÷ Permanent Population) ÷ 365

2. Water Loss Percentage = (Total Water Loss ÷ Total Gallons in System) x 100; or (Water Loss GPCD ÷ Total GPCD) x 100

6. BASIC WATER CONSERVATION STRATEGIES

6.1 Metering, Water Use Records, Control of Water Loss, and Leak Detection and Repair

One of the key elements of water conservation is tracking water use and controlling losses through illegal diversions and leaks. It is important to carefully meter water use, detect and repair leaks in the distribution system and provide regular monitoring of real losses.

6.1.1 Accurate Metering of Treated Water Deliveries from NTMWD

Water deliveries from NTMWD are metered by NTMWD using meters with accuracy of $\pm 2\%$. These meters are calibrated on an annual basis by NTMWD to maintain the required accuracy.

6.1.2 Metering of Customer and Public Uses and Meter Testing, Repair, and Replacement

The provision of water to all customers, including public and governmental users, shall be metered. In many cases, the City of Murphy already meter retail and wholesale water users.

The City of Murphy tests and replaces their customer meters on a regular basis. All customer meters should be replaced on a minimum of a 15-year cycle.

6.1.3 Determination and Control of Water Loss

Total water loss is the difference between water delivered to the City of Murphy from NTMWD and metered water sales to customers plus authorized for use but not sold. (Authorized for use but not sold would include use for fire fighting, releases for flushing of lines, uses associated with new construction, etc.) Total water loss includes three categories:

- Apparent Losses – including inaccuracies in customer meters. (Customer meters tend to run more slowly as they age and under-report actual use.) Losses due to illegal connections and theft. (Ordinance No. 09-08-809) addresses unlawful use of water.) Accounts which are being used but have not yet been added to the billing system.

- Real Losses – includes physical losses from the system or mains, reported breaks and leaks, storage overflow.
- Unidentified Water Losses – (System Input - Total Authorized - Apparent Losses - Real Losses)

Measures to control water loss should be part of the routine operations of the City of Murphy. Maintenance crews and personnel should look for and report evidence of leaks in the water distribution system. A leak detection and repair program is described in Section 6.1.4 below. Meter readers should watch for and report signs of illegal connections, so they can be quickly addressed.

Total water loss should be calculated in accordance with the provisions of Appendix H. With the measures described in this plan, City Of Murphy should maintain water loss percentage below 12 percent in 2013 and subsequent years. If total water loss exceeds this goal, the Member City or Customer should implement a more intensive audit to determine the source(s) of and reduce the water loss. The annual conservation report described below is the primary tool that should be used to monitor water loss.

6.1.4 Leak Detection and Repair

As described above, city crews and personnel should look for and report evidence of leaks in the water distribution system. Areas of the water distribution system in which numerous leaks and line breaks occur should be targeted for replacement as funds are available.

6.1.5 Record Management System

As required by TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(2)(B), a record management system should allow for the separation of water sales and uses into residential, commercial, public/institutional, and industrial categories. This information should be included in an annual water conservation report, as described in Section 7.7 below. Those entities whose record management systems do not currently comply with this requirement should move to implement such a system within the next five years.

6.2 Continuing Public Education and Information Campaign

The continuing public education and information campaign on water conservation includes the following elements:

- Utilize the “Water IQ: Know Your Water” and other public education materials produced by the NTMWD.
- Insert water conservation information with water bills. Inserts will include material developed by the City of Murphy staff and material obtained from the TWDB, the TCEQ, and other sources.
- Encourage local media coverage of water conservation issues and the importance of water conservation.
- Notify local organizations, schools, and civic groups that the City of Murphy staff and staff of the NTMWD are available to make presentations on the importance of water conservation and ways to save water.
- Promote the *Texas Smartscape* web site (www.txsmartscape.com) and provide water conservation brochures and other water conservation materials available to the public at City Hall and other public places.
- Make information on water conservation available on its website (if applicable) and include links to the “Water IQ: Know Your Water” website, *Texas Smartscape* website and to information on water conservation on the TWDB and TCEQ web sites and other resources.
- NTMWD is an EPA Water Sense Partner and participates in the EPA Water Sense sponsored “Fix a Leak Week.” NTMWD encourages all member cities and customers to become EPA Water Sense Partners.
- Utilize the Water My Yard website and encourage customers to sign-up to receive weekly watering advice.

6.3 NTMWD System Operation Plan

The City of Murphy purchases treated water from NTMWD. The City of Murphy does not have surface water supplies for which to implement a system operation plan. NTMWD operates multiple sources of water supply as a system. The operation of the reservoir system is intended to optimize the use of the District’s sources (within the constraints of existing water rights) while minimizing energy use cost for pumping, maintaining water quality, minimizing potential impacts on recreational users of the reservoirs and fish and wildlife.

6.4 Coordination with Regional Water Planning Group and NTMWD

Appendix F includes a letter sent to the Chair of the Region C and Region D water planning group with this model water conservation plan. The City of Murphy will send a copy of their draft ordinance(s) or regulation(s) implementing the plan and their water utility profile to NTMWD for review and comment. The adopted ordinance(s) or regulation(s) and the adopted water utility profile will be sent to the Chair of the appropriate Water Planning Group and to NTMWD.

6.5 Requirement for Water Conservation Plans by Wholesale Customers

Every contract for the wholesale sale of water by the City of Murphy that is entered into, renewed, or extended after the adoption of this water conservation plan will include a requirement that the wholesale customer and any wholesale customers of that wholesale customer develop and implement a water conservation plan meeting the requirements of Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code. The requirement will also extend to each successive wholesale customer in the resale of the water.

7. ENHANCED WATER CONSERVATION STRATEGIES

7.1 Water Rate Structure

The City of Murphy has an increasing block rate water structure that is to encourage water conservation and discourage excessive use and waste of water. The water rate structure is in accordance with the adopted fee schedule. The adopted fee schedule can be located on the City's website.

7.2 Ordinances, Plumbing Codes, or Rules on Water-Conserving Fixtures

The state has required water-conserving fixtures in new construction and renovations since 1992. The state standards call for flows of no more than 2.5 gallons per minute (gpm) for faucets, 2.5 gpm for showerheads, and 1.6 gallons per flush for toilets. Similar standards are now required nationally under federal law. These state and federal standards assure that all new construction and renovations will use water-conserving fixtures. Rebate programs to encourage replacement of older fixtures with water conservation programs are discussed in Section 7.6.

7.3 Reuse and Recycling of Wastewater

The City of Murphy does not own and operate their wastewater treatment plants. The City's wastewater is treated by NTMWD. NTMWD currently has the largest wastewater reuse program in the state. NTMWD has water rights allowing reuse of up to 71,882 acre-feet per year of this treated wastewater through Lavon Lake for municipal purposes. In addition, NTMWD has also developed the East Fork Raw Water Supply Project which can divert up to 157,393 acre-feet per year based on treated wastewater discharges by the NTMWD. When fully developed, these two reuse projects will provide up to 44 percent of the NTMWD's currently permitted water supplies. NTMWD also provides treated effluent from its wastewater treatment plants available for direct reuse for landscape irrigation and industrial use.

7.4 Interactive Weather Stations / Water My Yard Program

NTMWD has developed the Water My Yard program to install weather stations throughout its service area to provide consumers with a weekly e-mail and information through the Water My Yard website in determining an adequate amount of supplemental water that is needed to maintain healthy grass in specific locations. This service represents the largest network of weather stations providing ET-based irrigation recommendations in the State of Texas, and provides the public advanced information regarding outdoor irrigation needs, thereby reducing water use. Through a series of selections on the type of irrigation system a consumer has, a weekly email is provided that will determine how long (in minutes) that an irrigation system needs to run based on the past seven days of weather. This recommendation provides the actual amount of supplemental water that is required for a healthy lawn based on research of the Texas A&M Agrilife Extension Service and proven technologies. This innovative program has been available to those within the NTMWD service area since May 2013.

7.5 Compulsory Landscape and Water Management Measures

The following landscape water management measures are required by the NTMWD for this plan. These measures represent minimum measures to be implemented and enforced in order to irrigate the landscape appropriately, and are to remain in effect on a permanent basis unless water resource management stages are declared.

1. Landscape Water Management Measures

- Limit landscape watering with sprinklers or irrigation systems at each service address to no more than two days per week (April 1 – October 31), with education that less than twice per week is usually adequate. Additional watering of landscape may be provided by hand-held hose with shutoff nozzle, use of dedicated irrigation drip zones, and/or soaker hose provided no runoff occurs.
- Limit landscape watering with sprinklers or irrigation systems at each service address to no more than one day per week beginning November 1 and ending March 31 of each year, with education that less than once per week is usually adequate.
- Prohibit lawn irrigation watering from 10 AM to 6 PM (April 1 – October 31).
- Prohibit the use of irrigation systems that water impervious surfaces. (Wind driven water drift will be taken into consideration.)
- Prohibit outdoor watering during precipitation or freeze events.
- Prohibition of use of poorly maintained sprinkler systems that waste water.
- Prohibit excess water runoff or other obvious waste.
- Require rain and freeze sensors and/or ET or Smart controllers on all new irrigation systems. Rain and freeze sensors and/or ET or Smart controllers must be maintained to function properly.
- Prohibit overseeding, sodding, sprigging, broadcasting or plugging with cool season grasses or watering cool season grasses, except for golf courses and athletic fields.
- Require that irrigation systems be inspected at the same time as initial backflow preventer inspection.
- Requirement that all new irrigation systems be in compliance with state design and installation regulations (TAC Title 30, Part 1, Chapter 344).

- Require the owner of a regulated irrigation property to obtain an evaluation of any permanently installed irrigation system on a periodic basis. The irrigation evaluation shall be conducted by an licensed irrigator in the state of Texas and be submitted to your local water provider (i.e., city, water supply corporation).

2. Additional Water Management Measures

- Prohibit the use of potable water to fill or refill residential, amenity, and any other natural or manmade ponds. A pond is considered to be a still body of water with a surface area of 500 square feet or more.
- Non –commercial car washing can be done only when using a water hose with a shut-off nozzle.
- Hotels and motels shall offer a linen reuse water conservation option to customers.
- Restaurants, bars, and other commercial food or beverage establishments may not provide drinking water to customers unless a specific request is made by the customer for drinking water.

The City of Murphy is responsible for developing regulations, ordinances, policies, or procedures for enforcement of water conservation guidelines.

Appendix E is a summary of considerations for landscape water management regulations adopted as part of the development of this water conservation plan. These regulations are intended to minimize waste in landscape irrigation. Appendix E includes the required landscape water measures in this section.

7.6 Additional Water Conservation Measures (Not Required)

NTMWD also urges the City of Murphy to consider including the following additional water conservation measures from the NTMWD Model Water Conservation Plan in their plans: The City of Murphy is responsible for developing regulations, ordinances, policies, or procedures for enforcement of water conservation guidelines.

1. Landscape Water Management Regulations

- Requirement that all existing irrigation systems be retrofitted with rain and freeze sensors and/or ET or Smart controllers capable of multiple programming. Rain and freeze sensors and/or ET or Smart controllers must be maintained to function properly.

- Requirement that all new athletic fields be irrigated by a separate irrigation system from surrounding areas.
- Implementation of other measures to encourage off-peak water use.

2. Landscape Ordinance

- Landscape ordinances are developed by cities to guide developers in landscaping requirements for the city. A sample landscape ordinance is provided in Appendix I and is intended as a guideline for adopting a landscape ordinance to promote water efficient landscape design.
- Native, drought tolerant or adaptive plants should be encouraged.
- Drip irrigation systems should be promoted.
- ET/Smart controllers that only allow sprinkler systems to irrigate when necessary should be promoted.

3. Water Audits

- Water audits are useful in finding ways in which water can be used more efficiently at a specific location. NTMWD recommends that City of Murphy offer water audits to customers.

4. Rebates

- In addition to the conservation measures described above, the NTMWD also recommends the following water conservation incentive programs for consideration by Member Cities and Customers:
 - Low-flow toilet replacement and rebate programs,
 - Rebates for rain/freeze sensors and/or ET or Smart controllers,
 - Low-flow showerhead and sink aerators replacement programs or rebates,
 - Water efficient clothes washer rebates,
 - Pressure reducing valve installation programs or rebates,
 - Rain barrel rebates,
 - Pool covers,
 - On-demand hot water heater rebates, and/or
 - Other water conservation incentive programs.

7.7 Monitoring of Effectiveness and Efficiency - Annual Water Conservation Report

Appendix D is a form that should be used in the development of an annual water conservation report by the City of Murphy. This form should be completed by March 31 of the following year and used to monitor the effectiveness and efficiency of the water conservation program and to plan conservation-related activities for the next year. The form records the water use by category, per capita municipal use, and total water loss for the current year and compares them to historical values. As part of the development of Appendix D, the City of Murphy will complete the tracking tool by March 31 of the following year and submit them to NTMWD. The annual water conservation report should be sent to NTMWD, which will monitor NTMWD Member Cities' and Customers' water conservation trends.

7.8 Water Conservation Implementation Report

Appendix H includes the TCEQ-required water conservation implementation report. The report is due to the TCEQ by May 1 of every year. This report lists the various water conservation strategies that have been implemented, including the date the strategy was implemented. The report also calls for the five-year and ten-year per capita water use goals from the previous water conservation plan. The reporting



entity must answer whether or not these goals have been met and if not, why not. The amount of water saved is also requested.

8. IMPLEMENTATION AND ENFORCEMENT OF THE WATER CONSERVATION PLAN

Appendix G contains a draft ordinance which will be tailored to meet the City of Murphy's needs and be adopted by the City Council regarding the water conservation plan. The ordinance designates responsible officials to implement and enforce the water conservation plan. Appendix E, the considerations for landscape water management regulations, also includes information about enforcement.

9. REVIEW AND UPDATE OF WATER CONSERVATION PLAN

TCEQ requires that the water conservation plans be updated prior to May 1, 2014. The plans are required to be updated every five years thereafter. The plan will be updated as required and as appropriate based on new or updated information.

ORDINANCE NO. 14-09-983

ADOPTION OF WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN

AN ORDINANCE ADOPTING A WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN FOR THE CITY OF MURPHY TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NON COMPLIANCE WITH THE PROVISIONS OF THE WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN.

WHEREAS, the City of Murphy, Texas (the “City”), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the City adopt a Water Resource and Emergency Management Plan; and

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Water Resource and Emergency Management Plan; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and

WHEREAS, the City Council of the City of Murphy desires to adopt the North Texas Municipal Water District (the “NTMWD”) Model Water Resource and Emergency Management Plan as official City policy for the conservation of water.

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

Section 1. The City Council hereby approves and adopts the NTMWD Model Water Resource and Emergency Management Plan (the “Plan”), attached hereto as Addendum A, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Plan.

Section 2. Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state

is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 3. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 4. Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

Section 5. The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 6. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

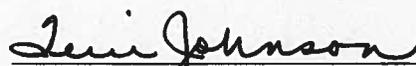
Section 7. Ordinance No. 11-10-897, adopted on October 18, 2011 is hereby repealed.

Passed by the City Council on this the 2nd day of September, 2014.



ATTEST:


Eric Barna, Mayor
City of Murphy, Texas


Terri Johnson, City Secretary

ADDENDUM A
(Water Resource and Emergency Management Plan)

**CITY OF MURPHY
WATER RESOURCE AND EMERGENCY
MANAGEMENT PLAN
NORTH TEXAS MUNICIPAL WATER DISTRICT**

APRIL 2014

FORWARD

This Model Water Resource and Emergency Management Plan (which is an update to the previous Drought Contingency and Water Emergency Response Plan) was prepared by Freese and Nichols for the North Texas Municipal Water District (NTMWD). It is intended to be used by NTMWD Member Cities and Customers as a guide as they develop their own Water Resource and Emergency Management Plans. This plan was prepared pursuant to Texas Commission on Environmental Quality rules. Some material is based on the existing drought contingency plans listed in Appendix A.

Questions regarding this Water Resource and Emergency Management plan should be addressed to the following:

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tcg@freese.com

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Freese and Nichols, Inc.
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Denise Hickey
North Texas Municipal
Water District
(972) 442-5405
dhickey@ntmwd.com

This Water Resource and Emergency Management plan is based on the Texas Administrative Code in effect on June 25, 2013.

**WATER RESOURCE AND EMERGENCY
MANAGEMENT PLAN
CITY OF MURPHY**

MAY 2014

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- APPENDIX A** **List of References**
- APPENDIX B** **Texas Commission on Environmental Quality Rules on Drought Contingency Plans**
 - Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter B, Rule §288.20 – Drought Contingency Plans for Municipal Uses by Public Water Suppliers
- APPENDIX C** **Letters to Region C and Region D Water Planning Groups**
- APPENDIX D** **Adoption of Water Resource and Emergency Management Plan**
 - Municipal Ordinance Adopting Water Resource and Emergency Management Plan
 - Municipal Utility District Order Adopting Water Resource and Emergency Management Plan
 - Special Utility District Order Adopting Water Resource and Emergency Management Plan
 - Water Supply Corporation Resolution Adopting Water Resource and Emergency Management Plan

1. INTRODUCTION AND OBJECTIVES

This document has been prepared as a Model Water Resource and Emergency Management Plan, intended to be available for use by North Texas Municipal Water District (NTMWD) Member Cities and Customers as they develop their own plans. This model plan addresses all of the current TCEQ requirements for a drought contingency plan¹. This model plan will replace the plans dated August 2004, April 2006 and March 2008. The March 2008 model plan shall continue to apply until such time that the drought contingency or water emergency response stage currently in effect under the March 2008 model plan terminates and a less restrictive stage is applicable. At such time, this model plan shall take effect, replacing the March 2008 model plan, and the appropriate water resource management stage as provided in this model plan shall be initiated.

The measures included in this Model Water Resource and Emergency Management Plan are intended to provide short-term water savings during drought or emergency conditions. Water savings associated with ongoing, long-term strategies are discussed in the *Model Water Conservation Plan for North Texas Municipal Water District Member Cities and Customers*.²

The purpose of this model Water Resource and Emergency Management plan is as follows:

- To conserve the available water supply in times of drought and emergency
- To maintain supplies for domestic water use, sanitation, and fire protection
- To protect and preserve public health, welfare, and safety
- To minimize the adverse impacts of water supply shortages
- To minimize the adverse impacts of emergency water supply conditions.

The NTMWD supplies treated potable water to its Member Cities and Customers. This model plan was developed by NTMWD in consultation with its Member Cities and Customers. In order to adopt this model plan, each NTMWD Member City and Customer will need to adopt ordinance(s) or regulation(s) implementing the plan, including the determination of fines and enforcement procedures. The model plan calls for Member Cities and Customers to adopt water resource management stages initiated by NTMWD during a drought or water supply emergency. Member Cities and Customers may also adopt more stringent water resource management stages than NTMWD if conditions warrant.

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Water Resource and Emergency Management Plan

In the absence of drought response measures, water demands tend to increase during a drought due to increased outdoor irrigation. The severity of a drought depends on the degree of depletion of supplies and on the relationship of demand to available supplies. The NTMWD considers a drought to end when all of its supply reservoirs refill to the conservation storage pool.

¹ Superscripted numbers match references listed in Appendix A.

2. DEFINITIONS

1. AQUATIC LIFE means a vertebrate organism dependent upon an aquatic environment to sustain its lifeⁱ.
2. ATHLETIC FIELD means a public sports competition field, the essential feature of which is turf grass, used primarily for organized sports practice, competition or exhibition events for schools, professional sports, or sanctioned league playⁱⁱ.
3. COMMERCIAL FACILITY business or industrial buildings and the associated landscaping, but does not include the fairways, greens, or tees of a golf courseⁱ.
4. COMMERCIAL VEHICLE WASH FACILITY means a permanently-located business that washes vehicles or other mobile equipment with water or water-based products, including but not limited to self-service car washes, full service car washes, roll-over/in-bay style car washes, and facilities managing vehicle fleets or vehicle inventoryⁱ.
5. COOL SEASON GRASSES are varieties of turf grass that grow best in cool climates primarily in northern and central regions of the U.S. Cool season grasses include perennial and annual rye grass, Kentucky blue grass and fescuesⁱⁱⁱ.
6. CUSTOMERS include those entities to whom NTMWD provides water on a customer basis that are not members of NTMWD.
7. DESIGNATED OUTDOOR WATER USE DAY means a day prescribed by rule on which a person is permitted to irrigate outdoorsⁱ.

ⁱ Definitions from City of Austin Water Conservation and Drought Contingency Ordinance adopted August 16, 2012.
http://www.austintexas.gov/sites/default/files/files/Water/Conservation/Planning_and_Policy/ProposedCodeRevision_DRAFT_with_watering_schedule-8-15-2012.pdf

ⁱⁱ Definition from City of San Antonio Water Conservation Ordinance adopted 2005.
http://saws.org/conservation/ordinance/docs/Ch34_Ordinance_2009.pdf

ⁱⁱⁱ Definition developed by Freese and Nichols, Inc.

8. DRIP IRRIGATION is a type of micro-irrigation system that operates at low pressure and delivers water in slow, small drips to individual plants or groups of plants through a network of plastic conduits and emitters; also called trickle irrigation.^{iv}.
9. DROUGHT, for the purposes of this report, means an extended period of time when an area receives insufficient amounts of rainfall to replenish the water supply, causing water supply sources (in this case reservoirs) to be depleted^v.
10. EVAPOTRANSPIRATION abbreviated as ET represents the amount of water lost from plant material to evaporation and transpiration. The amount of ET can be estimated based on the temperature, wind, and relative humidityⁱⁱⁱ.
11. ET/SMART CONTROLLERS are irrigation controllers that adjust their schedule and run times based on weather (ET) data. These controllers are designed to replace the amount of water lost to evapotranspirationⁱⁱⁱ.
12. EXECUTIVE DIRECTOR means the Executive Director of the North Texas Municipal Water District and includes a person the Director has designated to administer or perform any task, duty, function, role, or action related to this plan or on behalf of the Executive Directorⁱⁱⁱ.
13. FOUNDATION WATERING means an application of water to the soils directly abutting the foundation of a building structureⁱ.
14. MEMBER CITIES include the cities of Allen, Farmersville, Forney, Frisco, Garland, McKinney, Mesquite, Plano, Princeton, Richardson, Rockwall, Royce City, and Wylie, Texas.
15. NEW LANDSCAPE means vegetation: installed at the time of the construction of a residential or commercial facility; installed as part of a governmental entity's capital improvement project; installed to stabilize an area disturbed by constructionⁱ.

^{iv} Amy Vickers: Handbook of Water Use and Conservation, Amherst Massachusetts, June 2002

^v Freese and Nichols, Inc.: Water Conservation and Drought Contingency and Water Emergency Response Plan, prepared for North Texas Municipal Water District, Fort Worth, March 2008.

16. ORNAMENTAL FOUNTAIN means an artificially created structure (up to six feet in diameter) from which a jet, stream, valves and emission devices or flow of water emanates and is not typically utilized for the preservation of aquatic lifeⁱ.
17. PERMANANTLY INSTALLED IRRIGATION SYSTEM means a custom-made, site-specific system of delivering water generally for landscape irrigation via a system of pipes or other conduits installed below groundⁱ.
18. RAIN/FREEZE SENSOR means a device designed to stop the flow of water to an automatic irrigation system when rainfall or freeze event has been detectedⁱⁱ.
19. RECLAIMED WATER means reclaimed municipal wastewater that has been treated to a quality that meets or exceeds the minimum standards of the 30 Texas Administrative Code, Chapter 210 and is used for lawn irrigation, industry, or other non-potable purposesⁱ.
20. SOAKER HOSE means a perforated or permeable garden-type hose or pipe that is laid above ground that provides irrigation at a slow and constant rateⁱ.
21. SPRINKLER means an above-ground water distribution device that may be attached to a garden hoseⁱ.
22. SWIMMING POOL means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any pointⁱⁱ.
23. WATER RESOURCE MANAGEMENT PLAN means a strategy or combination of strategies for temporary supply management and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies required by Texas Administrative Code Title 30, Chapter 288, Subchapter B. This is sometimes called a drought contingency planⁱ

3. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES

The TCEQ rules governing development of drought contingency plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter B, Rule 288.20 of the Texas Administrative Code, a current copy of which is included in Appendix B. For the purpose of these rules, a drought contingency plan is defined as “a strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies.”¹

Minimum Requirements

TCEQ’s minimum requirements for drought contingency plans are addressed in the following subsections of this report:

- 288.20(a)(1)(A) – Provisions to Inform the Public and Provide Opportunity for Public Input – Section 4.1
- 288.20(a)(1)(B) – Provisions for Continuing Public Education and Information – Section 4.2
- 288.20(a)(1)(C) – Coordination with the Regional Water Planning Group – Section 4.6
- 288.20(a)(1)(D) – Criteria for Initiation and Termination of Water Resource Management Stages – Section 4.3
- 288.20(a)(1)(E) – Water Resource Management Stages – Section 4.3
- 288.20(a)(1)(F) – Specific, Quantified Targets for Water Use Reductions – Section 4.3
- 288.20(a)(1)(G) – Water Supply and Demand Management Measures for Each Stage – Section 4.3
- 288.20(a)(1)(H) – Procedures for Initiation and Termination of Water Resource Management Stages – Section 4.3
- 288.20(a)(1)(I) - Procedures for Granting Variances – Section 4.4
- 288.20(a)(1)(J) - Procedures for Enforcement of Mandatory Restrictions – Section 4.5
- 288.20(a)(3) – Consultation with Wholesale Supplier – Sections 1, 4.2, and 4.33.8
- 288.20(b) – Notification of Implementation of Mandatory Measures – Section 4.3

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Water Resource and Emergency Management Plan

- 288.20(c) – Review and Update of Plan – Section 4.7

4. WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN

4.1 PROVISIONS TO INFORM THE PUBLIC AND OPPORTUNITY FOR PUBLIC INPUT

City of Murphy will provide opportunity for public input in the development of this Water Resource and Emergency Management Plan by the following means:

- Providing written notice of the proposed plan and the opportunity to comment on the plan by newspaper, posted notice, and notice on the City's web site (if available).
- Making the draft plan available on the City's web site (if available).
- Providing the draft plan to anyone requesting a copy.
- Holding a public meeting.

4.2 PROVISIONS FOR CONTINUING PUBLIC EDUCATION AND INFORMATION

City of Murphy will inform and educate the public about the Water Resource and Emergency Management Plan by the following means:

- Preparing a bulletin describing the plan and making it available at city hall and other appropriate locations.
- Making the plan available to the public through the City's web site (if available).
- Including information about the Water Resource and Emergency Management Plan on the City's web site (if available).
- Notifying local organizations, schools, and civic groups that staff are available to make presentations on the Water Resource and Emergency Management Plan (usually in conjunction with presentations on water conservation programs).
- At any time that the Water Resource and Emergency Management Plan is activated or the Water Resource and Emergency Management Plan changes, City of Murphy will notify local media of the issues, the water resource management stage (if applicable), and the specific actions required of the public. The information will also be publicized on the City's web site (if available). Billing inserts will also be used as appropriate.

4.3 INITIATION AND TERMINATION OF WATER RESOURCE AND EMERGENCY MANAGEMENT STAGES

Initiation of a Water Resource Management Stage

The City Manager or official designee may order the implementation of a water resource management stage when one or more of the trigger conditions for that stage are met. The following actions will be taken when a water resource management stage is initiated:

- The public will be notified through local media and the City's web site (if available) as described in Section 4.2.
- Wholesale customers (if any) and the NTMWD will be notified by e-mail with a follow-up letter or fax that provides details of the reasons for initiation of the water resource management stage.
- If any mandatory provisions of the Water Resource and Emergency Management Plan are activated, City of Murphy will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within 5 business days.
- Water Resource and Emergency Management Plan stages imposed by NTMWD action must be initiated by the City of Murphy.
- For other trigger conditions internal to City of Murphy, the City Manager or official designee may decide not to order the implementation of a water resource management stage or water emergency even though one or more of the trigger criteria for the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, the anticipation of replenished water supplies, or the anticipation that additional facilities will become available to meet needs. The reason for this decision should be documented.

Termination of a Water Resource Management Stage

The City Manager or official designee may order the termination of a water resource management stage when the conditions for termination are met or at their discretion. The following actions will be taken when a water resource management stage is terminated:

The City of Murphy

Water Resource and Emergency Management Plan

- The public will be notified through local media and the City's web site (if available) as described in Section 4.2.
- Wholesale customers (if any) and the NTMWD will be notified by e-mail with a follow-up letter or fax.
- If any mandatory provisions of the Water Resource and Emergency Management plan that have been activated are terminated, City of Murphy will notify the Executive Director of the TCEQ and the Executive Director of the NTMWD within 5 business days.

The City Manager or official designee may decide not to order the termination of a water resource management stage even though the conditions for termination of the stage are met. Factors which could influence such a decision include, but are not limited to, the time of the year, weather conditions, or the anticipation of potential changed conditions that warrant the continuation of the water resource management stage. The reason for this decision should be documented.

Water Resource and Emergency Management Plan Stages and Measures

Stage 1

Initiation and Termination Conditions for Stage 1

- The NTMWD has initiated Stage 1, which may be initiated due to one or more of the following:
 - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 1.
 - Water demand is projected to approach the limit of the permitted supply.
 - The storage in Lavon Lake is less than 55 percent of the total conservation pool capacity.
 - NTMWD's storage in Jim Chapman Lake is less than 55 percent of NTMWD's total conservation pool capacity.
 - The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Mild drought.
 - NTMWD has concern that Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source may be limited in availability in the next 6 months.
 - NTMWD water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days.
 - NTMWD water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.
 - NTMWD's supply source becomes contaminated.
 - Supply source is interrupted or unavailable due to invasive species.
 - NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's water demand exceeds 95 percent of the amount that can be delivered to customers for three consecutive days.
- City's water demand for all or part of the delivery system equals delivery capacity because delivery capacity is inadequate.

*The City of Murphy*Water Resource and Emergency Management Plan

- Supply source becomes contaminated.
- City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's individual plan may be implemented if other criteria dictate.

Stage 1 may terminate when NTMWD terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 no longer prevail.

Goal for Use Reduction and Actions Available under Stage 1

The goal for water use reduction under Stage 1 is a five percent (5%) reduction in the amount of water produced by NTMWD from the previous annual payment period prior to drought restrictions. **If circumstances warrant or if required by NTMWD, the City Manager, or official designee can set a goal for greater or lesser water use reduction.** The City Manager or official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve a five percent reduction. Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. The city must notify TCEQ and NTMWD within five business days if these measures are implemented:

- Continue actions in the water conservation plan.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Initiate engineering studies to evaluate alternatives should conditions worsen.
- Further accelerate public education efforts on ways to reduce water use.
- Halt non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- All users are encouraged to reduce the frequency of draining and refilling swimming pools.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems at each service address to no more than two days per week on designated days

- between April 1 – October 31. Limit landscape watering with sprinklers or irrigation systems at each service address to once every week on designated days between November 1 – March 31. Exceptions are as follows:
- An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the installation of new landscape features.
 - An exemption is also allowed for registered and properly functioning ET/Smart irrigation systems and drip irrigation systems from the designated outdoor water use days limited to no more than two days per week. ET/Smart irrigation and drip irrigation systems are however subject to all other restrictions applicable under this stage.
 - An exception for additional watering of landscape may be provided by hand held hose with shutoff nozzle, use of dedicated irrigation drip zones, and/or soaker hose provided no runoff occurs.
 - Foundations, new landscaping, new plantings (first year) of shrubs, and trees (within a ten foot radius of its trunk) may be watered by a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system provided no runoff occurs.
- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over a certain level.
 - **Requires Notification to TCEQ** – Landscape watering of parks, golf courses and athletic fields using potable water are required to meet the same reduction goals and measures outlined in this stage. Exception for golf course greens and tee boxes which may be hand watered as needed.

Stage 2Initiation and Termination Conditions for Stage 2

- The NTMWD has initiated Stage 2, which may be initiated due to one or more of the following:
 - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 2.
 - Water demand is projected to approach or exceed the limit of the permitted supply.
 - The storage in Lavon Lake is less than 45 percent of the total conservation pool capacity.
 - NTMWD's storage in Jim Chapman Lake is less than 45 percent of NTMWD's total conservation pool capacity.
 - The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Moderate drought. (Measures required by SRA under a Moderate drought designation are similar to those under NTMWD's Stage 2.)
 - The supply from Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source has become limited in availability within the next 3 months.
 - NTMWD water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days.
 - NTMWD water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.
 - NTMWD's supply source becomes contaminated.
 - NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's water demand exceeds 98 percent of the amount that can be delivered to customers for three consecutive days.
- City's water demand for all or part of the delivery system exceeds delivery capacity because delivery capacity is inadequate.

*The City of Murphy*Water Resource and Emergency Management Plan

- Supply source becomes contaminated.
- Supply source is interrupted or unavailable due to invasive species.
- City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's individual plan may be implemented if other criteria dictate.
- Stage 2 may terminate when NTMWD terminates its Stage 2 condition or when the circumstances that caused the initiation of Stage 2 no longer prevail.

Goals for Use Reduction and Actions Available under Stage 2

The goal for water use reduction under Stage 2 is a reduction of ten percent (10%) in the amount of water obtained from NTMWD from the previous annual payment period prior to drought restrictions. **If circumstances warrant or if required by NTMWD, the City Manager, or official designee can set a goal for greater or lesser water use reduction.** The City Manager or official designee may order the implementation of any or all of the actions listed below, as deemed necessary to achieve a ten percent reduction. Measures described as "requires notification to TCEQ" impose mandatory requirements on customers. The City must notify TCEQ and NTMWD within five business days if these measures are implemented:

- Continue or initiate any actions available under Stage 1.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Implement viable alternative water supply strategies.
- All users are encouraged to reduce the frequency of draining and refilling swimming pools.
- **Requires Notification to TCEQ** – Limit landscape watering with sprinklers or irrigation systems at each service address to once per week on designated days between April 1 – October 31. Limit landscape watering with sprinklers or irrigation systems at each service address to once every other week on designated days between November 1 – March 31. Exceptions are as follows:
 - New construction may be watered as necessary for 30 days from the date of the installation of new landscape features. .

- Foundations, new plantings (first year) of shrubs, and trees (within a ten foot radius of its trunk) may be watered for up to two hours on any day by a hand-held hose, a dedicated zone using a drip irrigation system and/or soaker hose provided no runoff occurs.
- Public athletic fields used for competition may be watered twice per week.
- Locations using alternative sources of water supply only for irrigation may irrigate without day of the week restrictions provided proper signage is employed. However, irrigation using alternative sources of supply is subject all other restrictions applicable to this stage. If the alternative supply source is a well, proper proof of well registration with the North Texas Groundwater Conservation District or Red River Ground Water Conservation District is required. Other sources of water supply may not include imported treated water.
- An exemption is allowed for registered and properly functioning ET/Smart irrigation systems and drip irrigation systems from the designated outdoor water use day limited to no more than one day per week. ET/Smart irrigation and drip irrigation systems are however subject to all other restrictions applicable under this stage.
- Hand watering with shutoff nozzle, drip lines, and soaker hoses is allowed before 10 am and after 6 pm provided no runoff occurs.
- **Requires Notification to TCEQ** – Prohibit hydro seeding, hydro mulching, and sprigging.
- **Requires Notification to TCEQ** - Initiate a rate surcharge as requested by NTMWD.
- **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over a certain level.
- **Requires Notification to TCEQ** – If NTMWD has imposed a reduction in water available to City of Murphy, impose the same percent reduction on wholesale customers.
- **Requires Notification to TCEQ** – Landscape watering of parks and golf courses using potable water are required to meet the same reduction goals and measures outlined in this stage. Exception for golf course greens and tee boxes which may be hand watered as needed.

Stage 3Initiation and Termination Conditions for Stage 3

- The NTMWD has initiated Stage 3, which may be initiated due to one or more of the following:
 - The NTMWD Executive Director, with the concurrence of the NTMWD Board of Directors, finds that conditions warrant the declaration of Stage 3.
 - Water demand is projected to approach or exceed the limit of the permitted supply.
 - The storage in Lavon Lake is less than 35 percent of the total conservation pool capacity.
 - NTMWD's storage in Jim Chapman Lake is less than 35 percent of NTMWD's total conservation pool capacity.
 - The Sabine River Authority has indicated that its Upper Basin water supplies used by NTMWD (Lake Tawakoni and/or Lake Fork) are in a Severe drought or Emergency.
 - The supply from Lake Texoma, the East Fork Raw Water Supply Project, or some other NTMWD source has become severely limited in availability.
 - NTMWD water demand exceeds the amount that can be delivered to customers.
 - NTMWD water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
 - NTMWD's supply source becomes contaminated.
 - NTMWD's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's water demand exceeds the amount that can be delivered to customers.
- City's water demand for all or part of the delivery system seriously exceeds delivery capacity because the delivery capacity is inadequate.
- Supply source becomes contaminated.
- City's water supply system is unable to deliver water due to the failure or damage of major water system components.
- City's individual plan may be implemented if other criteria dictate.

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- Stage 3 may terminate when NTMWD terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail.

Goals for Use Reduction and Actions Available under Stage 3

The goal for water use reduction under Stage 3 is a reduction of whatever amount is necessary in the amount of water obtained from NTMWD from the previous annual payment period prior to drought restrictions. **If circumstances warrant or if required by NTMWD, the City Manager, or official designee can set a goal for greater or lesser water use reduction.**

The City Manager or official designee may order the implementation of any or all of the actions listed below, as deemed necessary. Measures described as “requires notification to TCEQ” impose mandatory requirements on the City of Murphy. The City must notify TCEQ and NTMWD within five business days if these measures are implemented.

- Continue or initiate any actions available under Stages 1, and 2.
- Notify wholesale customers of actions being taken and request them to implement similar procedures.
- Implement viable alternative water supply strategies.
- **Requires Notification to TCEQ** – Initiate mandatory water use restrictions as follows:
 - Hosing and washing of paved areas, buildings, structures, windows or other surfaces is prohibited except by variance and performed by a professional service using high efficiency equipment.
 - Prohibit operation of ornamental fountains or ponds that use potable water except where supporting aquatic life or water quality.
- **Requires Notification to TCEQ** – Prohibit new sod, hydro seeding, hydro mulching, and sprigging.
- **Requires Notification to TCEQ** – Prohibit the use of potable water for the irrigation of new landscaping.
- **Requires Notification to TCEQ** – Prohibit all commercial and residential landscape watering, except that foundations and trees (within a ten foot radius of its trunk) may be watered for

- two hours one day per week with a hand-held hose, a dedicated zone using a drip irrigation system and/or soaker hose provided no runoff occurs. ET/Smart irrigation systems and drip irrigation systems are not exempt from this requirement.
- **Requires Notification to TCEQ** – Prohibit washing of vehicles except at commercial vehicle wash facilities.
 - **Requires Notification to TCEQ** – Landscape watering of parks, golf courses, and athletic fields with potable water is prohibited. Exception for golf course greens and tee boxes which may be hand watered as needed. Variances may be granted by the water provider under special circumstances.
 - **Requires Notification to TCEQ** – Prohibit the filling, draining and refilling of existing swimming pools, wading pools, Jacuzzi and hot tubs except to maintain structural integrity, proper operation and maintenance or to alleviate a public safety risk. Existing pools may add water to replace losses from normal use and evaporation. Permitting of new swimming pools, wading pools, Jacuzzi and hot tubs is prohibited.
 - **Requires Notification to TCEQ** – Prohibit the operation of interactive water features such as water sprays, dancing water jets, waterfalls, dumping buckets, shooting water cannons, or splash pads that are maintained for public recreation.
 - **Requires Notification to TCEQ** – Require all commercial water users to reduce water use by a percentage established by the City Manager or official designee.
 - **Requires Notification to TCEQ** – If NTMWD has imposed a reduction in water available to City of Murphy, impose the same percent reduction on wholesale customers.
 - **Requires Notification to TCEQ** - Initiate a rate surcharge for all water use over normal rates for all water use.

4.4 PROCEDURES FOR GRANTING VARIANCES TO THE PLAN

The City Manager or official designee may grant temporary variances for existing water uses otherwise prohibited under this Water Resource and Emergency Management Plan if one or more of the following conditions are met:

- Failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance.
- Compliance with this plan cannot be accomplished due to technical or other limitations.
- Alternative methods that achieve the same level of reduction in water use can be implemented.
- Variances shall be granted or denied at the discretion of the City Manager or official designee. All petitions for variances should be in writing and should include the following information:
 - Name and address of the petitioners
 - Purpose of water use
 - Specific provisions from which relief is requested
 - Detailed statement of the adverse effect of the provision from which relief is requested
 - Description of the relief requested
 - Period of time for which the variance is sought
 - Alternative measures that will be taken to reduce water use
 - Other pertinent information.

4.5 PROCEDURES FOR ENFORCING MANDATORY WATER USE RESTRICTIONS

Mandatory water use restrictions may be imposed in Stage 1, Stage 2 and Stage 3 Water Resource and Emergency Management Plan stages. The penalties associated with the mandatory water use restrictions will be determined by City Ordinance.

Appendix D contains potential ordinances, resolutions, and orders that may be adopted by the city council, board, or governing body approving the Water Resource and Emergency Management plan and water response plan, including enforcement of same.

4.6 COORDINATION WITH THE REGIONAL WATER PLANNING GROUP AND NTMWD

Appendix C includes a copy of a letter sent to the Chairs of the Region C Water Planning Group and the North East Texas Water Planning Group with this model Water Resource and Emergency Management plan.

The City will send a draft of its ordinance(s) or other regulation(s) implementing this plan to NTMWD for their review and comment. The City will also send the final ordinance(s) or other regulation(s) to NTMWD.

4.7 REVIEW AND UPDATE OF WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN

As required by TCEQ rules, the City of Murphy must review the Water Resource and Emergency Management plan every five years. The plan will be updated as appropriate based on new or updated information.

APPENDIX A
LIST OF REFERENCES

APPENDIX A**LIST OF REFERENCES**

1. Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter B, Rules 288.20 and 288.22, downloaded from
[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=288),
June 2013
2. Freese and Nichols, Inc.: Model Water Resource Management Plan for NTMWD Members Cities and Customers, prepared for the North Texas Municipal Water District, Fort Worth, October 2012.
3. Definitions from City of Austin Water Conservation and Drought Contingency Ordinance adopted August 16, 2012. http://www.austintexas.gov/sites/default/files/files/Water/Conservation/Planning_and_Policy/ProposedCodeRevision_DRAFT_with_watering_schedule-8-15-2012.pdf
4. Definition from City of San Antonio Water Conservation Ordinance adopted 2005.
http://saws.org/conservation/ordinance/docs/Ch34_Ordinance_2009.pdf
5. Definition developed by Freese and Nichols, Inc.
6. Freese and Nichols, Inc.: Water Conservation and Drought Contingency and Water Emergency Response Plan, prepared for North Texas Municipal Water District, Fort Worth, March 2008.
7. Texas Water Development Board, Texas Commission on Environmental Quality, Water Conservation Advisory Council. "Guidance and Methodology for Water Conservation Reporting.", December 2012.
8. Freese and Nichols, Inc., Alan Plummer and Associates, CP &Y Inc., Cooksey Communications, "2011 Region C Water Plan".

APPENDIX B
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES ON
DROUGHT CONTINGENCY PLANS

APPENDIX B

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY RULES ON DROUGHT CONTINGENCY PLANS

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 288</u>	WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS
<u>SUBCHAPTER B</u>	DROUGHT CONTINGENCY PLANS
RULE §288.20	Drought Contingency Plans for Municipal Uses by Public Water Suppliers

(a) A drought contingency plan for a retail public water supplier, where applicable, must include the following minimum elements.

(1) Minimum requirements. Drought contingency plans must include the following minimum elements.

(A) Preparation of the plan shall include provisions to actively inform the public and affirmatively provide opportunity for public input. Such acts may include, but are not limited to, having a public meeting at a time and location convenient to the public and providing written notice to the public concerning the proposed plan and meeting.

(B) Provisions shall be made for a program of continuing public education and information regarding the drought contingency plan.

(C) The drought contingency plan must document coordination with the regional water planning groups for the service area of the retail public water supplier to ensure consistency with the appropriate approved regional water plans.

(D) The drought contingency plan must include a description of the information to be monitored by the water supplier, and specific criteria for the initiation and termination of drought response stages, accompanied by an explanation of the rationale or basis for such triggering criteria.

(E) The drought contingency plan must include drought or emergency response stages providing for

the implementation of measures in response to at least the following situations:

- (i) reduction in available water supply up to a repeat of the drought of record;
- (ii) water production or distribution system limitations;
- (iii) supply source contamination; or
- (iv) system outage due to the failure or damage of major water system components (e.g., pumps).

(F) The drought contingency plan must include specific, quantified targets for water use reductions to be achieved during periods of water shortage and drought. The entity preparing the plan shall establish the targets. The goals established by the entity under this subparagraph are not enforceable.

(G) The drought contingency plan must include the specific water supply or water demand management measures to be implemented during each stage of the plan including, but not limited to, the following:

- (i) curtailment of non-essential water uses; and
- (ii) utilization of alternative water sources and/or alternative delivery mechanisms with the prior approval of the executive director as appropriate (e.g., interconnection with another water system, temporary use of a non-municipal water supply, use of reclaimed water for non-potable purposes, etc.).

(H) The drought contingency plan must include the procedures to be followed for the initiation or termination of each drought response stage, including procedures for notification of the public.

(I) The drought contingency plan must include procedures for granting variances to the plan.

(J) The drought contingency plan must include procedures for the enforcement of mandatory water use restrictions, including specification of penalties (e.g., fines, water rate surcharges, discontinuation of service) for violations of such restrictions.

(2) Privately-owned water utilities. Privately-owned water utilities shall prepare a drought contingency plan in accordance with this section and incorporate such plan into their tariff.

(3) Wholesale water customers. Any water supplier that receives all or a portion of its water supply from another water supplier shall consult with that supplier and shall include in the drought contingency

plan appropriate provisions for responding to reductions in that water supply.

(b) A wholesale or retail water supplier shall notify the executive director within five business days of the implementation of any mandatory provisions of the drought contingency plan.

(c) The retail public water supplier shall review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan.

Source Note: The provisions of this §288.20 adopted to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective October 7, 2004, 29 TexReg 9384

APPENDIX C
LETTERS TO REGION C AND REGION D WATER PLANNING GROUPS

APPENDIX C

LETTERS TO REGION C AND REGION D WATER PLANNING GROUPS

Date

Region C Water Planning Group
c/o North Texas Municipal Water District
P.O. Box 2408
Wylie, TX 75098

Dear Sir:

Enclosed please find a copy of the Model Water Resource and Emergency Management Plan (which is an update to the previous Drought Contingency and Water Emergency Response Plan) for Member Cities and Customers of the North Texas Municipal Water District. I am submitting a copy of this plan to the Region C Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules. The Board of the North Texas Municipal Water District adopted the updated model plan on _____, 2013.

Sincerely,

James M. Parks, Executive Director
North Texas Municipal Water District

Date

Mr. Brett McCoy
Chair, Region D Water Planning Group
700 CR3347
Omaha, TX 75571

Dear Mr. McCoy:

Enclosed please find a copy of the recently updated Model Water Resource and Emergency Management Plan for Member Cities and Customers of the North Texas Municipal Water District. I am submitting a copy of this plan to the Region C Water Planning Group in accordance with the Texas Water Development Board and Texas Commission on Environmental Quality rules. The Board of the North Texas Municipal Water District adopted the updated model plan on _____, 2013.

Sincerely,

James M. Parks, Executive Director
North Texas Municipal Water District

APPENDIX D
ADOPTION OF WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN

APPENDIX D

ADOPTION OF WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN

Municipal Ordinance

Adopting Water Resource and Emergency Management Plan

Ordinance No. _____

AN ORDINANCE ADOPTING A WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN FOR THE CITY OF _____ TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN.

WHEREAS, the City of Murphy , Texas (the “City”), recognizes that the amount of water available to its water customers is limited; and

WHEREAS, the City recognizes that due to natural limitations, drought conditions, system failures and other acts of God which may occur, the City cannot guarantee an uninterrupted water supply for all purposes at all times; and

WHEREAS, the Water Code and the regulations of the Texas Commission on Environmental Quality (the “Commission”) require that the City adopt a Water Resource and Emergency Management Plan; and

WHEREAS, the City has determined an urgent need in the best interest of the public to adopt a Water Resource and Emergency Management Plan; and

WHEREAS, pursuant to Chapter 54 of the Local Government Code, the City is authorized to adopt such Ordinances necessary to preserve and conserve its water resources; and

WHEREAS, the City Council of the City of ____ desires to adopt the North Texas Municipal Water District (the “NTMWD”) Model Water Resource and Emergency Management Plan as official City policy for the conservation of water.

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

Section 1. The City Council hereby approves and adopts the NTMWD Model Water Resource and Emergency Management Plan (the “Plan”), attached hereto as Addendum A, as if recited verbatim herein. The City commits to implement the requirements and procedures set forth in the adopted Plan.

Section 2. Any customer, defined pursuant to 30 Tex. Admin. Code Chapter 291, failing to comply with the provisions of the Plan shall be subject to a fine of up to two thousand dollars (\$2,000.00) and/or discontinuance of water service by the City. Proof of a culpable mental state is not required for a conviction of an offense under this section. Each day a customer fails to comply with the Plan is a separate violation. The City's authority to seek injunctive or other civil relief available under the law is not limited by this section.

Section 3. The City Council does hereby find and declare that sufficient written notice of the date, hour, place and subject of the meeting adopting this Ordinance was posted at a designated place convenient to the public for the time required by law preceding the meeting, that such place of posting was readily accessible at all times to the general public, and that all of the foregoing was done as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the posting thereof.

Section 4. Should any paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected.

City of Murphy

Water Resource and Emergency Management Plan

Section 5. The City Manager or his designee is hereby directed to file a copy of the Plan and this Ordinance with the Commission in accordance with Title 30, Chapter 288 of the Texas Administrative Code.

Section 6. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this ordinance as an alternative method of publication provided by law.

Section 7. {If Applicable} Ordinance No. _____, adopted on _____, is hereby repealed.

Passed by the City Council on this ___ day of _____, _____.

Mayor

Attest:

City Secretary

City Council Meeting
April 21, 2015

Issue

Discussion regarding the City Council Strategic Planning Session.

Background/History

The City Council met on March 19th - 21st, to develop a new strategic plan for the City. The first item that the City Council reviewed was the City's current Vision and Mission Statements. The City Council tweaked the Vision Statement by shortening it and making it more representative of our purpose.

*Murphy values a **safe, vibrant, family-oriented, distinctive** city that fosters a strong sense of community.*

The Council then focused on the Mission Statement or the Guiding Principles that will support, enable and accomplish the purpose of the Vision Statement.

In order to accomplish and sustain our Purpose, Murphy will follow these guiding principles:

We will seek innovative solutions for local issues;

We will have engaging community activities and programs for all ages;

We will have attractive and inviting parks and trails;

We will encourage civic and community involvement;

We will have a bold sense of economic vitality;

We will maintain professional and highly trained staff with a servant leadership focus;

We will respectfully enforce all laws and regulations;

We will have well maintained infrastructure;

We will uphold quality building standards

We will have strong relationships with neighboring communities;

We will be compassionate, caring citizens, neighbors and city staff.

It was determined that these were the Principles that would help the City establish a solid foundation for the City Council and staff to build upon for the development of the 3 - 5 year Plan for organizational, financial and community decisions.