

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING (COUNCIL CHAMBERS)
MARCH 15, 2016 AT 6:00 PM
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



Eric Barna
Mayor

Scott Bradley
Mayor Pro Tem

Owais Siddiqui
Deputy Mayor Pro Tem

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 March 15, 2016 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

5. PRESENTATIONS

- A. Presentation by the Green Team regarding the upcoming Community Clean and Green event on Saturday, April 9, 2016.
- B. Presentation of financial report and investment report as of February 29, 2016.

6. CONSENT AGENDA

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

- A. Consider and/or act on the February 29, 2016 special meeting minutes.
- B. Consider and/or act on the March 1, 2016 regular meeting minutes.
- C. Consider and/or act on approval of Ordinance Number 16-03-1009 to amend the Code of Ordinances, Sec. 20.03.047 Speed through school zones.
- D. Consider and/or act upon authorizing the acting city manager or Council's designee to sign a mutual aid agreement with City of Richardson for the provision of fire, search and rescue, hazardous material response, and Emergency Medical Services.
- E. Consider and/or act on approval of a vote for Jorge Bermudez as an Unaffiliated Director to the ERCOT Board of Directors (Board), for his third and final term.

7. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing and consider and/or act on the application of Murphy Equity Management Ltd., requesting by ordinance (Ordinance Number 16-03-1010) to amend PD (Planned Development) District No. 12-06-916 Concept Plan and to permit a self-storage facility as a permitted use on property located at the northwest quadrant of FM 544 and McCreary Road.
- B. Consider and/or act upon the proposed revisions to the Murphy Personnel Policies and Procedures Handbook.
- C. Consider and/or act upon approving the acting city manager or Council's designee to take action on an agreed order from Texas Commission on Environmental Quality regarding Storm Water Management Enforcement Action.

8. CITY MANAGER/STAFF REPORTS

- A. Timbers Nature Preserve
- B. Betsy Lane Road Widening Project
- C. South Maxwell Creek Parallel Trunk Sewer Line
- D. North Murphy Road
- E. Upcoming events:
 - March 26, 2016 Murphy Chamber of Commerce – Spring Fever 2016 - 10 am till 4 pm at Lowes Parking lot
 - April 30, 2016 Drug take back day

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will now recess into Executive Session (closed meeting) to discuss the following:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager and Acting City Manager.
- B. §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; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

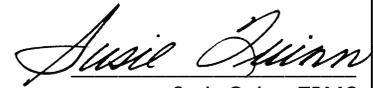
10. RECONVENE INTO REGULAR SESSION

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

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager and Acting City Manager.
- B. §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; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. 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 March 11, 2016 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.



Susie Quinn, TRMC
City Secretary

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

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

CITY COUNCIL MINUTES
SPECIAL CITY COUNCIL MEETING
FEBRUARY 29, 2016 AT 6:00 PM

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. ROLL CALL & CERTIFICATION OF A QUORUM

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

Mayor Eric Barna
Mayor Pro Tem Scott Bradley
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Ben St. Clair
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Rob Thomas

4. PUBLIC COMMENTS

No Public Comments were presented.

5. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 6:01 p.m. to discuss the following:

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

6. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 7:27 p.m., pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

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

The following three motions were made following Executive Session:

COUNCIL ACTION:

APPROVED

Mayor Pro Tem Scott Bradley moved to accept the resignation of City Manager James Fisher effective March 1, 2016, to give notice to the City Manager to pursue a severance in accordance with the employment contract in place and to authorize the

City Attorney to negotiate a severance agreement per the current employment contract in place. Deputy Mayor Pro Tem Owais Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

COUNCIL ACTION: **APPROVED**
Mayor Pro Tem Bradley moved to appoint Fire Chief Mark Lee as Acting City Manager until an interim City Manager can be selected. Deputy Mayor Pro Tem Owais Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

COUNCIL ACTION: **APPROVED**
Mayor Pro Tem Bradley moved to authorize the Mayor to initiate a search for an interim City Manager, candidates to bring to Council for approval and appointment. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

Mayor Barna read a statement explaining the Council has accepted the resignation of City Manager Fisher and plans for the transition to a new City Manager. He continued recognizing City Manager James Fisher’s leadership skills. He thanked City Manager Fisher for all his accomplishments and his service. He thanked him as Mayor and as a resident of Murphy.

10. ADJOURNMENT

With no further business, the regular council meeting was adjourned at 7:29 PM.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 1, 2016 AT 6:00 PM

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. ROLL CALL & CERTIFICATION OF A QUORUM

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

Mayor Eric Barna
Mayor Pro Tem Scott Bradley
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Ben St. Clair
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon

Absent:

Councilmember Rob Thomas

4. PUBLIC COMMENTS

Jennifer Berthiaume, representing MCDC/4B wanted to promote the community grant program. The Murphy Monitor is writing an article to also help promote this program.

Jim Moebius, representing the Murphy Chamber of Commerce announced the Chamber of Commerce will be having their Spring Fever event March 26, 2016 from 10am to 4pm in the Lowes parking lot.

Keith Patton, resident wanted to remind everyone the republican precinct convention is at 9:30 this Saturday at the Cottonwood Baptist Church in Allen Texas and encouraged the Murphy residents to participate.

Ray Shahan, resident explained the documents he provided to council regarding PD 03-10-590 and the screening in the Ranch subdivision.

5. CONSENT AGENDA

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

A. Consider and/or act on the February 16, 2016 regular meeting minutes.

- B. Consider and/ or act on the application Stacy McVey, Double Eagle Properties, LLC requesting approval of construction plat for a single story retail center on property zoned PD (Planned Development) District No. 09-12-823 on property located at the southwest corner of FM 544 and Brand Road.

COUNCIL ACTION (5.A. and 5.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve the consent agenda as presented. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember Thomas was absent).

6. INDIVIDUAL CONSIDERATION

- A. Consider and/or act on the City of Murphy 2015 Combined Annual Financial Report.

Finance Director, Linda Truitt gave a review for the Combined Annual Financial Report along with Nicole Bradshaw with Pattillo, Brown and Hill L.L.P the audit firm. Truitt explained we received the Certificate of Achievement for Excellence in Financial Reporting for the past 11 (eleven) years and we will be submitting again for the award this year. Some of the highlights in the Combined Annual Financial Report (CAFR); the General Fund unassigned fund balance at the end of September 2015 is 3.9 million dollars to make almost 4.1 million dollars total in the General Fund Balance. Currently, our net assets exceed liabilities by \$83, 472,045. Our revenues were \$20,717 under the final budget, and expenditures were \$452,083 under the final budget. Our Government long term debt ended at \$34 million dollars with \$3.3 due in FY2016. Legal Debt Margin is at 10% of the total assessed value. Nicole explained statement number 68, which requires a report of the unfunded portion of the TMRS as a liability in the financials. Nicole was pleased to let Council know their opinion is “unmodified” which is the highest level of opinion meaning it is excellent. Assessment of the City’s internal control over financial reporting was completed and no significant deficiencies or material weaknesses were found. For grants over \$500k in expenditures there is a special process when reviewing these items to ensure compliance; no significant deficiencies or material weaknesses were found. Overall personnel and management appear to have an understanding of their roles for finances being safeguarded. The firm is suggesting we review all capital asset reports and perform a physical inventory to make sure we have the most current listing as possible for these items.

Mayor Barna clarified we did received a toll road grant, but that monies came from SH121/Sam Rayburn to the city for road improvements like Betsy Road.

COUNCIL ACTION (6.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the City of Murphy 2015 Combined Annual Financial Report (CAFR) as conducted by Pattillo, Brown and Hill. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember Thomas was absent).

- B. Consider and/or act on the park dedication fees owned by Murphy Meadows, PD (Planned Development) No. 15-09-1001 on property located at the southwest corner of Betsy Road and McCreary Road.

Director of Economic/Community Development Kristen Roberts explained this project is a new development with patio home and townhome lots. Park land is not available and fees in the full amount of \$52,800 prior to the final plat submission. The board is requesting the monies be used on park lands in the area near this development.

No discussion on this item from Council.

COUNCIL ACTION (6.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve the park dedication fees in the amount of \$52,800 from Murphy Meadows, PD No. 15-09-1001 and that the funds to be used towards park systems in the neighborhoods surrounding Murphy Meadows subdivision. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember Thomas was absent).

- C. Consider and/or act on the bids for Central Park Food Truck Court and parking lot extension and authorize City Manager to execute the contract.

Acting City Manager, Chief Mark Lee explained the bids came in significantly higher mostly due to increased concrete costs. Staff is recommending awarding the contract to Cole Construction including alternate number 1. Council asked for clarification for project completion timeline and lighting. Dennis confirmed the completion date is six (6) months, and the additional lighting was added for safety and will be turned on when there are events or as needed. There was discussion on the timeline and seating options.

COUNCIL ACTION (6.C.):

APPROVED

Mayor Pro Tem Bradley moved to award the contract to Cole Construction, Inc. with Alternate #1 and authorize the Acting Interim City Manager to execute the contract. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember Thomas was absent).

- D. Consider and/or act on an extension of the South Maxwell Creek Trunk Sewer Line and authorize the City Manager to execute the amended agreement.

Acting City Manager, Chief Mark Lee explained the trunk sewer line needs to be extended further north. This item and approval is to allow the City Engineer to design the extension.

COUNCIL ACTION (6.D.):

APPROVED

Mayor Pro Tem Bradley moved to award the extension of the South Maxwell Creek line and Amendment #1 to the Engineering Services Agreement and authorize the Acting Interim City Manager to execute the amended agreement. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember Thomas was absent).

- E. Consider and/or act on an external audit for the City's water meter system.
Finance Director Linda Truitt gave background and options for auditing the meters based on half the meters being tested. Council voiced questions regarding how many we should test and discussed when to do this since it is an out of budget item.

Truitt explained some of the things we are working such as Aquahawk for customers to monitor their water usage real time. There was discussion on this product, rollout, social media campaign, etc.

Public Comments

Keith Patton, resident does not feel we need this audit.

Jennifer Berthuaume, resident suggested doing a GIS technology solution in lieu of a water meter audit.

COUNCIL ACTION (6.E.):

NO ACTION

- F. Discussion on the copper and lead water monitoring report.

Director of Public Services, Bernie Parker gave a presentation answering the questions from Mayor Barna. Parker explained we missed taking the samples in 2015, we did a mail out notification to all residents, and the City engineer confirmed we do not have any lead pipes in use in the City of Murphy. In 2003, 2006, 2009, 2012 our results for this lead/copper testing came back well below the threshold set by Texas Commission on Environmental Quality (TCEQ). Contributing factors to missing this test in 2015 were notifications being changed by the state; the City no longer received plastic bottles in the mail to remind us the test was to take place as in previous test years, and there was staff turnover in the Public Works department which led to a loss of institutional knowledge. Parker explained City Staff are doing several things to help prevent this from occurring again; reminders are placed on multiple staff members calendars, automatic shipment of bottles from the testing laboratories are to be sent in the correct time frame so that the City can test in the summer months as required by TCEQ. A standard operating procedure for the public works department has been developed to help ensure institutional knowledge stays in place. Council asked for clarification of why we have to test June through September and the language in the notice that was sent out. Parker confirmed TCEQ requires the test to be done in the warm weather because it ensures the best quality of test results. The letter language was provided directly from TCEQ and does not allow for deviations.

Council also asked about the water report; Parker confirmed that the Annual Water Quality Report, or as it is also called, the Consumer Confidence Report (CCR report) is posted on the City's website and there is a section on lead and copper testing. He reminded Council that the North Texas Municipal Water District tests for copper and lead on a monthly basis and there have not been any issues.

COUNCIL DISCUSSION ONLY (6.F.):

NO ACTION

- G. Discussion regarding standardizing the speed limit on Betsy Lane between Dublin Road and McCreary Road.

Police Lieutenant, Adana Barber explained the police's recommendation to post all speed limits at thirty five miles per hour (35 mph) along Betsy Road. Council asked for clarification on what the speed limit is going from Plano down Betsy into Murphy, Barber confirmed it is thirty five miles per hour (35 mph).

COUNCIL DISCUSSION ONLY (6.G.):

NO ACTION

- H. Discussion regarding Tibbals Elementary and the City Ordinance Sec. 20.03.047 Speed through school zones (f).

Police Lieutenant, Adana Barber explained we have received some complaints regarding this area. Recommendation 1 is posting many signs prohibiting parking during the school zone hours. Recommendation 2 is to update the ordinance and clarify. Council asked for clarification if the ordinance update would update for all 3 elementary schools, Barber confirmed it would.

Public Comment

John Daugherty, resident explained he lives in the area this would affect, he prefers recommendation number 2, but would like to consider putting in a no left turn to divert the traffic an alternate way through Morningside, Rosewood, Tablerock and Windy Knoll.

COUNCIL DISCUSSION ONLY (6.H.):

NO ACTION

7. CITY MANAGER/STAFF REPORTS

- A. Timbers Nature Preserve

Acting City Manager, Chief Mark Lee reported the final walkthrough took place February 18th and we have a few items left to take care of that are ADA compliance issues. We are 98% complete with this project.

- B. Betsy Lane Road Widening Project

This project is continuing, sidewalks are nearing completion, and landscaping is being worked on.

- C. South Maxwell Creek Parallel Trunk Sewer Line

The South end of this project is still too wet to begin on that end. There will be a second crew beginning on this project if current weather patterns hold.

- D. North Murphy Road

Landscaping in the medians is continuing, State Representative Jodie Laubenberg will be holding a meeting with TxDot and the HOAS Friday, March 4th at 3:00PM.

Council asked regarding the conduit on in the center lanes for future light poles. Lee said he would work on finding the answer on that.

10. ADJOURNMENT

With no further business, the regular council meeting was adjourned at 7:16 PM.

APPROVED BY:

ATTEST:

Eric Barna, Mayor

Susie Quinn, City Secretary

**City Council Meeting
March 15, 2016**

Issue

Consider and/or act on approval of Ordinance Number 16-03-1009 to amend the Code of Ordinances, Sec. 20.03.047 Speed through school zones.

Staff Resource/Department

Arthur "Trey" Cotten, Police Chief

Summary

Section 20.03.047 (f) of the Municipal Ordinances covers Speed through school zones. Section (f) specifically speaks of passing vehicles while in an active school zone.

The current ordinance reads as follows:

Sec. 20.03.047 Speed through school zones

(f) Passing another vehicle in school zone prohibited when school zone speed limit is in effect. Excluding roadways with four or more marked lanes, it shall be unlawful for any person to drive or operate a vehicle through a school zone as designated and established in this section between the school zone hours specified in this section on school days in such a manner as to overtake and pass another vehicle being driven in the same direction upon the same street within the school zone.

Proposed Ordinance:

Sec. 20.03.047 Speed through school zones

(f) Passing another vehicle in school zone prohibited when school zone speed limit is in effect. Excluding roadways with four or more marked lanes, it shall be unlawful for any person to drive or operate a vehicle through a school zone as designated and established in this section between the school zone hours specified in this section on school days in such a manner as to overtake and pass another vehicle being driven in the same direction by use of the oncoming traffic lane.

Board Discussion/Action

Council discussed this issue at the March 1, 2016 Council meeting.

Attachments

- PowerPoint Presentation
- Ordinance No. 16-03-1009

Tibbals Elementary

- Discussion regarding Tibbals Elementary and the City Ordinance Sec. 20.03.047 Speed through school zones (f)



Current ordinance:

- **Sec. 20.03.047 Speed through school zones**
- (f) Passing another vehicle in school zone prohibited when school zone speed limit is in effect. Excluding roadways with four or more marked lanes, it shall be unlawful for any person to drive or operate a vehicle through a school zone as designated and established in this section between the school zone hours specified in this section on school days in such a manner as to overtake and pass another vehicle being driven in the same direction upon the same street within the school zone.



Proposed Change:

- **Sec. 20.03.047 Speed through school zones**
- (f) Passing another vehicle in school zone prohibited when school zone speed limit is in effect. Excluding roadways with four or more marked lanes, it shall be unlawful for any person to drive or operate a vehicle through a school zone as designated and established in this section between the school zone hours specified in this section on school days in such a manner as to overtake and pass another vehicle being driven in the same direction by use of the oncoming traffic lane.



ORDINANCE NO. 16-03-1009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS BY AMENDING CHAPTER 20 TRANSPORTATION AND TRAFFIC, ARTICLE 20.03 TRAFFIC RULES, SECTION 20.03.047 SPEED THROUGH SCHOOL ZONES (F) NO PASSING IN SCHOOL ZONES WHILE SCHOOL SPEED LIMIT IN EFFECT; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

WHEREAS, the City Council adopted an ordinance on December 3, 2007, revising existing rules that were previously located in Chapter 20 in the Code of Ordinances.

WHEREAS, the City Council of the City of Murphy finds and determines that modification of Chapter 20 – Transportation and Traffic, Article 20.03 Traffic Rules, Section 20.03.047 (f) Passing Another Vehicle is Prohibited in School Zone while School Zone Speed Limit is in Effect is in the best interests of the citizens of the City of Murphy.

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

Section 1. FINDINGS INCORPORATED

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

Section 2. That Section 20.03.047 (f) of Chapter 20 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended and the section should read in its entirety as follows:

“Section 20 Transportation and Traffic.

Article 20.03 Traffic Rules,

Section 20.03.047 Speed through school zones

...

(f) Passing another vehicle in school zone prohibited when school zone speed limit is in effect. Excluding roadways with four or more marked lanes, it shall be unlawful for any person to drive or operate a vehicle through a school zone as designated and established in this section between the school zone hours specified in this section on school days in such a manner as to overtake and pass another vehicle being driven in the same direction by use of the oncoming traffic lane.”

Section 3. PENALTY CLAUSE

Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum not to exceed \$ 200.00 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

Section 4. SEVERABILITY CLAUSE

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

Section 5. REPEALER CLAUSE

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

Section 6. EFFECTIVE DATE

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 15th day of March, 2016.

Eric Barna, Mayor
City of Murphy

ATTEST:

Susie Quinn, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

City Council Meeting
March 15, 2016

Issue

Consider and/or act upon authorizing the acting city manager or Council's designee to sign a mutual aid agreement with City of Richardson for the provision of fire, search and rescue, hazardous material response, and Emergency Medical Services.

Staff Resource/Department

Mark Lee, Fire Chief/Acting City Manager

Key Focus Area

Public Safety – meeting the expectation of the community. This agreement provides a means to utilize resources from Richardson Fire Rescue when available for response into the City of Murphy.

Summary

The City of Murphy fire rescue department relies on resources managed by the City of Murphy along with those provided by mutual aid agreements with our neighboring communities in order to provide services related to emergency response. The intent of mutual aid agreements is to supplement a community's resources when those resources are overwhelmed by incident size and/or number of concurrent incidents taking place.

Background/History

The City of Murphy fire rescue department has an outdated mutual aid plan with the City of Richardson that did not include services such as emergency medical or hazardous materials. This plan will replace the plan currently in place.

Financial Considerations

The City of Murphy would begin paying costs to the City of Richardson when operations within our city exceed a 24 hour operational period. There would also be expenses related to hazardous material response for materials expended in the City of Murphy. In turn, the City of Murphy would invoice the holder, shipper, or transportation agency responsible for the incident.

Action Requested

Authorize the city manager to sign a mutual aid agreement with City of Richardson for the provision of fire, search and rescue, hazardous material response, and Emergency Medical Services as presented.

Attachments

- 1) Richardson Proposed Mutual Aid Agreement 2016_03_04

Operational Period shall mean a period of time beginning at the time of the request for mutual aid and lasting for twenty-four (24) hours.

Party or Parties shall mean the local governmental entity that is a signatory to and have agreed to adopt this mutual agreement.

Responding Local Government Entity (Responding Party) means a local governmental entity providing mutual aid assistance in response to a request under this Agreement, *i.e.* furnishing equipment, supplies, facilities, services and/or personnel to the Requesting Party.

Requesting Local Government Entity (Requesting Party) shall mean a local governmental entity requesting mutual aid assistance under this Agreement for emergency work resulting from a fire, emergency, civil emergency or disaster within its legal jurisdiction.

Article II Term

This Agreement shall become effective as to each Party on date of adopted as indicated on the signature pages for each Party and shall continue in force and remain binding on each Party for twelve (12) months from the effective date. This Agreement shall renew automatically for a period of one year upon the completion of the initial term and each subsequent term unless and until such time as the governing body of a Party terminates its participation in this Agreement pursuant to Article III of this Agreement.

Article III Termination

Either Party shall have the right to terminate this Agreement upon thirty (30) days written notice to the other Party.

Article IV Activation of Agreement

4.1 This Agreement may be activated by a determination by the Fire Chief or designee of the Party having jurisdiction that the incident, emergency, or imminent threat of an emergency is such that local capabilities are or are predicted to be exceeded.

4.2 The activation of the Agreement shall continue for the First Operational Period as defined in Article I, whether or not a local Disaster declaration or state of Civil Emergency is active, until the services of the Responding Party are no longer required or the Responding Party determines that its resources are needed within its own jurisdiction and officially recalled.

Article V Procedures for Requests and Provision of Mutual Aid

5.1 Methods of Requesting Mutual Aid. The Fire Chief of the Requesting Party may request Mutual Aid assistance under this Agreement by orally communicating a direct request for Mutual Aid to the other Party.

5.2 Criteria for Requesting Mutual Aid. Mutual Aid shall not be requested by a Party unless it is directly related to the Emergency, and resources available from the normal responding agencies are deemed to be inadequate, or are predicted to be expended prior to resolution of the situation. All requests for Mutual Aid must be transmitted by the Fire Chief of the Requesting Party or by the Designee of Requesting Party.

5.3 Mutual Aid Service Functions. The types of Mutual Aid emergency service functions that may be requested under this Agreement include fire, search and rescue, hazardous materials, emergency medical services, and any other services agreed upon by the Parties through a memorandum of understanding.

5.4 Assessment of Availability of Resources and Ability to Render Assistance. When contacted by a Requesting Party, the Fire Chief of the Responding Party or the Designee of the Responding Party agrees to assess local resources to determine availability of personnel, equipment and other assistance based on current or anticipated needs. All Parties shall render assistance to the extent personnel, equipment and resources are deemed available. No Party shall be required to provide Mutual Aid unless it determines that it has sufficient resources to do so based on current or anticipated events within its own jurisdiction.

5.5 Supervision and Control. When providing assistance under the terms of this agreement, the personnel, equipment, and resources of any Responding Party will be under the operational control of the Requesting Party. These response operations shall be NIMS (National Incident Management System) compliant and as well as being organized and functioning within an Incident Command System (ICS), Unified Command System (UCS). Direct supervision and control of personnel, equipment and resources and personnel accountability shall remain with the designated supervisory personnel of the Responding Party. The designated supervisory personnel of the Responding Party shall: maintain daily personnel time records, material records, and a log of equipment hours; be responsible for the operation and maintenance of the equipment and other resources furnished by the Responding Party; and shall report work progress to the Requesting Party. The Responding Party's personnel and other resources shall remain subject to recall by the Responding Party at any time, subject to reasonable notice to the Requesting Party.

5.6 Communications. Unless specifically instructed otherwise, the Requesting Party shall have the responsibility for coordinating communications between the personnel of the Responding Party and the Requesting Party. Responding Party personnel should be prepared to furnish their own communications equipment sufficient only to maintain communications among their respective operating units, if such is practicable.

5.7 Rights and Privileges. Personnel who are assigned, designated or ordered by proper authority to perform duties pursuant to this Agreement shall continue to receive the same wages, salary, pension, and other compensation and benefits for the performance of such duties, including injury or death benefits, disability payments, and workers' compensation benefits, as

though the service had been rendered within the limits of the jurisdiction where the personnel are regularly employed. Moreover, all medical expenses wage and disability payments, pension payments, damage to equipment and clothing shall be paid by the Participating city in which the employee in question is regularly employed.

5.8 Duration of Deployment. The Responding Party shall be released by the Requesting Party when the services of the Responding Party are no longer required or when the Fire Chief of the Responding Party determines, in his sole discretion, that further assistance should not be provided or upon activation of the Texas Statewide Mutual Aid System.

5.9 Common Jurisdictional Boundaries. In areas where common jurisdictional boundaries exist, it is understood that accurate determination of jurisdiction may not be possible upon receipt of the alarm. In such cases, it is deemed appropriate and in the best interest of the public for the entity receiving the alarm to dispatch its forces and render aid at the scene of the emergency until an accurate determinate of jurisdictional responsibility can be made and if outside the responding entity is properly relieved by the entity having jurisdiction. Under the conditions described in this Section, the terms and condition of this Agreement shall be in effect just as though a request for Mutual Aid had been initiated.

Article VI Cost Limitation/ Hazardous Materials Services

6.1 If Hazardous Materials services are provided by the Responding Party, the Requesting Party shall reimburse the Responding Party within thirty (30) days of receiving the invoice for services from the Responding Party.

6.2 If the Responding Party provides specialized rescue services to include but not limited to confined space rescue, swift water rescue, trench rescue and rope rescue, the Requesting Party shall reimburse the Responding Party for the replacement costs of rescue equipment damaged, lost or otherwise made unusable within thirty (30) days of receiving the invoice from the responding Party.

Article VII Insurance

7.1 Worker's Compensation Coverage. Each Party shall be responsible for its own actions and those of its employees and is responsible for complying with the Texas Workers' Compensation Act.

7.2 Automobile Liability Coverage. Each Party shall be responsible for its own actions and is responsible for complying with the Texas motor vehicle financial responsibility laws.

7.3 Liability. To the extent permitted by law and without waiving sovereign immunity, each Party shall be responsible for any and all claims, demands, suits, actions, damages, and causes for action related to or arising out of or in any way connected with its own

actions, and the actions of its personnel in providing Mutual Aid assistance rendered or performed pursuant to the terms and conditions of this Agreement. Each Party agrees to obtain general liability, public official's liability, if applicable, or maintain a comparable self-insurance program.

7.4 Other Coverage. The Responding Party shall provide and maintain its standard packages of medical and death benefit insurance coverage while their personnel are assisting the Requesting Party.

Article VIII Waiver of Claims Against Parties; Immunity Retained

Each Party hereto waives all claims against the other Parties hereto for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement, except those caused in whole or in part by the negligence of an officer, employee, or agent of another Party. No Party waives or relinquishes any immunity or defense on behalf of itself, its officers, employees and agents as a result of the foregoing sentence or its execution of this Agreement and the performance of the covenants contained herein.

Article IX Expending Funds

Each Party that performs services or furnishes aid pursuant to this Agreement shall do so with funds available from current revenues of the Party. No Party shall have any liability for the failure to expend funds to provide aid hereunder.

Article X Miscellaneous

10.1 Interlocal Cooperation Act. The Parties agree that Mutual Aid in the context contemplated herein is a "governmental function and service" and that the Parties are "local governments" as that term is defined herein and in the Interlocal Cooperation Act, Texas Government Code Chapter 791.

10.2 Severability. If a provision contained in this Agreement is held invalid for any reason, the invalidity does not affect other provisions of the Agreement that can be given effect without the invalid provision, and to this end the provisions of this Agreement are severable.

10.3 Validity and Enforceability. If any current or future legal limitations affect the validity or enforceability of a provision of this Agreement, then the legal limitations are made a part of this Agreement and shall operate to amend this Agreement to the minimum extent necessary to bring this Agreement into conformity with the requirements of the limitations, and so modified, this Agreement shall continue in full force and effect.

10.4 Amendment. This Agreement may be amended only by the mutual written consent of the Parties.

10.5 Third Parties. This Agreement is intended to inure only to the benefit of the Parties hereto. This Agreement is not intended to create, nor shall be deemed or construed to create any rights in third parties.

10.6 Notice. Any notice required or permitted between the Parties must be in writing, addressed to the attention of each respective Fire Chief, and shall be delivered in person, or mailed certified mail, return receipt requested, or may be transmitted by facsimile (fax) transmission.

10.7 Warranty. The Agreement has been officially authorized by the governing body of each Party hereto and each signatory to this Agreement guarantees and warrants that the signatory has full authority to execute this Agreement and to legally bind the respective Party to this Agreement.

10.8 Governing Law and Venue. The laws of the State of Texas shall govern this Agreement. In the event of an Emergency physically occurring within the geographical limits of only one county that is a Party hereto, venue shall lie in the county in which the Emergency occurred. In the event of an Emergency physically occurring in more than one county that is a Party hereto, venue shall be determined in accordance with the Texas Rules of Civil Procedure.

10.9 Headings. The headings at the beginning of the various provisions of this Agreement have been included only in order to make it easier to locate the subject covered by each provision and are not to be used in construing this Agreement.

(Signature page to follow)

EXECUTED this _____ day of _____, 2016.

City of Richardson, Texas

By: _____
Dan Johnson, City Manager

Approved as to Form:

By: _____
Peter G. Smith, City Attorney
(PGS/JJG/03- 17- 10/42583)

EXECUTED this _____ day of _____, 2016.

City of Murphy, Texas

By: _____
Mark Lee, Acting City Manager

Approved as to Form:

By: _____
Andy Messer, City Attorney

City Council Meeting
March 15, 2016

Issue

Consider and/or act on approval of a vote for Jorge Bermudez as an Unaffiliated Director to the ERCOT Board of Directors (Board), for his third and final term.

Staff Resource/Department

Mark E. Lee, Acting City Manager

Summary

Mr. Jorge Bermudez is the only candidate for this position, and he is the incumbent. His candidacy raises no issues, he remains eligible to serve as an Unaffiliated Director, and therefore it is recommended to vote "FOR" him. Although the deadline for this submittal is the close of business on March 16, we have been asked to submit the ballot as soon as possible so that ERCOT can call off preparations for a special meeting in Austin.

Board Discussion/Action

Approve casting a vote for Jorge Bermudez as an Unaffiliated Director to the ERCOT Board of Directors (Board), for his third and final term.

Attachments

- Ballot form
- Letter requesting this item



**Official Consent and Ballot Form
for Re-Election of Unaffiliated Director to the ERCOT Board of Directors**

	For	Against
The undersigned Corporate Member of ERCOT (Member) votes to re-elect Jorge Bermudez as an Unaffiliated Director to the ERCOT Board of Directors (Board), for his third and final term, as soon as possible, subject to Public Utility Commission of Texas (PUCT) approval, whose professional background information is provided in the Notice of Special Meeting of Corporate Members (Notice) that accompanied this Official Consent and Ballot Form (Ballot).	<input type="checkbox"/>	<input type="checkbox"/>

I hereby certify that:

1. I am a duly authorized representative of the Member listed below;
2. I consent to this action in writing in lieu of the Special Meeting of the Members currently scheduled for Wednesday, March 23, 2016; and
3. My vote on the re-election of the Unaffiliated Director for the Board is listed above.

Signature

Name:
Corporate Member (Organization or Company):
Date:

Please make every effort to return this Ballot no later than **5:00 p.m. on Wednesday, March 16, 2016**. The Ballot can be submitted via email (.pdf version) to membership@ercot.com, via facsimile to 512-225-7079, or via first class mail to ERCOT, Attention: Membership, 7620 Metro Center Drive, Austin, Texas 78744. If you have any questions, please contact Tisa Wilkins at membership@ercot.com.

February 17, 2016

ERCOT Corporate Member:

On February 8, 2016, the ERCOT Nominating Committee (Committee) of the ERCOT Board of Directors (Board) unanimously selected Jorge Bermudez for re-election as an Unaffiliated Director to serve on the Board for his third and final term, subject to re-election by the ERCOT Corporate Members (Members) and approval by the Public Utility Commission of Texas (PUCT). Information regarding Mr. Bermudez's professional experience is attached for your review and consideration.

According to Sections 3.7(b) and (g) of the Bylaws, the Board may call a Special Meeting of the Corporate Members (Special Meeting) to seek approval without an in-person meeting. As provided in Section 3.7(g): "Unless otherwise provided by law, any action required or permitted to be taken at any meeting of the Corporate Members may be taken without a meeting, if a consent in writing, setting forth the action to be taken, is signed by a sufficient number of Corporate Members as would be necessary to take that action at a meeting at which all of the Corporate Members were present and voted."

On February 9, 2016, the Board called a Special Meeting as soon as practicable to vote on the re-election of Mr. Bermudez as an Unaffiliated Director. Thus, on Wednesday, March 23, 2016, at 10:00 a.m. in Room 210A at 7620 Metro Center Drive, Austin, Texas 78744, a Special Meeting will be held for the purpose of voting on the above-mentioned re-election of the Unaffiliated Director.

We are seeking Corporate Membership approval to have the vote in writing, in lieu of a Special Meeting. Please review the enclosed Official Consent and Ballot form (Ballot). If you agree to take action on the re-election of the Unaffiliated Director without a Special Meeting, please indicate your voting preference, sign the Ballot and return it to ERCOT by 5:00 p.m. on Wednesday, March 16, 2016. After 5:00 p.m. on Wednesday, March 16, 2016, we will count the Ballots received to determine if we have sufficient number to allow a vote on the re-election of Mr. Bermudez as an Unaffiliated Director in lieu of the Special Meeting. We will post a notice of either a successful vote or of the need to have the March 23, 2016 Special Meeting on the ERCOT website at <http://www.ercot.com/calendar/2016/3/23/88264>, no later than Thursday, March 17, 2016 at 12:00 p.m.

Please note that the requested vote requires approval by the Members and the PUCT prior to becoming effective. So that the vote may be approved as soon as possible by the Members and the PUCT, please indicate your vote in favor or against the voting matter, sign the Ballot, and make every effort to return it to ERCOT as noted on the Ballot **no later than 5:00 p.m., Wednesday, March 16, 2016.**

Sincerely,

Tisa Wilkins

Tisa Wilkins
Regulatory Legal Specialist
ERCOT

JORGE A. BERMUDEZ
College Station, Texas

EDUCATION

- | | | |
|------|----|------------------------------------------------------------------------------|
| 1974 | MA | TEXAS A&M UNIVERSITY
College Station, Texas

Agricultural Economics |
| 1973 | BS | TEXAS A&M UNIVERSITY
College Station, Texas

Agricultural Economics |

EXPERIENCE

- | | |
|-----------------|----------------------------------------------|
| 2008 to present | BYEBROOK GROUP LLC
College Station, Texas |
|-----------------|----------------------------------------------|

Research and advisory firm in the financial industry.

Chief Executive Officer

- | | |
|-----------------|------------------------------------|
| 2012 to present | THE FEDERAL RESERVE BANK OF DALLAS |
|-----------------|------------------------------------|

Each Federal Reserve Bank has a board of directors, whose members work closely with their Reserve Bank president to provide grassroots economic information and input on management and monetary policy decisions. These boards are drawn from the general public and the banking community and oversee the activities of the organization. They also appoint the presidents of the Reserve Banks, subject to the approval of the Board of Governors. Reserve Bank boards consist of nine members: six serving as representatives of non-banking enterprises and the public (non-bankers) and three as representatives of banking.

Board Director - Chair of Audit Committee

- | | |
|--------------|-----------------|
| 1975 to 2008 | CITIGROUP, INC. |
|--------------|-----------------|

2007 to 2008	<i>Chief Risk Officer</i>
--------------	---------------------------

2004 to 2007	<i>Chief Executive Officer and President, Citigroup Commercial Business Group – North America and Texas. Senior Advisor Int'l.</i>
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- 2002 to 2004 *Chief Executive Officer,
Citigroup Latin America*
- 2000 to 2002 *Chief Executive Officer of e-Business,
Citibank Corporate Banking Internet*
- 1998 to 2000 *Executive Vice President and Head of
Global Cash Management and Trade*
- 1993 to 1998 *Head of South America Division and President of Citibank
Argentina*
- 1991 to 1993 *Head of Global Asset Redeployment and
Equity Investments*
- 1988 to 1990 *Head of Credit Policy Latin America and Head of Risk
Citibank International Banking Operations*
- 1986 to 1988 *Head of Risk – Corporate Banking, NA
New York, New York*
- 1984 to 1986 *Corporate Bank Head – Venezuela*
- 1981 to 1984 *Unit Head – Institutional Recovery Management N.Y.*
- Responsible for a number of major corporate restructurings in the U.S., Europe and Latin America.
- 1975 to 1981 *Various Positions
Citibank National Banking Group
New York / Houston*

CURRENT BOARD POSITIONS

The Federal Reserve Bank of Dallas

Moody’s Corporation, New York

Electric Reliability Council of Texas

The Community Foundation of the Brazos Valley, Texas

Texas A&M Foundation

Texas A&M Smart Grid Center

PREVIOUS BOARD POSITIONS

The Federal Reserve Bank Houston Branch 2009 – 2011

The Association of Former Students Texas A&M University 2006 - 2012

Citibank, NA; Citicorp USA 2005 - 2008

MasterCard International, LAC 2002 – 2004

Chairman of the New York Clearing House Steering Committee 2001 – 2002

Asociación De Bancos Argentinos (Argentina) 1994 – 1996

FEMSA Group (Mexico) 1988 – 1993

Siembra Group (Argentina) 1993 - 1997

Norfield Childrens Center (Conn.) 1989 – 1993

PROFESSIONAL AFFILIATIONS / AWARDS

Serves Texas A&M University on the International Board, College of Agriculture Development Council, Mays Business School Development Council.

Recipient of the College of Agriculture and Life Sciences Outstanding Alumnus Award and the Tyrus R.Timm Honor Registry.

**City Council Meeting
March 15, 2016**

Issue

Hold a public hearing and consider and/or act on the application of Murphy Equity Management Ltd., requesting by ordinance (Ordinance Number 16-03-1010) to amend PD (Planned Development) District No. 12-06-916 Concept Plan and to permit a self-storage facility as a permitted use on property located at the northwest quadrant of FM 544 and McCreary Road.

Planned Development District Background

On December 7, 2009 the City Council adopted Ordinance No. 09-12-825, which changed the zoning on the subject property from R (Retail) District to PD (Planned Development) District for Retail and Office Uses with conditions.

On January 4, 2011 at the request of the applicant, the City Council adopted Ordinance No. 11-01-871, which amended the Concept Plan and the Planned Development District to allow an auto supply store for new and rebuilt parts by SUP only and allows more than one (1) pad site adjacent to FM 544.

In June 2012, at the request of a prospective user, the City Council adopted Ordinance No. 12-06-916, which amended the Planned Development District to allow Veterinary Use (by SUP).

Considerations

1. The applicant is requesting an amendment to the PD (Planned Development) District VI. Specific Regulations, A. Permitted Uses to allow, by right, Mini-warehouse/ self-storage.
2. In addition, they are requesting an amendment to the Concept Plan to show one user on the remainder of the property located behind the two existing buildings and south of the railroad tracks. The Concept Plan is recommended as a guide for future and unknown development for the site.
3. Any proposed development would be required as such to submit full site plan and construction plat details for review and consideration; however, must be in line with the Concept Plan for this property.
 - a. The base zoning for this overall Planned Development District is R – Retail. The proposed building is shown at a height of 45’ or three stories which is allowed in Sec. 30.03.403.
4. A public hearing notification for this proposed zoning change was published in the newspaper as well as notification mailed to the property owners included in the required 200 feet notification radius.

**City Council Meeting
March 15, 2016**

Commission discussion at January 25, 2016 meeting

The Commission requested the applicant speak to the residents in the neighborhood to the north of the proposed site. The applicant presented the concept at a Maxwell Creek North HOA Board of Directors meeting on February 3, 2016. The HOA Manager, Susan Garrison, circulated the email among the HOA. It is attached with this item.

Commission consideration at February 22, 2016 meeting

The Commission continued the public hearing on this item from January 25. Three people spoke against the item. The Commission discussed their concerns approving another storage facility within a small town and the possibility of having an empty building at some point if one of the others in Murphy goes out of business. Mr. Dahlstrom, representing the applicant, presented a PowerPoint that included proposed building elevations.

Commissioner Reilly made a motion to approve the item as requested. There was no second on the motion. Motion died.

After more discussion, Vice Chair Levy made a motion to approve the application of Murphy Equity Management Ltd., requesting to amend PD (Planned Development) District No. 12-06-916 concept plan and to permit a self-storage facility as a permitted use on property located at the NW quadrant of FM 544 and McCreary Road with the stipulation that the presentation that the client made be included in the approval (including building elevations as presented) and that the storage facility be used for mini-warehouse/self-storage only and not for any retail purposes aside from the facility store/office. Commissioner Mersch seconded the motion. **Motion passed 5-2 with Commissioners Hooper and Jones opposing.**

Additional Considerations

The proposed facility is situated behind two existing buildings and directly adjacent to active railroad tracks. However, the City currently, within its approximately five square miles, has three storage facilities (one has been open since approximately 2001, another storage facility has received their building permit and is under development, and another that is allowed by right at Murphy Road and Betsy Lane).

Attachments

- Exhibit A – Proposed Concept Plan amendment
- Exhibit B – Location aerial
- Exhibit C – Current PD Ordinance No. 12-06-916 with current concept plan exhibit
- Exhibit D – Maxwell Creek North HOA email and presentation
- Exhibit E – All Storage presentation
- Exhibit F – Reply Forms/Emails
- Exhibit G – Ordinance 16-03-1010 with Exhibits A and B

Exhibit A

Proposed Concept Plan

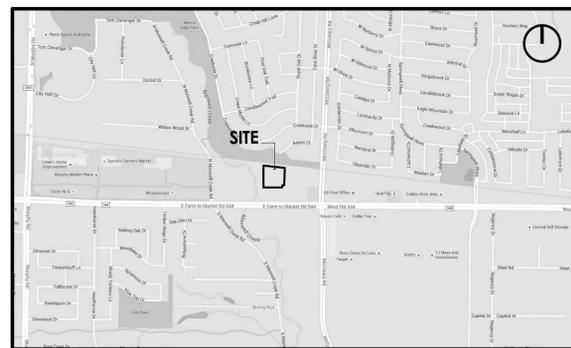
ALL STORAGE

FM 544 @ McCREARY

MINI-WAREHOUSE SF TABLE		
MINI-STORAGE USE	SF	BLDG. HEIGHT
OFFICE	1,192 SF	
BUILDING A	100,800 SF	45 FT
BUILDING B	73,695 SF	45 FT
BUILDING C	0 SF	0 FT
TOTAL:	175,687 GROSS SF	

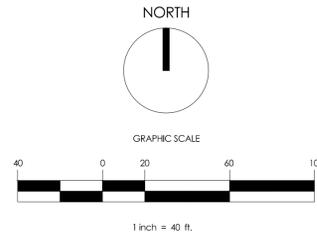
SITE SUMMARY TABLE	
EXISTING ZONING:	"PD-R/LC" (OFFICE)
PROPOSED USE:	MINI-WAREHOUSE
LOT AREA:	148,686 SF / 3.413 ACRES
MINI-WAREHOUSE USE	174,495 SF
MINI-WAREHOUSE OFFICE	1,192 SF
TOTAL SQUARE FOOTAGE:	175,687 SF
LOT COVERAGE:	59,357 SF - 40%
IMPERVIOUS COVER:	-%
FAR:	1.18:1

SITE PARKING TABLE	
STORAGE REQUIRED SPACES	4
STORAGE PROVIDED	25 SPACES
ACCESSIBLE SPACES REQUIRED:	1 SPACE
ACCISIBLE SPACES PROVIDED:	1 SPACE



VICINITY MAP

NTS



ZONED "PD-R/LC"

APPROX. LOCATION ZONE AE (00YR) 4808500415J DATE 6/2/2009

MURPHY FOUR VENTURE, L.P., A TEXAS LIMITED PARTNERSHIP C.F. NO. 20080815000996690

GENERAL NOTES:

CITY OF MURPHY FIRE DEPARTMENT SHALL HAVE 24 HOUR ACCESS TO THE FACILITY THROUGH KNOX BOX OPERATED SLIDING GATES.

SIGNAGE: REQUIRES SEPARATE APPROVAL.

SANITATION CONTAINER SCREENING WALLS WILL BE BRICK MASONRY, STONE MASONRY, OR OTHER ARCHITECTURAL MASONRY FINISH, INCLUDING A METAL GATE, PRIMED AND PAINTED, AND THE SANITATION CONTAINER SCREENING WALLS, GATE, AND PAD SITE WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY'S DESIGN SPECIFICATIONS.

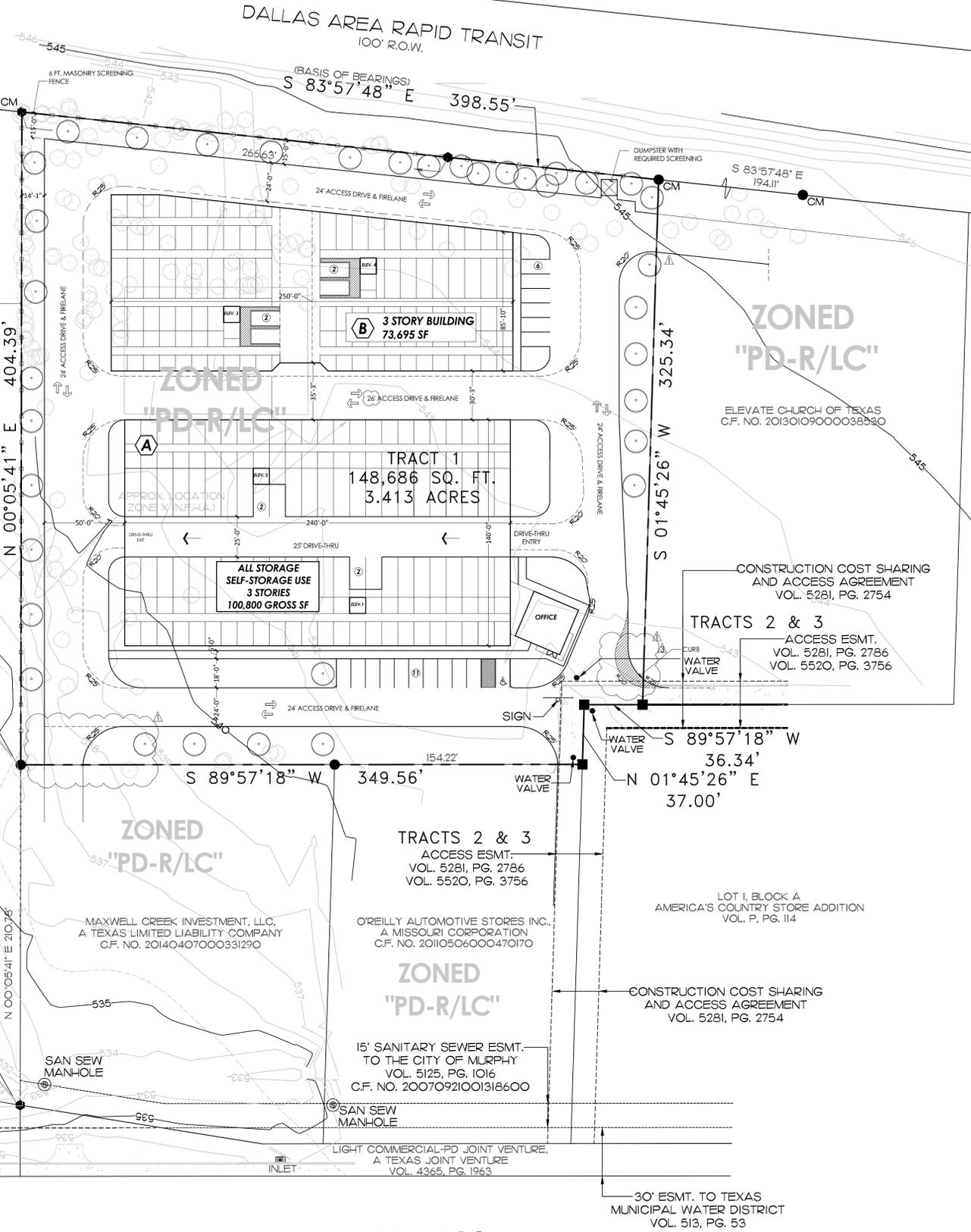
MECHANICAL AND HEATING AND AIR CONDITIONING EQUIPMENT IN NO-RESIDENTIAL USES SHALL BE SCREENED FROM VIEW FROM THE PUBLIC RIGHT-OF-WAY AND FROM ADJACENT RESIDENTIAL PROPERTIES.

LANDSCAPE: ALL PLANTINGS WILL COMPLY WITH THE CITY OF MURPHY LANDSCAPE ORDINANCE AND URBAN FORESTRY STANDARDS.

POINT OF BEGINNING

POINT OF COMMENCEMENT

STATE OF TEXAS VOL. 5350, PG. 5783



F.M. HIGHWAY NO. 544

120' R.O.W.

EXHIBIT A

PD CONCEPT PLAN

Reliable Commercial Construction, Inc.
1903 N. Peyco Drive
Arlington, Texas 76001
T | 817.467.0779 F | 817.467.9148
cod@reliablecorp.com

RELIABLE COMMERCIAL CONSTRUCTION, INC.
HOW MAY WE SERVE YOU?

Revisions:	Number	Date
1	City Comments	1-5-16
2	City Comments	1-14-16
3	City Comments	1-19-16

REAL ESTATE AGENT:
Quine and Associates, Inc.
301 S. Sherman St. Ste 100
Richardson, TX 75081
Office: (972) 669-8440
Fax: (972) 671-4227

ALL STORAGE FACILITY
MURPHY, TX
FM 544 WEST OF McCREARY, MURPHY, TX

PROJECT:	
FILE NUMBER:	ASMURPHY
DATE:	12/07/15
DRAWN BY:	RCC

Sheet Title:
CONCEPT SITE PLAN

SP1.0

Exhibit B

Location Aerial



© 2016 Google

EXHIBIT B

544

1995

Exhibit C

Current PD Ordinance No.
12-06-916

ORDINANCE NO. 12-06-916

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86 OF THE CITY OF MURPHY CODE OF ORDINANCES BY AMENDING AN EXISTING PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES ON APPROXIMATELY 6.635 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 582, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, APPROVING PLANNED DEVELOPMENT STANDARDS HERETO AS EXHIBIT "B"; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

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

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

Section 1. That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby, amended so as to amend a (Planned Development) District for Retail and Office Uses with conditions for the property described as 6.635 acres, more or less, in the James Maxwell Survey, Abstract No. 582, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

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

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

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

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

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

PASSED, APPROVED AND ADOPTED this the 19th day of June 2012.



Bret M. Baldwin, Mayor
City of Murphy

ATTEST:



Aimee Nemer, City Secretary
City of Murphy

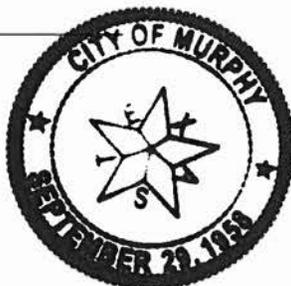


EXHIBIT C

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, Murphy/McCreary, Ltd. is the owner of a tract of land situated in the James Maxwell Survey, Abstract No. 582 and being a portion of that tract of land described in a deed to Murphy/McCreary, Ltd. as recorded in County Cerks Doc. No. 20080826001032940 of the Deed Records of Collin County, Texas (DRCCT).

BEGINNING at an X-Cut found in the northerly right-of-way line of FM 544, said point also being the most southwesterly corner of Block A, Lot 1 of America's Country Store Addition, an addition to the City of Murphy as recorded in Cabinet F, Page 114.

THENCE along the northerly right-of-way line of said FM 544 as follows:

North 89 deg 35 min 26 sec West a distance of 192.64 feet to a point for corner from which a Brass Monument bears North 85 deg 03 min 55 sec East a distance of 2.55 feet;

North 80 deg 30 min 07 sec West a distance of 151.77 feet to a point for corner from which a 1/2 inch iron rod found bears South 45 deg 20 min 34 sec East a distance of 3.67 feet, said point being the most southwesterly corner of a tract of land described in a deed to Murphy Four Venture L.P. as recorded in County Clerks Doc. No. 20080815000996690 (DRCCT);

THENCE departing the northerly right-of-way line of said FM 544 along the easterly line of said Murphy Four Venture L.P. tract North 00 deg 32 min 51 sec East a distance of 615.15 feet to a 1/2 inch iron rod with a red plastic cap stamped "W.A.I." set for the most northwesterly corner of said Murphy Four Venture L.P. tract tract, said iron rod also being in the southerly right-of-way line of the Dart Area Rapid Transit (a 100' right-of-way);

THENCE along the southerly right-of-way line of the Dart Area Rapid Transit South 83 deg 30 min 03 sec East a distance of 592.67 feet to a 1/2 inch iron rod found for corner, said point being the most northwesterly corner of Lot 2A of the One-Plus-One Addition, an addition to the City of Murphy as recorded in Cabinet P, Page 113;

THENCE departing the southerly right-of-way line of the Dart Area Rapid Transit and along the westerly line of said Lot 2A South 02 deg 12 min 36 sec West a distance of 304.53 feet to an X-Cut Set for corner, said point being the most southwesterly corner of said Lot 2A, and the most northeasterly corner of said America's Country Store Addition;

THENCE departing the westerly line of said Lot 2A and along the northerly and westerly lines of said America's Country Store Addition as follows:

North 89 deg 35 min 26 sec West a distance of 230.18 feet to an X-Cut Found for corner;

South 02 deg 12 min 42 sec West a distance of 272.00 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 6.635 Acres of 289,021 Square Feet of land, more or less.

Bearings cited herein are based on an on the ground survey performed in the field using GPS measurements.

EXHIBIT B**ZONING FILE NO. ~~2010-10~~ 2012-03****FM 544, west of McCreary Road****PLANNED DEVELOPMENT CONDITIONS**

- I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality retail and office development that is consistent with the Comprehensive Plan and that is beneficial and complementary to the City of Murphy in terms of visual identity.
- II. **Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the area designated by this Planned Development encourage a mixed-use application including, but not limited to the following.
- Restaurants;
 - Offices;
 - Medical Facilities;
 - Service Businesses
- III. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 06-12-708, as amended, except as specifically provided herein.
- IV. **General Regulations:** All regulations of the R (Retail) District set forth in Chapter 86, Article III, Division 14 of the Code of Ordinances are included by reference and shall apply, except as otherwise specified by this ordinance.
- V. **Development Plans:**
- A. **Concept Plan:** Development shall be in general conformance with the approved concept plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail.
- B. **Conceptual Landscape Plan:** Development shall be in general conformance with the approved conceptual landscape plan set forth in Exhibit D1 and D2; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.
- C. **Conceptual Exterior Elevation Plan:** Development shall be in general conformance with the approved conceptual exterior elevations as set forth in Exhibit E; however, in the event of conflict between the exterior elevations and the conditions, the conditions shall prevail.
- D. **Conceptual Signage Plan:** Development shall be in general conformance with the approved conceptual signage plan set forth in Exhibit F; however, in the event of

conflict between the signage plan and the conditions, the conditions shall prevail.

- E. Concept Plan, Conceptual Landscape Plan, Conceptual Exterior Elevation Plan, and Conceptual Signage Plan approval shall be for a period of one (1) year from the date of City Council action on the plan. If within that one-year period a site plan has been submitted for a portion of the development, then the Concept Plan shall be deemed to have no expiration date. Site plans shall be valid for a period of one year from the date of City Council action on the plan.
- F. Site Plan: Before development can begin, a site plan shall be submitted in accordance with the requirements set forth in Chapter 86, Article II, Division 7 of the City of Murphy Code of Ordinances. The site plan may be for all or any part of the land within the Planned Development District.

VI. Specific Regulations:

- A. Permitted Uses. The following uses shall be permitted.
 1. Antique Shop (household items; no outside storage) (SUP)
 2. Art Dealer/Gallery
 3. Artist Studio
 4. Automobile Driving School (including Defensive Driving) (SUP)
 5. Auto Supply Store for New and Rebuilt Parts (SUP)
 6. Bakery (Retail)
 7. Bank (SUP)
 8. Barber/Beauty Shop (non-college)
 9. Barber/Beauty Shop College (SUP)
 10. Book Store
 11. Building Material Sales
 12. Cafeteria
 13. Child Day Care (Business)
 14. Church/Place of Worship
 15. Clinic (Medical)
 16. Computer Sales
 17. Confectionary Store (Retail)
 18. Credit Unions (SUP)
 19. Department Store
 20. Dinner Theater
 21. Emergency Care Clinic
 22. Financial Services (Advice/Invest)
 23. Florist
 24. Full Service Car Wash (Detail Shop) (SUP)
 25. Furniture Sales (Indoor)

EXHIBIT B

EXHIBIT C

Planned Development District Conditions

Zoning File 2012-03

Page 3 of 9

26. Hardware Store
27. Health Club (Physical Fitness) ; Indoors Only; Less than 10,000 square feet)
28. Health Club (Physical Fitness; Indoors Only) (SUP)
29. Hospital (Acute Care/Chronic Care)
30. Insurance Agency Offices
31. Landscape Nursery (SUP)
32. Laundry/Dry Cleaning (Drop Off/Pickup)
33. Major Appliance Sales (Indoor)
34. Motion Picture Studio, Commercial Film
35. Offices (Brokerage Services)
36. Offices (Health Services)
37. Offices (Legal Services)
38. Offices (Medical Office)
39. Offices (Professional)
40. Pet Shop/Supplies
41. Pharmacy (SUP)
42. Philanthropic Organization (SUP)
43. Photo Studio
44. Photocopying/Duplicating
45. Quick Lube/Oil Change/Minor Inspection
46. Restaurant
47. Restaurant (Drive-In) (SUP)
48. Retail Store (Misc.)
49. Security Monitoring Company (No Outside Storage)
50. School, K through 12 (Public)
51. Studio for Radio or Television (without tower)
52. Tailor Shop
53. Theater (Non Motion Picture; Live Drama)
54. Travel Agency
55. Video Rental/Sales
56. Veterinary (SUP)

B. Area Regulations:

1. Minimum Size of Lot/Tract: There shall be no minimum lot/tract area required.
2. Minimum Lot/Tract Width: There shall be no minimum lot/tract width except for lots fronting FM 544, which shall be 120 feet.
3. Minimum Lot/Tract Depth: There shall be no minimum lot/tract depth required.

EXHIBIT B

EXHIBIT C

4. Lot Frontage: Only two (2) lots within the boundaries of this Planned Development District shall have frontage on FM 544.

C. Parking, Driveways & Sidewalks:

1. Parking areas shall not be permitted within any landscape buffer strip.
2. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
3. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Code of Ordinances. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.
4. Sidewalks along FM 544 shall be a minimum of 8 feet in width.

D. Loading and Unloading

1. Truck loading berths and apron space shall not be located on the street side of any building, however, and exceptions can be addressed during site plan approval. In those instances where 3 or more sides of the building face dedicated streets, the loading berth shall be screened from view.
2. Truck loading berths and apron space shall not be located within any required setback or landscape buffer strip.

E. Minimum Exterior Construction Standards, Building Materials and Design – Exterior Construction and Design Requirements shall comply with Chapter 28 of the Code of Ordinances and shall be architecturally compatible and comply with the following.

1. All structures, including all building elevations, shall be constructed utilizing a unified design that is substantially consistent with or contains architectural design elements including but not limited to the following.
 - a. Canopies and awnings.
 - b. Outdoor patios.
 - c. Display windows/decorative windows.
 - d. Architectural details (such as decorative tile or brick work) integrated into the building façade.
 - e. Integrated planters or wing walls that incorporate landscape and/or sitting areas

EXHIBIT B

EXHIBIT C

- f. Articulated cornice line.
 - g. Peaked roof form.
 - h. Accent materials (minimum 15% of exterior facade)
 - i. Other architectural features as approved with the site plan.
2. At least two masonry materials shall be used in addition to glass on any single building. The following masonry materials shall be allowed.
 - a. Brick
 - b. Cast Stone
 - c. Decorative concrete tilt wall
 - d. EIFS and Stucco (limited to no more than 12% total)
 - e. Stone
 - f. Wrought Iron (for decorative overhangs)
3. Color schemes shall reflect a certain quality and expression consistent with the architectural character and design of the structure. Accent colors may be used to identify architectural features or highlight details. The use of primary or garish colors shall not be predominately used on the exterior facade of any structure.
4. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method.
5. Each commercial building, complex of buildings, or separate commercial business enterprises shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
6. Building roofs shall be so designed and constructed to prevent water ponding and to shed water in a reasonable amount of time. Built-up roofs and roof-top items which include equipment, piping, flashing, and other items shall be maintained for continuity of the roof appearance.
7. Roof top equipment, piping, flashing, and other items on the roof shall be screened by a perimeter parapet wall so as not to be visible from roadways.

EXHIBIT B

EXHIBIT C

8. In all cases, mechanical equipment on roofs and outcroppings should be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.
- F. Landscape Standards. Landscaping shall comply with Chapter 28 of the Code of Ordinances and except as provided below.
1. All landscaping shall use a unified design for the entire Tract. Landscaping shall be required on all developments within the Planned Development District and shall be complete prior to the issuance of any certificate of occupancy or final building inspection for the development. An automatic underground irrigation system shall be installed and maintained for all required landscaping and shall be in place and operable at time of planting.
 2. A landscape buffer shall be provided 15 feet in depth adjacent to the right-of-way of FM 544. No parking may be placed within any landscape buffer. Pedestrian easements may be located within a landscape buffer. The width of the sidewalk may be included in the calculation of the buffer depth.
 3. A landscape buffer shall be provided for an average of 5 feet in depth adjacent to the KCS/DART Railroad right-of-way.
 4. Parking Lots:
 - a. A minimum percentage of the parking area shall be landscaped according to the following requirements. Such landscaping shall be distributed within the parking area, occurring within medians, islands, or peninsulas. All such landscape areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to landscaped areas. Bumper overhang shall not be included as part of required landscaping. A permeable area no less than four (4) feet by four (4) feet shall be provided surrounding each tree located in a surface parking area.
 1. A total of five (5) percent of the interior of the entire parking lot regardless of location, shall be landscaped. One large tree or three (3) ornamental trees from the Plant List, shall be provided for each twelve (12) parking spaces, and planted within the five (5) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed eighteen (18) spaces in length.
 5. Existing trees on site shall be able to be removed without mitigation if located with a building area footprint or fire lane or required parking space.

EXHIBIT B

EXHIBIT C

- G. Screening. Screening shall comply with the standards set forth in Chapter 28 in the Code of Ordinances.
- H. Site Lighting. Lighting shall comply with the standards set forth in Chapter 28 in the Code of Ordinances, except as provided below.
- I. Signage and Graphics: Signage shall comply with the standards set forth in Exhibit F and Chapter 28 in the Code of Ordinances, except as provided below.
1. General

Monument signs – Two (2) monument signs shall be allowed along the frontage of FM 544 and shall be limited to a maximum sign area of 100 square feet and a maximum structure area of 150 square feet.
 2. Single Tenant Monument Signs
 - a. Monument signs shall identify individual tenants or uses within a pad site. Monument signs shall be a maximum of ten (10) feet tall.
 - b. All monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.
 - c. Monument signs shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and incorporated within the landscaping area or buffer.
 - d. Construction of monument signs shall include a base of material compatible with the material used for buildings.
 3. Attached Signage: Attached signage shall comply with Chapter 28 of the Code of Ordinances.
 4. Temporary Marketing Signage
 - a. Four (4) quality temporary marketing signs shall be permitted for the proposed development. These signs shall for a term of twelve (12) months from the date of installation.
 - b. The maximum signage area will be 96 square feet. The maximum height shall be 8 feet.
 - c. All other temporary signage not specifically referred to in the Signage Criteria package or in this section shall comply with the City of Murphy standards.

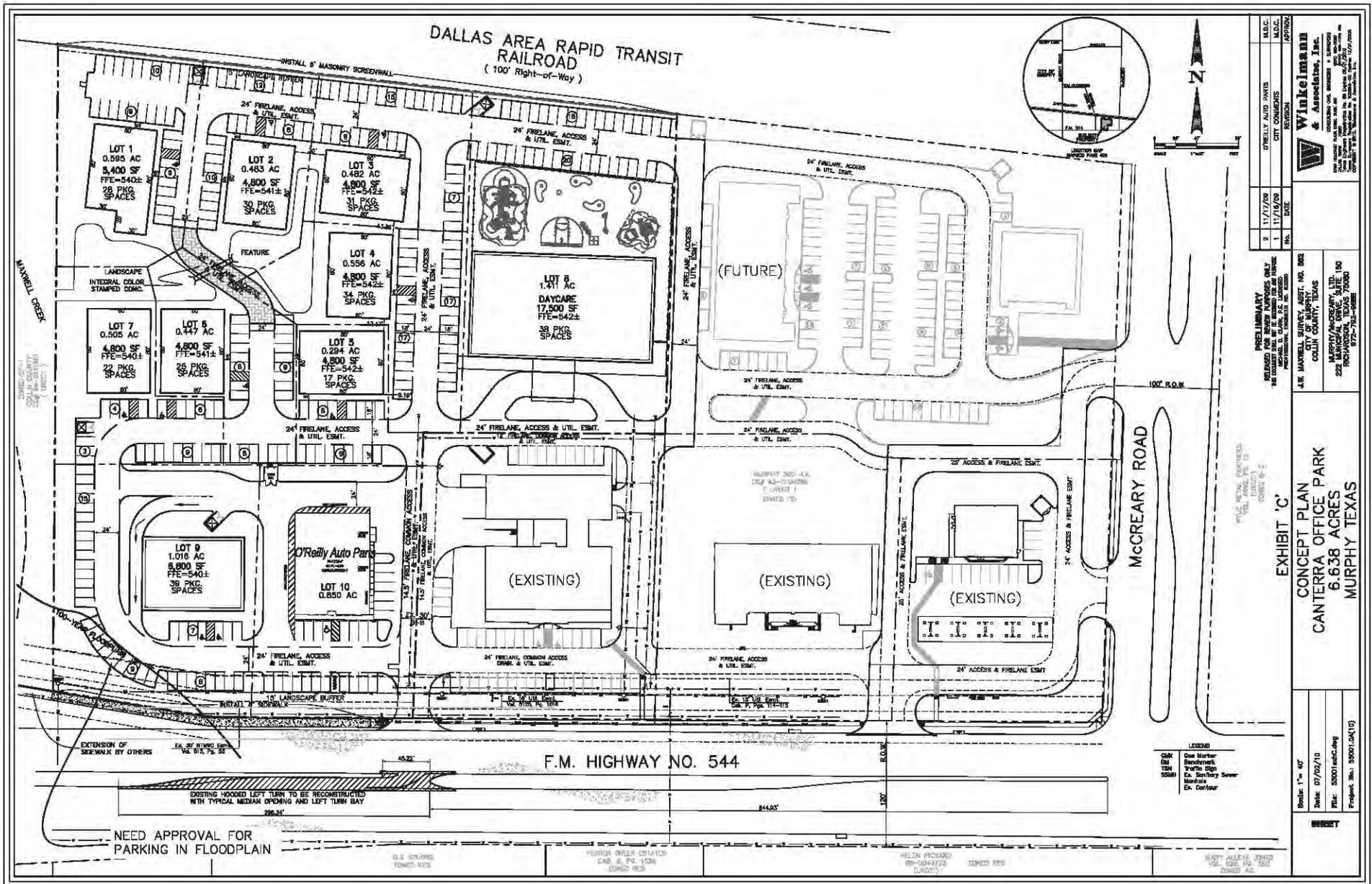
EXHIBIT B

EXHIBIT C

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

VII. Special Regulations:

1. Utility/Power Lines: New utility distribution and service lines for individual business establishments, buildings, signs and for any other site development features shall be placed underground.
2. Cross-Access Requirement: A joint access (i.e. – ingress, egress) easement shall be required to minimize the number of driveway openings along FM 544. The location(s) of access easement(s) shall be shown on the site plan and shall comply with the Texas Department of Transportation (TxDOT) Access Management Standards.



NO.	DATE	REVISION
1	11/19/09	CITY COMMENTS
2	11/17/09	O'REILLY AUTO PARTS

PRELIMINARY
REQUEST FOR REVIEW PURPOSES ONLY
NO GUARANTEE OF ACCURACY OR COMPLETION
PROFESSIONAL ENGINEER'S SEAL
MURPHY 300-A, 100' x 43'-11" (EXISTING) EDWARD (E)

Winkelman & Associates, Inc.
REGISTERED PROFESSIONAL ENGINEER
CITY OF DALLAS, TEXAS
222 MARSHALL AVENUE, SUITE 150
DALLAS, TEXAS 75201
972-752-0888

EXHIBIT 'C'
CONCEPT PLAN
CANTERRA OFFICE PARK
6.638 ACRES
MURPHY TEXAS

Scale: 1" = 40'
Date: 07/02/10
File: 53001.mec.dwg
Project No.: 58001.04(10)

REVISIONS

Exhibit D

Maxwell Creek North HOA
email and presentation

From: Maxwell Creek <property_manager@maxwellcreekhoa.org>
Date: February 8, 2016 at 11:53:51 AM CST
To: dreillyjr@aol.com
Subject: Maxwell Creek P&Z Announcement
Reply-To: property_manager@maxwellcreekhoa.org

Maxwell Creek North Residents,

At the Planning and Zoning Commission (P&Z) on Monday, January 25, 2016, a developer requested a change to the zoning for the property between the KCS/DART railroad tracks and the existing O'Reilly Auto Parts store and the new strip center located on FM 544. The current zoning on the property is a Planned Development District (PDD) under a Retail (R) use. The PDD sets exceptions to the basic zoning on the property. In this instance, the developer is requesting that the Permitted Uses (PU) in the PDD be amended to include "self-storage" facilities. Attached is a copy of the PU under the existing PDD. The notation "(SUP)" following a PU indicates that the referenced PU is permitted upon the issuance of a Special Use Permit by the city council, after consideration by the P&Z.

The developer requesting the change intends to build a large, climate controlled, interior corridor, self-storage facility just south of the railroad tracks. The developer is proposing a three story building (45 feet in height), which is allowable under the current PDD. The only issue before P&Z, and ultimately the city council, is the addition of "self-storage" as a PU.

At Monday's meeting P&Z was concerned that the developer had not discussed his plans with anyone who lives in Maxwell Creek. The law requires that anyone within 200 feet must be given specific notice, however, because of the size of the railroad right-of-way and the park on the north side of the tracks, no one in Maxwell Creek was within 200 feet. The proposed change was published in the newspaper of record for the City of Murphy, which is the Murphy Monitor but there was a concern that not everyone sees the Monitor.

The developer recognized the concerns of P&Z and offered to meet with the concerned residents of Maxwell Creek to discuss his plans and the residents' concerns. **In response to the developer's offer, Jon King, the chairman of P&Z, continued the public hearing to the next P&Z meeting, which is Monday, February 22, 2016.** I would expect you to hear from the developer by next week. I will get the contact information from Kristen Roberts, the Director of Community Development, in case you do not hear anything by next week so we can contact him.

If anyone is interested in viewing last Monday's hearing on the issue it can be viewed on the city's website at www.murphytx.org. If you click on the "Watch Meetings" icon in the lower right corner of the website it will take you to the page to view the video. You can click on play next to the Planning & Zoning Commission meeting on January 25, 2016 and it will begin playing the meeting. If you then click on Item 7D it will take you to this item. If you view it you can see the building that this developer is planning to build.

The Developer is Coy Quine of Quine & Associates. If you have any further questions you are welcome to contact him at 972-669-8440 or by email at cquine@quine.com.

[Documents from Coy Quine of Quine and Associations](#)
[All Storage Permitted Uses](#)

Sincerely,
Susan Garrison,
Sr. Community Manager

Reliable Commercial
Construction, Inc.
1700 N. Peayco Drive
Dallas, TX 75243
1 | (817) 467-0779 | (817) 467-0800
www.reliablecorp.com

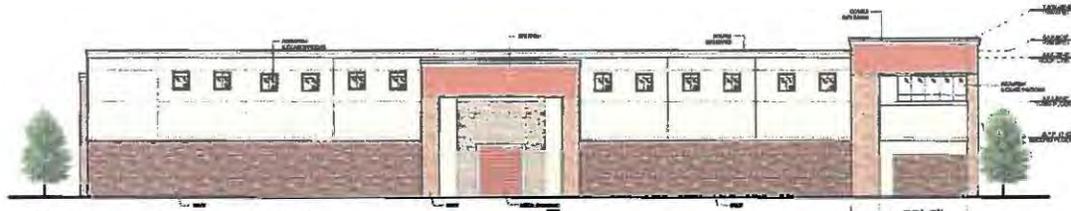


Project: _____
Number: _____
City/State: _____

PRELIMINARY
FOR REVIEW ONLY
- NOT FOR CONSTRUCTION -
NOV. 13, 2015

ALL STORAGE FACILITY
MURPHY, TX
PH 544 WEST OF MODERN, MURPHY, TX

Project: _____
Prepared: _____
Checked: _____
Date: _____
Scale: _____
Sheet Title:
CONCEPT ELEVATIONS
A2.1



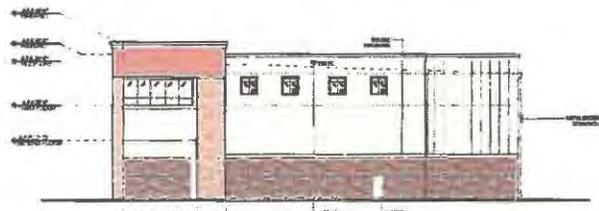
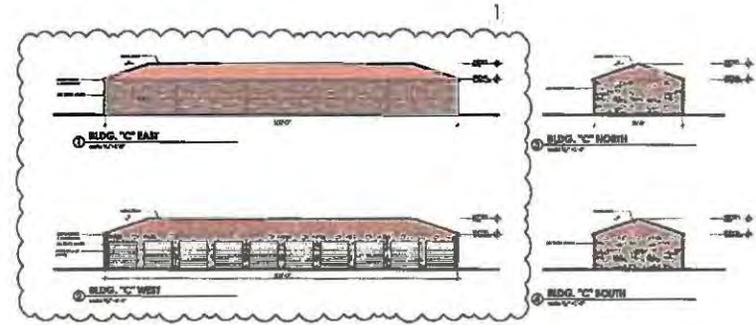
01 | BLDG. B SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



02 | BLDG. B WEST ELEVATION

SCALE: 1/8" = 1'-0"



03 | BLDG. B EAST ELEVATION

SCALE: 1/8" = 1'-0"



04 | BLDG. B NORTH ELEVATION

SCALE: 1/8" = 1'-0"

CONCEPTUAL ELEVATION

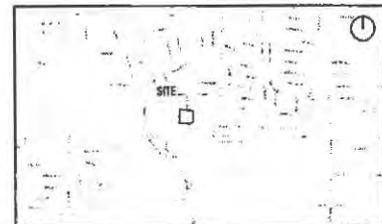
ALL STORAGE

FM 544 @ McCREARY

MINI-STORAGE USE	SF	BLDG. HEIGHT
OFFICE	1,192 SF	
BUILDING A	100,800 SF	45 FT
BUILDING B	73,839 SF	
BUILDING C	2,500 SF	
TOTAL:	178,331 GROSS SF	

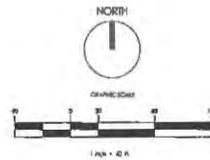
EXISTING ZONING:	"PD-R/LC" (OFFICE)
PROPOSED USE:	MINI-WAREHOUSE
LOT AREA:	148,686 SF / 3.413 ACRES
MINI-WAREHOUSE USE:	177,139 SF
MINI-WAREHOUSE OFFICE:	1,192 SF
TOTAL SQUARE FOOTAGE:	178,331 SF
LOT COVERAGE:	55,047 SF - 37%
IMPERVIOUS COVER:	-N-
FAR:	1.2:1

STORAGE REQUIRED SPACES	8
STORAGE PROVIDED	38 SPACES
ACCESSIBLE SPACES REQUIRED	3 SPACE
ACCESSIBLE SPACES PROVIDED	1 SPACE



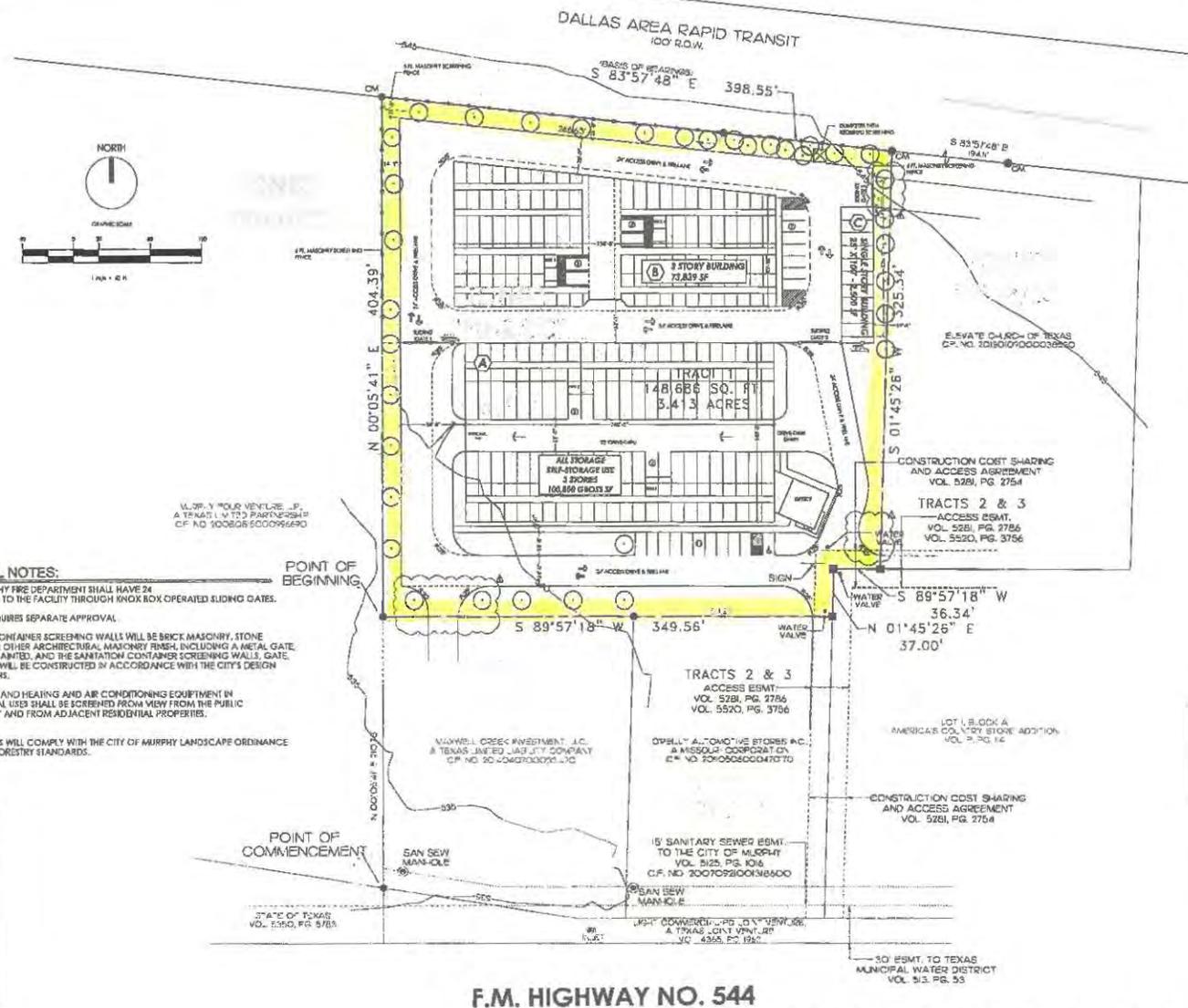
VICINITY MAP

NTS



GENERAL NOTES:

- CITY OF MURPHY FIRE DEPARTMENT SHALL HAVE 24 HOUR ACCESS TO THE FACILITY THROUGH KNOX BOX OPERATED SLIDING GATES.
- SCREENAGE: REQUIRES SEPARATE APPROVAL.
- SANITATION CONTAINERS SCREENING WALLS WILL BE BRICK MASONRY, STONE MASONRY, OR OTHER ARCHITECTURAL MASONRY FINISH INCLUDING A METAL GATE, PRIMED AND PAINTED, AND THE SANITATION CONTAINER SCREENING WALLS, GATE, AND PAD SITE WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY'S DESIGN SPECIFICATIONS.
- MECHANICAL AND HEATING AND AIR CONDITIONING EQUIPMENT IN NON-RESIDENTIAL USES SHALL BE SCREENED FROM VIEW FROM THE PUBLIC RIGHT-OF-WAY AND FROM ADJACENT RESIDENTIAL PROPERTIES.
- LANDSCAPE: ALL PLANTINGS WILL COMPLY WITH THE CITY OF MURPHY LANDSCAPE ORDINANCE AND URBAN FORESTRY STANDARDS.



F.M. HIGHWAY NO. 544
120' R.O.W.

PD CONCEPT PLAN

Reliable Commercial Construction, Inc.
1903 N. Parko Drive
Arlington, Texas 76010
T 817-467-0777 F 817-467-9148
cullen@reliablecon.com

RELIABLE
COMMERCIAL CONSTRUCTION, INC.
1903 N. PARKO DRIVE
ARLINGTON, TEXAS 76010
T 817-467-0777 F 817-467-9148

Quinn and Associates, Inc.
301 S. Sherman St., Ste. 100
Richardson, TX 75081
Office: 972-669-4466
Fax: 972-661-4227

**ALL STORAGE FACILITY
MURPHY, TX**
FM 544 WEST OF McCREARY, MURPHY, TX

Sheet Title
CONCEPT SITE PLAN

SP1.0



NORTH LINE OF SIGHT LOOKING SOUTH

Exhibit E

All Storage Presentation as
presented to Planning & Zoning
Commission on 2/22/2016

PLANNING AND ZONING COMMISSION CITY OF MURPHY, TEXAS

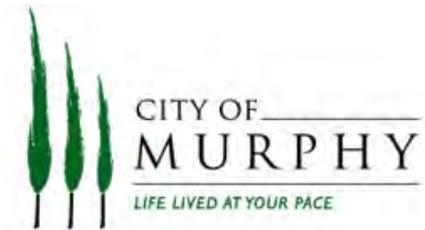


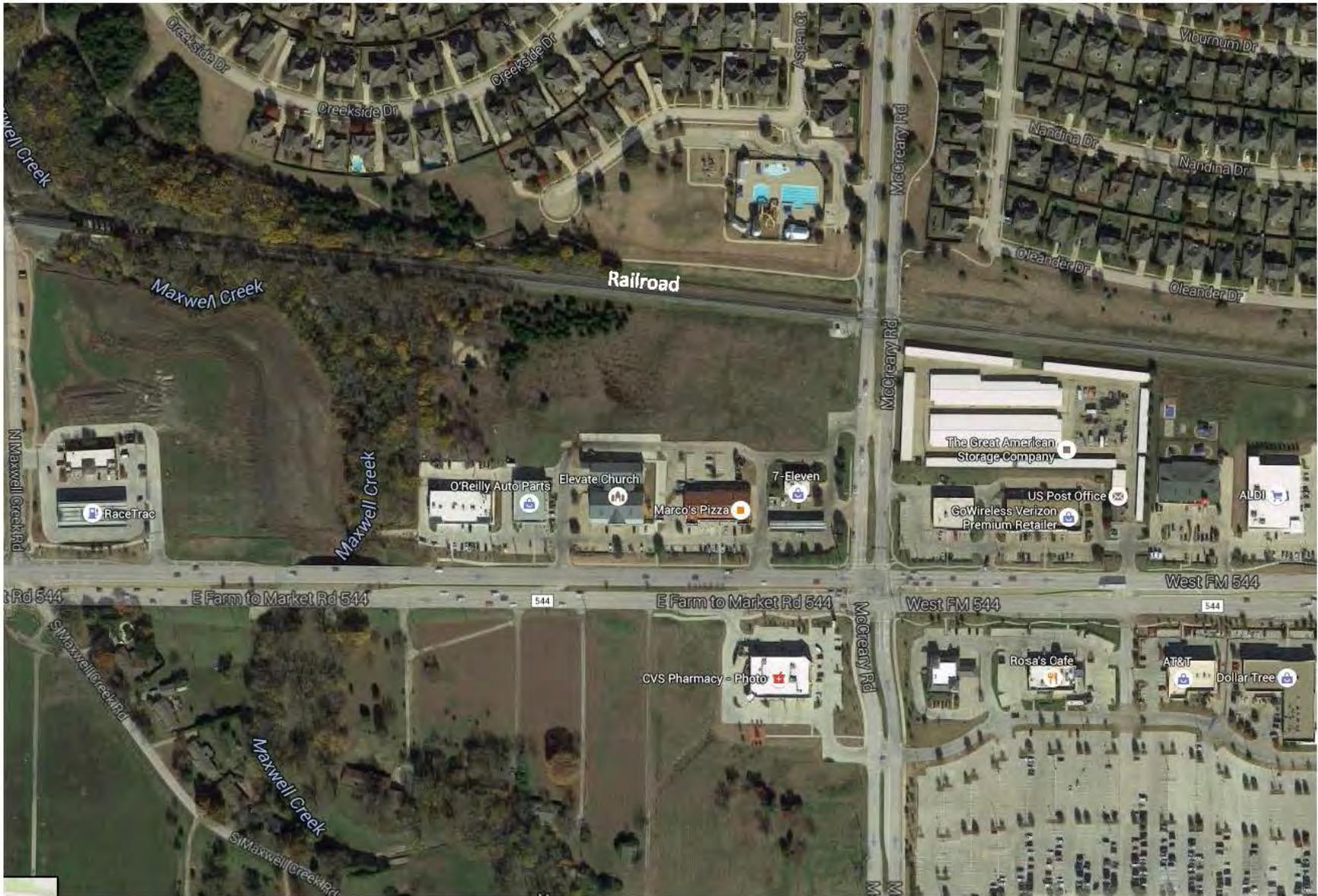
PD Amendment Request for All Storage



February 22, 2016

EXHIBIT E









01 | BLDG. A SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



02 | BLDG. A EAST ELEVATION

SCALE: 1/4" = 1'-0"



03 | BLDG. A NORTH ELEVATION

SCALE: 1/4" = 1'-0"



04 | BLDG. A WEST ELEVATION

SCALE: 1/4" = 1'-0"

CONCEPTUAL ELEVATION

Reliable Commercial Construction, Inc.
1923 N. Payton Drive
Arlington, Texas 76010
T | 817-462-0279 F | 817-462-7148
commercial@rci.com

RELIABLE
COMMERCIAL CONSTRUCTION, INC.
AECOM GROUP MEMBER

Revisions:
1
2
3
4
5

PRELIMINARY
FOR REVIEW ONLY
-NOT FOR CONSTRUCTION-
NOV. 3, 2015

ALL STORAGE FACILITY
MURPHY, TX
PM 545 WEST OF HICKORY, AUBURN, TX

PROJECT:
PREPARED BY: ASHLEY
DATE: 11/3/15
DRAWN BY: BCC
CHECKED BY: BCC

CONCEPT ELEVATIONS
A2.0



01 | BLDG. B SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



02 | BLDG. B WEST ELEVATION

SCALE: 1/8" = 1'-0"



03 | BLDG. B EAST ELEVATION

SCALE: 1/8" = 1'-0"



04 | BLDG. B NORTH ELEVATION

SCALE: 1/8" = 1'-0"

CONCEPTUAL ELEVATION

Reliable Commercial Construction, Inc.
1933 N. Payco Drive
Arlington, Texas 76010
T | 817.467.0779 F | 817.467.9148
reliableconstruction.com

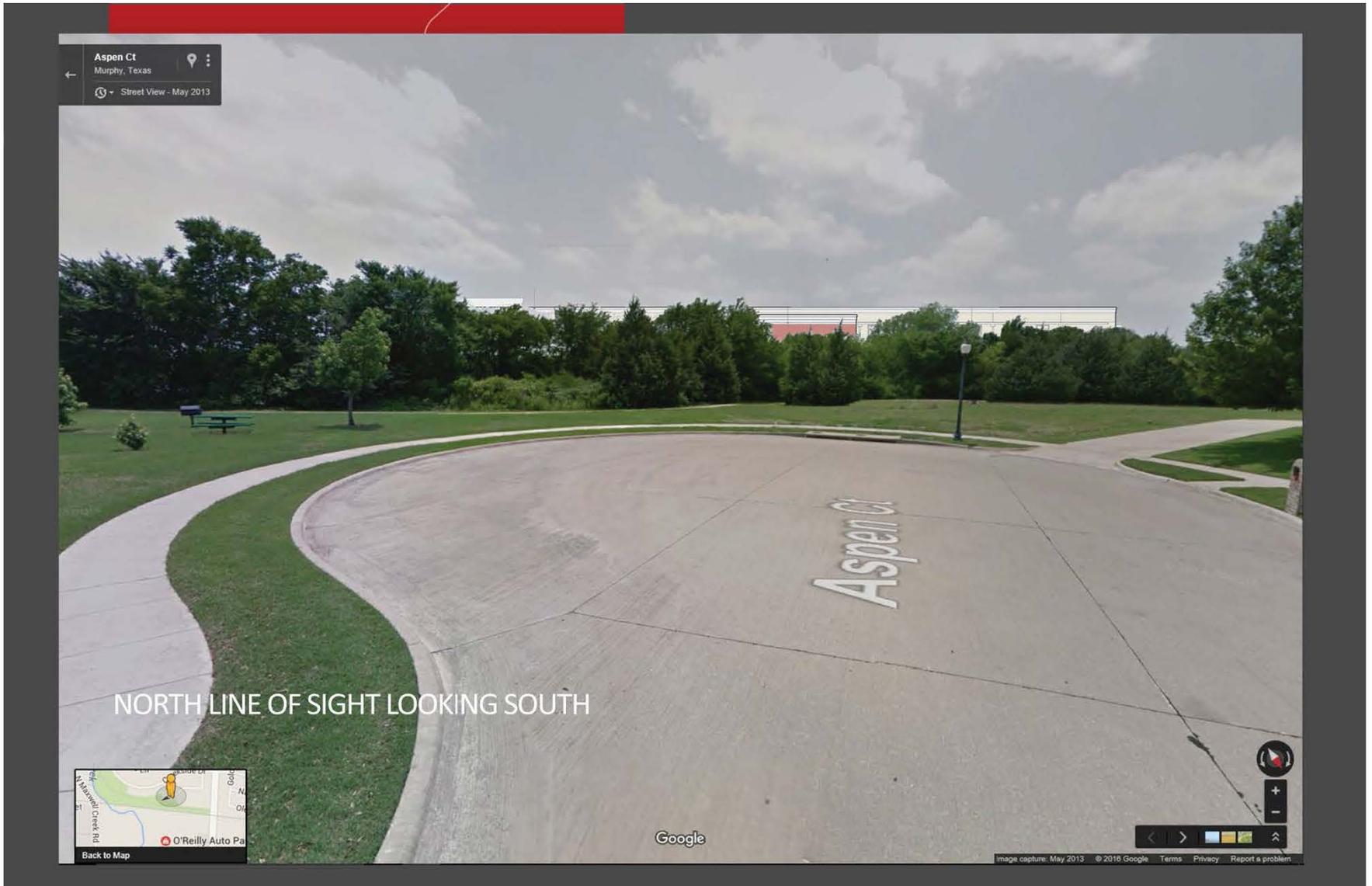
Revision: 004
Project: City Center 1-5-16

PRELIMINARY
FOR REVIEW ONLY
- NOT FOR CONSTRUCTION -
NOV. 3, 2015

ALL STORAGE FACILITY
MURPHY, TX
PH 514 WEST OF MCCREARY, MURPHY, TX

DATE: 11/3/15
FILE NUMBER: 4422
ISSUE NO.: 12/07/15
DRAWN BY: RCT
CHECKED BY: RCT
DATE: 11/3/15
CONCEPT ELEVATIONS
A2.1





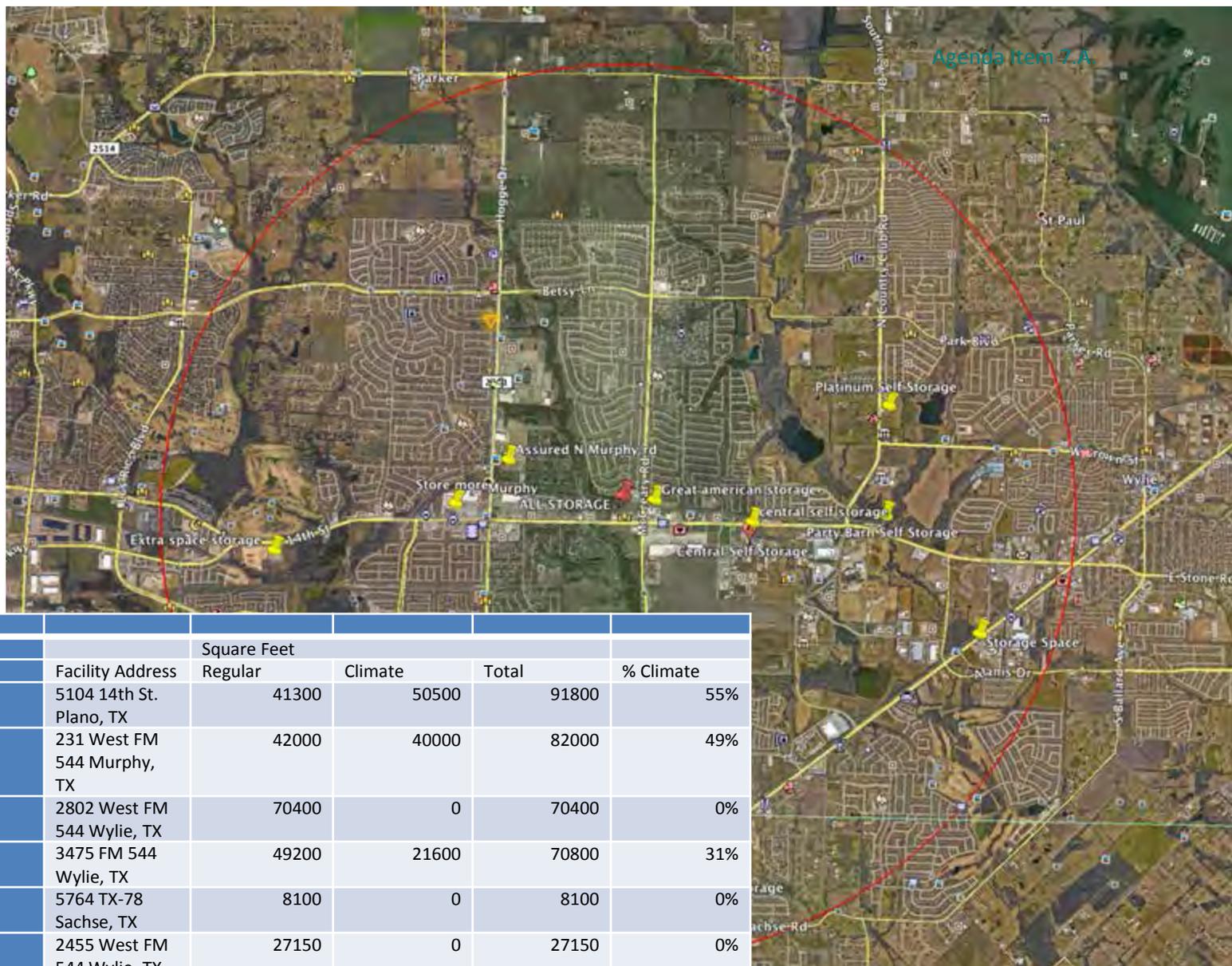


EAST SITE ELEVATION

SCALE: NTS

[Return to Agenda](#)

EXHIBIT E



Facility Name	Facility Address	Square Feet		Total	% Climate
		Regular	Climate		
Extra Space Storage	5104 14th St. Plano, TX	41300	50500	91800	55%
Store More! Storage	231 West FM 544 Murphy, TX	42000	40000	82000	49%
Central Self Storage	2802 West FM 544 Wylie, TX	70400	0	70400	0%
Great American	3475 FM 544 Wylie, TX	49200	21600	70800	31%
Staples/Orange Cube Storage	5764 TX-78 Sachse, TX	8100	0	8100	0%
Party Barn Self Storage	2455 West FM 544 Wylie, TX	27150	0	27150	0%
Store Space	1221 S. Hwy 78 Wylie, TX	49000	31000	80000	39%
Platinum Storage	Country Club Rd & W Brown, Wylie	46000	46000	92000	50%
		189100	522250	711350	36%

[Return to Agenda](#)

*Note these are estimates to the best of our knowledge
 Agenda Packet for March 15, 2016 Page 69 of 299

OFFICE HOURS

SUNDAY	11:00 AM - 4:30 PM
MONDAY	9:00 AM - 6:00 PM
TUESDAY	9:00 AM - 6:00 PM
WEDNESDAY	9:00 AM - 6:00 PM
THURSDAY	9:00 AM - 6:00 PM
FRIDAY	9:00 AM - 6:00 PM
SATURDAY	9:00 AM - 5:00 PM







Exhibit F

Reply Forms and emails

From: [Robb Dejean](#)
To: [Eric Barna](#); [Scott Bradley](#); [Owais Siddiqui](#); [Ben St. Clair](#); [Betty Spraggins](#); [Sarah Fincanon](#); [Robert Thomas](#); [Susie Quinn](#); [Kristen Roberts](#)
Cc: [Robb Dejean](#)
Subject: All Storage Murphy Zoning Case - Letter of Opposition
Date: Wednesday, March 09, 2016 10:08:26 AM
Attachments: [Murphy Storage Elevations 2014.12.16 small.pdf](#)

Dear City Council, Mayor, Mayor Pro Tem, Deputy Mayor Pro Tem

Our group has been informed of the proposed All Storage. I was discussing with Kristen Roberts our concerns and she urged me to send you a note in advance of the upcoming hearing. Please know I have never before spoken negatively toward a competing development, nor is this an attempt at monopolization. We feel this development could damage Murphy, a community we are investing within, and aim to see thrive.

You may recall we were approved (site plan/elevations) for a single level storage facility on FM 544 in the former Classic Gardens on FM 544 W (elevations attached). We are under construction. We engage intense market studies and due diligence when exploring a new location, and our findings showed Murphy had room for a high-end “premium” option, not necessarily lacking storage in the community.

Please note our entire focus is high-end “best-in-class” design and operations. A sample of communities we are currently developing new 4th generation storage includes Murphy, Craig Ranch/McKinney, Frisco Lakes/Frisco, Southlake, Stone Oak/San Antonio, Walden Park/Austin, etc. We are nationally recognized operators and truly strive in every facet of design, operations, branding, and customer service to be the go-to for a upper-income clientele that has storage needs. I say all of this because these standards are not sought by every storage company.

I won’t disparage All Storage however I will say we couldn’t feel more strongly that we are in a different class. Not all restaurants are the same (high-end versus fast-food), and not all storage is the same.

This is something that no rendering or site plan can accurately communicate. As you know, it is company culture, details, maintenance, customer service, and all of the minor & major decisions made daily that code cannot protect against. Just google All Storage and you will see examples of their storage compounds.

Perhaps most curious is why they want to develop this oversized facility at all, a size that would make it one of the largest facilities in the United States, and yet within a smaller boutique Murphy community. It truly makes no sense from our vantage. In fact, the buzz surrounding this move has captured the attention of other storage industry experts and lots of head-shaking.

Our analysis shows there is approximately 620,000 sf net rentable existing within our roughly 3-mile trade area. And there is another 300,000 sf or so planned/approved storage at moment. This equates to approximately 12.5 sf/capita using 3-mile trade area, which is roughly 46% more storage than DFW average (8.55 sf/capita). Yes, developers have gone “storage crazy,” with many newcomers to the industry.

If All Storage were to be approved, they would bring an additional flood of storage, a whopping 2+ sf/capita by themselves. This would push the Murphy market average to approximately 15 sf/capita, or 75% more storage per person in the area than typical for DFW.

These numbers can be toggled but no matter how one slices it, there is already a flood of storage in the area (much announced after us), and it is likely All Storage would further flood the market for a decade with low cost vacant storage warehouse. If only Murphy population is used, then it wouldn't surprise me if Murphy sets a national record for storage per capita if All Storage is approved.

The effect of this could be very damaging to the community and operators as Murphy becomes known for low cost storage in the region. Investment drops, facilities deteriorate, capital investment goes down, and next thing we know all of the storage facilities in Murphy are "worst-in-class" rather than best-in-class. I can speak from experience that we appropriate our greatest resources and investment to the storage facilities that aren't surrounded by oversupplied "cheap" storage. This effect is noticed by everyone within the community.

A rising tide lifts everyone toward better, that is our goal, whereas this could simply shipwreck everyone for the worse.

Murphy is a wonderful, friendly place with high standards. It is the primary reason we are developing a premium boutique storage option for Murphy residents. We request City of Murphy to deny this zoning case for the health of the community and for the vibrancy of its businesses. We are confident some alternative business (daycare, retirement, hotel, multi-family or something positive we cannot even imagine) can make better use of this tract. There are limited land parcels remaining adjacent FM 544 and we are confident this tract will find a more quality match in short order.

Thank You for your time.

Robb DeJean

Director of Development

The Jenkins Organization, Inc.

4600 Mueller Blvd Suite 1003

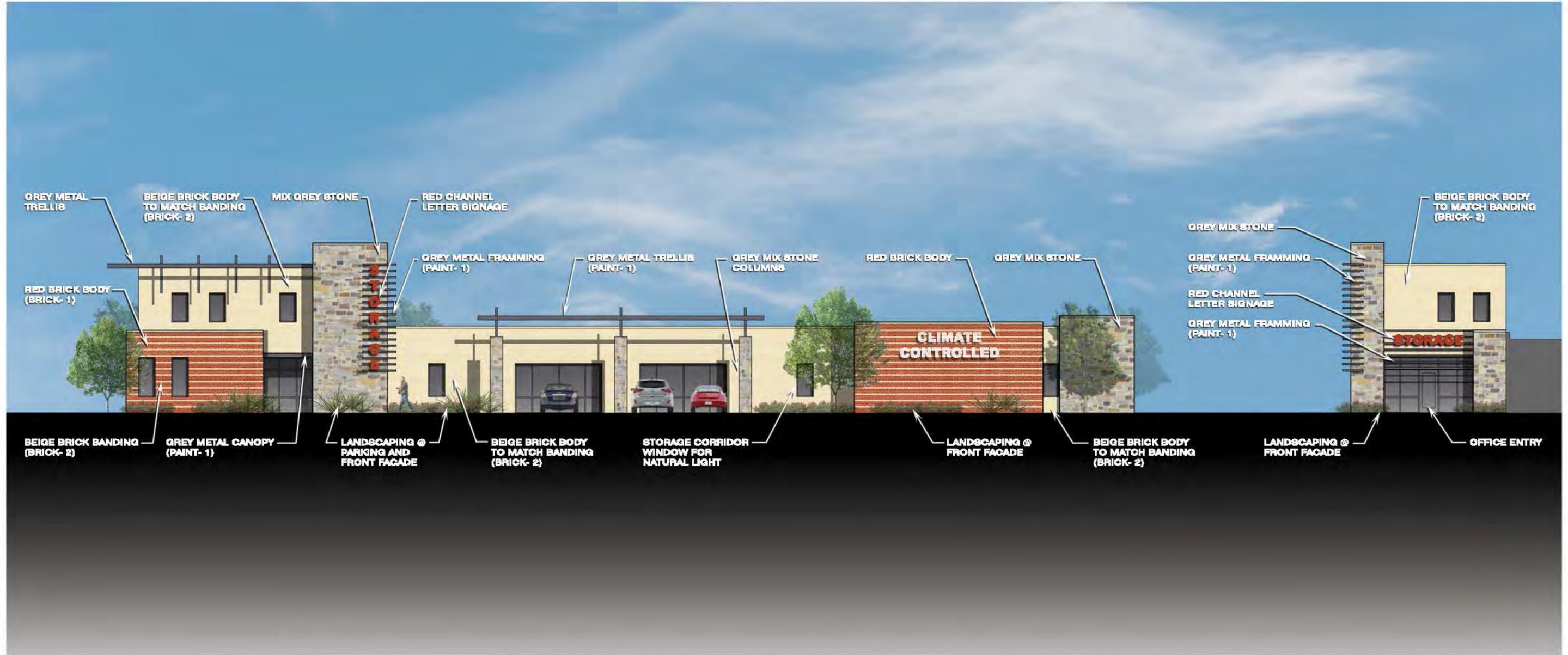
Austin, TX 78723

Mobile 512.955.6432

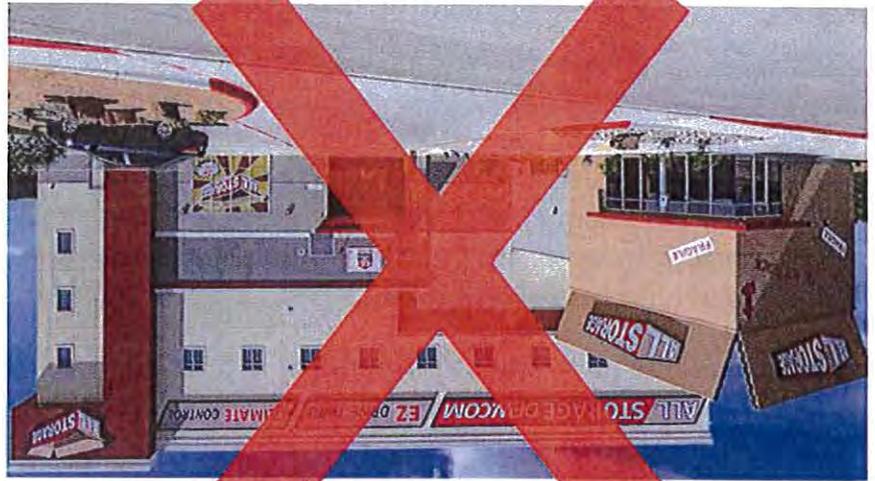
Office 512.394.6874

robb@jenkinsorg.com

www.jenkinsorg.com | www.tjoselfstorage.com



DID YOU KNOW THAT A FOUR STORY SELF STORAGE
COULD GO UP NEAR YOUR HOME? READ MORE!



STOP STORAGE IN MURPHY

POSTAGE DUE

MURPHY IS UPSCALE: WAREHOUSE STORAGE IS NOT

- It creates almost NO SALES TAX.
- It is the equivalent of 4 stories. It will overpower everything around it.
- We already have too much storage.
- WE CAN AND MUST DO BETTER!!!
- For more information go to FLICKR -



- All Storage is proposing a lower end building than others in the area
- Murphy's largest building will be a storage warehouse.
- The building is the size equivalent of 3.5 football fields of storage.
- The building is larger than a Costco.

www.flickr.com/photos/saynotostorage/

The below email appears to have been distributed to the Maxwell Creek North HOA mailing list as it was sent to a P&Z member's spouse address. We do not know the identity of the sender.

From: <saynotostorage@yahoo.com>
Date: March 3, 2016 at 9:39:11 AM CST
To: "saynotostorage@yahoo.com" <saynotostorage@yahoo.com>
Subject: ANOTHER storage warehouse in Murphy!
Reply-To: <saynotostorage@yahoo.com>

Neighbors,

On March 15th at 6 pm the City Council will vote on ANOTHER storage warehouse in Murphy. Except this one is 175,000 sf. which is equivalent to 3.7 football fields. This will be the biggest building in Murphy. It will be 20,000 square feet **larger than a Costco** and only slightly smaller than a super Walmart. Does Murphy really want to be known for having the largest storage building around??

The developer is trying to tell people that this site cannot be developed with anything other than storage. This is just a scare tactic and **not true**. This could absolutely be developed into senior housing or offices.

The massive building also looks cheap and is the equivalent of 4 stories at 44 feet in height. Take a look at the company's other locations around Texas and Oklahoma (<https://www.flickr.com/photos/saynotostorage/>). These are NOT nice or quality structures. We do NOT want to be stuck with something like this for many years to come. With only 20,000 residents we just don't need this much storage! This facility is so large that it must be designed to attract MOSTLY people from outside the city limits. They are drawing a regional customer base, not local. Why does such a huge project need to be located in our community, if it's not going to serve us?

Let's all make Murphy a unique community. We do not want to be known as a storage dumping ground. **Let's insist that our city officials seek out developers willing to provide mixed use projects and the type of retail that will allow everyone to stay in Murphy and shop.** No one ever says that they wish there was more storage. There have already been two in the area approved. One is in Wylie and one in Murphy and combined these are about the same

size as what is proposed. We also have several on FM 544 and others on US 78. There is no shortage.

We don't need more of something that we don't want when we already have more of it than we desire. This same developer tried to develop over 250,000 sf in Wylie recently.

This will pass unless citizens do something about it; the Planning and Zoning Commission already passed it. **If you sit idly by this will impact our city image and maybe property values.** Please plan to attend the City Council meeting on March 15th at 6 pm at City Hall (206 N. Murphy Rd.)

Do your part and email these city leaders that you are opposed:

ebarna@murphytx.org
bstclair@murphytx.org
sincanon@murphytx.org
squinn@murphytx.org

bspraggins@murphytx.org
sbradley@murphytx.org
rthomas@murphytx.org

Murphy says its "committed to the promotion and retention of high-quality development in all parts of the city and to an ongoing improvement in the quality of life for its citizens."

Let's make the leaders live up to this bold promise.

Finally, Murphy "values being a safe, vibrant, family-oriented, distinctive City that foster a strong sense of community." Families don't go to a giant storage building; families won't see this a vibrant development; families won't be safer because of a warehouse. It is only distinctive because of its size, which is designed to appeal and be leased to people outside Murphy.

This is generic suburban garbage development that we don't want to be known for. Spend the time to protect your community. If you don't, you are voting for outsiders determining what we will be known for.

**WE CAN AND MUST DO BETTER!!!
Please share this with your neighbors,
friends, and family.**

Begin forwarded message:

From: Susie Quinn <squinn@murphytx.org>
Date: March 3, 2016 at 11:38:45 AM CST
To: Sarah Fincanon <sfincanon@murphytx.org>, Betty Nichols Spraggins <bnspraggins@aol.com>, "Don Reilly " <ReillyforMurphy@gmail.com>, Jenny Berthiaume <jenny@jennyformurphy.com>, Laurel Arnold Clement <ClementforMurphy@gmail.com>, Owais Siddiqui <osiddiqui@murphytx.org>, Stan John <Stan4Murphy@gmail.com>
Cc: Kristen Roberts <kroberts@murphytx.org>, Mark Lee <mlee@murphytx.org>
Subject: FW: Opposition to Proposed Storage Facility

This was the first one that I received last evening.

From: Mike McConachie
Sent: Wednesday, March 2, 2016
To: Eric Barna; Ben St. Clair; sincanon@murphytx.org; Susie Quinn; Betty Spraggins; Scott Bradley; Robert Thomas
Subject: Opposition to Proposed Storage Facility

TO: MAYOR BARNA & MEMBERS OF THE MURPHY CITY COUNCIL

FROM: Mike & Cindy McConachie

RE: OPPOSITION TO STORAGE FACILITY

We are writing to ask that you deny approval to the proposed storage facility that is on the March 15 City Council agenda. Murphy does not need a storage facility the size of seven football fields and nearly as large as a Super Wal Mart. There are at least two other easily accessible storage facilities in close proximity to Murphy. We move to Murphy in order to escape the congestion of Plano, and now that congestion is following us to Murphy. Since we moved here in 1999, traffic has added significant time to our commutes. A storage facility of this size runs counter to Murphy's image of a hometown community that retains its small town charm. Please deny approval of this request.

We will be following the votes of each of you on this issue. How you vote may well impact our choices in future city council elections.

Thank you for consideration of our views.

Respectfully,
Mike & Cindy McConachie

t

From: Jim
Sent: Thursday, March 03, 2016 10:35 AM
To: Susie Quinn
Subject: I can't believe this!

A mega storage facility is not in the best interest of our city. We are already the fast food Mecca of north Texas we don't need to become the Sanford and Son of north Texas too. Vote against this bad plan.

Jim Holden
506 Wildwood Dr
Murphy

Sent from my iPad

Sent from my iPad

From: Jana Taylor
Sent: Thursday, March 03, 2016 10:35 AM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Opposition to Storage Facility

Both my husband, Vincent Taylor, and I are opposed to another storage facility being built in Murphy, Texas. We moved to Maxwell Creek in 2012 seeking a small town atmosphere for our family. We moved to Murphy because of its excellent schools and because we wanted to give our children a sense of community. This massive facility does nothing to further Murphy's commitment to an ongoing improvement in the quality of life for its citizens and will result in an oppressive eye-sore that is completely unnecessary in a city of only 20,000 people. The land in question could be used for a senior living complex or other kind of development. Please consider what is truly best for the city long term.

Thank you.

Jana Taylor
Sheehy Ware & Pappas
3838 Oak Lawn Suite 1450
Dallas, Texas 75219
(214) 521-7500 (office)
(214) 566-3729 (cell)

From: on behalf of Catherine Banks
Sent: Thursday, March 03, 2016 10:39 AM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: The new storage facility at McCreary and 544

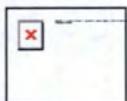
I really don't like storage units at all, and don't think this is good for Murphy. I would like to see that area developed in some other way.

I would love to talk to anyone about this who is willing to discuss.

Thank you in advance.

Catherine Banks
www.LegacyTravel.com
www.Facebook.com/LegacyTravel

[Our most recent travel magazine.](#)



972-517-9130
866-329-7157



From: michelle foley
Sent: Thursday, March 03, 2016 10:45 AM
To: Eric Barna; Betty Spraggins; Scott Bradley; Ben St. Clair; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: No more storage facilities in Murphy

There are already 6 or more storage facilities within a 5 mile radius of Murphy.
The facilities are hideous and cheapen the look of the area. I'm not paying the tax rate that I do to live on Avenue K.

Take a drive over there in Plano on Avenue K and count storage facilities.

Michelle Foley
437 Smoke Tree Dr
Murphy, TX 75094

From: Kelly Reymann
Sent: Thursday, March 03, 2016 10:45 AM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Storage Warehouse to be built in Murphy

Good Morning,

I am opposed to this structure being built in our community. This structure would not serve the residents of Murphy but people from other communities. We are already over-burdened by the amount of traffic that comes through Murphy. The City of Murphy should be focusing on bringing things to our community that will be either directly used by Murphy residents or provide employment to Murphy residents. This storage warehouse would provide very little of either.

On another note, we do not need any more of the following in Murphy:

1. Dentist/orthodontist offices
2. Donut Shops
3. Car washes
4. Fast food
5. Nail salons

What we do need is this:

1. Sam's or Costco
2. More sit-down restaurants such as an Applebees or Red Robin, etc.

Sincerely,

Kelly Reymann
208 Whitewing Lane
Murphy TX 75094

From: Scott Puccinelli
Sent: Thursday, March 03, 2016 10:46 AM
To: Eric Barna; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn; Betty Spraggins
Subject: You Have To Be Kidding Me!!!

All,

I've sat by idly and watched the Murphy City Council continually approve fast food restaurant after fast food restaurant, and ER after ER... but this is my breaking point!!!

The massive storage facility you are voting in has GONE TOO FAR!!!!

This will bring down property values, and bring in the EXACT OPPOSITE element of person that we moved out here to GET AWAY FROM!!! We don't need another storage facility!!! If you seriously believe that's the only thing you can build there, then YOU OBVIOUSLY HAVEN'T BEEN TO FRISCO!!!

There are 20,000 people in Murphy, and over 100,000 people in the surrounding areas. Why haven't you found a developer that can build out ACTUAL RESTAURANT SPACE??? These would not only benefit the city from tax revenue, but the residents would have a place to go out...! Everyone I know has to leave Murphy and go to Plano, Richardson, Allen or Frisco to have a dinner!!! That's because all you are building is lousy PDQ's and Dunkin' Donuts!!! Now a massive, ugly, useless storage facility?!?!?!?!?!?!?!?

If you vote this ridiculous building into this city, I'm going to get involved. I'll make it my life's ambition that each and everyone of you are voted out of office next election... and if not during that election, the one that follows it... and if you're still there, the one that follow that one. I've had enough of the Murphy City Council destroying the City of Murphy... and I'm not the only one!!!!!!!

Scott Puccinelli
214.250.2216 - Cell

From: Caroline Gagnon-Hartman
Sent: Thursday, March 03, 2016 10:53 AM
To: Eric Barna; Ben St. Clair; sincanon@murphytx.org; Susie Quinn; Betty Spraggins; Scott Bradley; Robert Thomas
Subject: FW: Another Storage Building in Murphy

I am entirely opposed to this new storage facility.

Please do what you can to stop this from being built. It will dramatically decrease the value of my house.

From: Lone Star
Sent: Thursday, March 03, 2016 10:25 AM
To: texabec@verizon.net
Subject: Another Storage Building in Murphy

Email not displaying correctly? [View it in your browser](#)



Neighbors,

On March 15th at 6 pm the City Council will vote on ANOTHER storage warehouse in Murphy. Except this one is 175,000 sf. which is equivalent to 3.7 football fields. This will be the biggest building in Murphy. It will be 20,000 square feet **larger than a Costco** and only slightly smaller than a super Walmart. Does Murphy really want to be known for having the largest storage building around??

The developer is trying to tell people that this site cannot be developed with anything other than storage. This is just a scare tactic and **not true**. This could absolutely be developed into senior housing or offices.

The massive building also looks cheap and is the equivalent of 4 stories at 44 feet in height. Take a look at the company's other locations around Texas and Oklahoma (<https://www.flickr.com/photos/saynotostorage/>). These are NOT nice or quality structures. We do NOT want to be stuck with something like this for many years to come. With only 20,000 residents we just don't need this much storage! This facility is so large that it must be designed to attract MOSTLY people from outside the city limits. They are drawing a regional customer base, not local. Why does such a huge project need to be located in our community, if it's not going to serve us?

Let's all make Murphy a unique community. We do not want to be known as a storage dumping ground. **Let's insist that our city officials seek out developers willing to provide mixed use projects and the type of retail that will allow everyone to stay in Murphy and shop.** No one ever says that they wish there was more storage. There have already been two in the area approved. One is in Wylie and one in Murphy and combined these are about the same size as what is proposed. We also have several on FM 544 and others on US 78. There is no shortage.

We don't need more of something that we don't want when we already have more of it than we desire. This same developer tried to develop over 250,000 sf in Wylie recently.

*This will pass unless citizens do something about it; the Planning and Zoning Commission already passed it. **If you sit idly by this will impact our city image and maybe property values.** Please plan to attend the City Council meeting on March 15th at 6 pm at City Hall (206 N. Murphy Rd.)*

Do your part and email these city leaders that you are opposed:

ebarna@murphytx.org bspraggins@murphytx.org
bstclair@murphytx.org sbradley@murphytx.org
sincanon@murphytx.org rthomas@murphytx.org
squinn@murphytx.org

Murphy says its "committed to the promotion and retention of high-quality development in all parts of the city and to an ongoing improvement in the quality of life for its citizens." **Let's make the leaders**

live up to this bold promise.

Finally, Murphy "values being a safe, vibrant, family-oriented, distinctive City that foster a strong sense of community." Families don't go to a giant storage building; families won't see this a vibrant development; families won't be safer because of a warehouse. It is only distinctive because of its size, which is designed to appeal and be leased to people outside Murphy.

This is generic suburban garbage development that we don't want to be known for. Spend the time to protect your community. If you don't, you are voting for outsiders determining what we will be known for.

WE CAN AND MUST DO BETTER!!! Please share this with your neighbors, friends, and family.

To unsubscribe please click [here](#)

Lone Star
2500 Legacy Drive, Suite 220, Frisco, TX, 75034

From: [Caroline Gagnon-Hartman](#)
To: [Eric Barna](#); [Ben St. Clair](#); sincanon@murphytx.org; [Susie Quinn](#); [Betty Spraggins](#); [Scott Bradley](#); [Robert Thomas](#)
Subject: No to Another Storage Building
Date: Thursday, March 03, 2016 10:51:11 AM

As a resident of Murphy, I am completely opposed to a new storage building in Murphy. Murphy does not need a monstrosity as the one being proposed. Murphy does not need another storage facility.

Murphy needs to live up to its commitment to "the promotion and retention of high-quality development in all parts of the city and to an ongoing improvement in the quality of life for its citizens." This storage building will not improve the lives of the citizens and does nothing to promote "a safe, vibrant, family-oriented, distinctive City that foster a strong sense of community."

Please take the necessary measures to stop this new storage facility from being built.

Caroline Gagnon-Hartman
Murphy, TX Resident

From: Ashish Patel <
Sent: Thursday, March 03, 2016 10:53 AM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Oppose for another Storage Building in Murphy

Sir/Ma'am,

Please dont allow any more Storage buildings in Murphy.

--

Thanks,

Ashishkumar Patel (NMLS: 1086032)
Realtor & Loan Officer

Phone: 972 755 1516

Cell: 972 375 2342

Fax: 469 741 0222

Email: ashish@APatelRealty.com

Click link below to apply for Loan

http://www.apatelrealty.com/home_loan.html

select Ashishkumar Patel

www.YourApartmentFinder.com | www.aPatelRealty.com

From: Jason Santero
Sent: Thursday, March 03, 2016 10:58 AM
To: Eric Barna; Ben St. Clair; sincanon@murphytx.org; Susie Quinn; Betty Spraggins; sbraldey@murphytx.org; Robert Thomas; liljukii@hotmail.com
Subject: Opposed to more storage.

Good morning,

I have lived in murphy since 2007. I am 100% opposed to another storage complex.

Me and many of my neighbors in the maxwell creek neighborhood oppose such a structure. It will only be used by non murphy residents. We might as well rename the city Irving or Mesquite.

Also please be upfront and confirm if you have or have not received any sort of campaign donations from this storage company, thier owners or subsidiaries.

A concerned voter and tax payer

Jason S.

From: Mira Clary
Sent: Thursday, March 03, 2016 11:07 AM
To: Eric Barna; Ben St. Clair; sincanon@murphytx.org; Susie Quinn; bspraggiins@murphytx.org; Scott Bradley; Robert Thomas
Subject: proposed giant storage facility

We are residents of Murphy and want to let our representatives know that we are **STRONGLY OPPOSED** to the proposal to add a huge storage facility in the City of Murphy. Murphy already has sufficient storage facilities, and the addition of a huge storage facility will negatively impact our property values. There are many other better uses for the available land.

It is important that we keep Murphy as a safe, family-oriented City and the addition of huge storage facilities that attract people outside of Murphy, will negatively impact the quality of life in our community.

We appreciate your assistance in voting against this proposal.

Sincerely,

Mira and Robert Clary
405 Windward Dr.
Murphy, TX 75094

214-929-6432

From: Gary
Sent: Thursday, March 03, 2016 11:09 AM
To: Eric Barna; Betty Spraggins; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: No storage Building in Murphy

Please vote no storage

Gary Chafin
412 Brookmere LN
Murphy, TX 75094

Tel: 972-843-2000
Cell: 214-415-6464

[\(Serving Dallas/Ft Worth & Around the World\)](#)

From: Maggie Palmer <
Sent: Thursday, March 03, 2016 11:09 AM
To: Susie Quinn
Subject: Another storage facility??? Really?!?!?

I moved to Murphy about 18 months ago...the primary reason? It was a family oriented community. It was "country in the city" and loved the fact I could go to the Farmers Market in Murphy or downtown Wylie to shop at local merchants and then drive back to Murphy and pass horses, longhorns, etc. I felt safe and content. Now I see Murphy approving storage facilities (large ones at that) and so many fast food restaurants it has lost its charm quickly. Crime is on the rise, teen suicide is rampant and I no longer feel this is a safe and family oriented community.

I hold a high level position at Tenet Health, with it's offices downtown, yes I brave the 75 every day because, at the time, Murphy was worth the drive and I used to recommend the city to others relocating, but no more. I was recently offered a job at another company which would require me to relocate. If you would have asked me a year ago if I would I relocate I would have said "No way, I love where I live." Well, that no longer holds true so I am seriously considering taking the job, even though moving again after only 18 months is a burden and financial risk, I'm thinking I need to get out NOW...and I've told others to think about it as well.

Murphy says its "committed to the promotion and retention of high-quality development in all parts of the city and to an ongoing improvement in the quality of life for its citizens." If you drive down 544 now it's just donuts, fast food and storage units that stick out...UGLY. Even my realtor states she is having a harder time "selling Murphy" than a year ago, even with the influx of State Farm and other large corporations in the area.

Finally, Murphy "values being a safe, vibrant, family-oriented, distinctive City that foster a strong sense of community." Families don't go to a giant storage building; families won't see this a vibrant development; families won't be safer because of a warehouse. It is only distinctive because of its size, which is designed to appeal and be leased to people outside Murphy. It also severely damages our property values.

I strongly urge you to vote NO on this storage facility or you may see many other current Murphy residents considering leaving the community as well.

--
Maggie Palmer
Chalk Hill Lane
Murphy, Texas

--
Maggie

From: Jim M
Sent: Thursday, March 03, 2016 11:16 AM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Storage complex?

Hello,

Is what I am hearing true that our City leaders see it fit to add a massive storage building complex in Murphy?

I am vigorously opposed to this.

Over the past few years I have noticed a gradual decline in the quality of the type of new establishments in Murphy. Big box stores, large cheap retailers, fast food.

Big storage facilities are the last thing we need here.

Let's not allow the City to become another Garland. While there may be some short term tax dollars earned here, I feel the City is on a slippery slope at which at some point it will be impossible to get any decent retail here.

Best Regards,
Jim Morris

From: [Jerry Reymann](#)
To: [Eric Barna](#); [Ben St. Clair](#); rthomas@murphytx.org; [Susie Quinn](#)
Date: Thursday, March 03, 2016 11:20:17 AM

Dear City Leader:

I just found out about the proposed massive storage unit that may be built in Murphy. I am writing this to inform you that as a resident of Murphy, I am GREATLY OPPOSED to this idea.

We already have more storage facilities than could possibly be needed by our residents. I have seen other buildings by this developer and they are ugly and very tacky. This will increase traffic (which is already a problem), make our city more unattractive and not directly benefit Murphy residents in any way that I can imagine.

I moved to Murphy because it is a unique and beautiful community, not a dumping ground.

Please let me know what else I can do to further protest this proposed action.

Jerry Reymann
208 Whitewing Lane
Murphy

From: Elaine Santero
Sent: Monday, March 07, 2016 11:58 AM
To: Eric Barna; Ben St. Clair; Susie Quinn; Sarah Fincanon; Betty Spraggins; Scott Bradley; Robert Thomas
Subject: Re: Storage Building Opposition

Good morning all.

Please see the link below in regards to recent storage unit crimes. Again, do we really want to entice criminals into our city with a large storage building?

<http://crimeblog.dallasnews.com/2016/03/plano-police-say-storage-unit-thieves-may-have-struck-over-100-victims.html/>

Thanks again for your time.

From: Elaine Santero
Sent: Thursday, March 3, 2016 11:35:19 AM
To: Ebarna@murphytx.org; Bstclair@murphytx.org; squinn@murphytx.org; Sincanon@murphytx.org; Bspraggins@murphytx.org; Sbradley@murphytx.org; Rthomas@murphytx.org
Subject: Storage Building Opposition

Good morning.

I have recently been informed that plans for a very large storage facility have been approved by the Murphy City Council. As a longtime resident of Murphy, I would like to express my concern and opposition towards these plans.

Murphy has been highly regarded not only by its residents but also by various publications. It has been named one of the safest cities in the state and is a greatly desired area by many homebuyers because of its small town, family atmosphere and strong community values. Bringing in such a large facility will attract all kinds of traffic from nearby and adjoining cities not to mention it will simply be an eye sore. More traffic from outside city limits brings in more opportunities for crime. Murphy is a family town with many small children. We don't need to attract more people that could possibly harm residents and MORE IMPORTANTLY harm our children.

I moved to Murphy so that I can raise my family in a safe community with a small town feel, but with all the new businesses and now this LARGE storage facility plans being approved, it seems as though the city is leaning more towards "how can we make an extra buck" rather than "how can we continue to be great and stay at the top of the list for Texas's safest and best cities".

Please reconsider having this storage building in our community.

Sincerely, Elaine Santero

From: Shah
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sgarrison@lonestarmangement.com; Robert Thomas; Susie Quinn;
Cc: sgarrison@lonestarmangement.com
Subject: Fw: Another Storage Building in Murphy
Date: Thursday, March 03, 2016 11:51:27 AM

Hi,

I live in Maxwell Creek and am on the first entrance (Creekside) which is close to the waterpark. I am against the storage facility being built as there is already one on the other side behind autozone. I am more concerned about the beauty and the looks of Mcreary and having a storage facility behind 7/11 and in front of the park is not going to look so good. Hate to say it but the autozone, storage and railroad on one end and oriely on the other are more than enough. There is a reason why my wife and i bought a house in Murphy and specially Maxwell Creek about a yr and half ago and though we support growth, we are opposed to using whatever land is available to be utilized for benefits not intended for Murphy. Build a park or turn that place into a outdoor basketball/tennis courts.

Thanks and sorry if i have spelling/grammatical errors. Just typed as I thought.

Shah

----- Forwarded Message -----

From: Lone Star <sgarrison@lonestarmangement.com>
To: shahjangda@yahoo.com
Sent: Thursday, March 3, 2016 10:25 AM
Subject: Another Storage Building in Murphy

Email not displaying correctly? [View it in your browser](#)



Neighbors,

On March 15th at 6 pm the City Council will vote on ANOTHER storage warehouse in Murphy. Except this one is 175,000 sf. which is equivalent to 3.7 football fields. This will be the biggest building in Murphy. It will be 20,000 square feet **larger than a Costco** and only slightly smaller than a super Walmart. Does Murphy really want to be known for having the largest storage building around??

The developer is trying to tell people that this site cannot be developed with anything other than storage. This is just a scare tactic and **not true**. This could absolutely be developed into senior housing or offices.

The massive building also looks cheap and is the equivalent of 4 stories at 44 feet in height. Take a look at the company's other locations around Texas and Oklahoma (<https://www.flickr.com/photos/saynotostorage/>). These are NOT nice or quality structures. We do NOT want to be stuck with something like this for many years to come. With only 20,000 residents we just don't need this much storage! This facility is so large that it must be designed to attract MOSTLY people from outside the city limits. They are drawing a regional customer base, not local. Why does such a huge

project need to be located in our community, if it's not going to serve us?

Let's all make Murphy a unique community. We do not want to be known as a storage dumping ground. **Let's insist that our city officials seek out developers willing to provide mixed use projects and the type of retail that will allow everyone to stay in Murphy and shop.** No one ever says that they wish there was more storage. There have already been two in the area approved. One is in Wylie and one in Murphy and combined these are about the same size as what is proposed. We also have several on FM 544 and others on US 78. There is no shortage.

We don't need more of something that we don't want when we already have more of it than we desire. This same developer tried to develop over 250,000 sf in Wylie recently.

This will pass unless citizens do something about it; the Planning and Zoning Commission already passed it. **If you sit idly by this will impact our city image and maybe property values.** Please plan to attend the City Council meeting on March 15th at 6 pm at City Hall (206 N. Murphy Rd.)

Do your part and email these city leaders that you are opposed:

ebarna@murphytx.org	bspraggins@murphytx.org
bstclair@murphytx.org	sbradley@murphytx.org
sincanon@murphytx.org	rthomas@murphytx.org
squinn@murphytx.org	

Murphy says its "committed to the promotion and retention of high-quality development in all parts of the city and to an ongoing improvement in the quality of life for its citizens." **Let's make the leaders live up to this bold promise.**

Finally, Murphy "values being a safe, vibrant, family-oriented, distinctive City that foster a strong sense of community." Families don't go to a giant storage building; families won't see this a vibrant development; families won't be safer because of a warehouse. It is only distinctive because of its size, which is designed to appeal and be leased to people outside Murphy.

This is generic suburban garbage development that we don't want to be known for. Spend the time to protect your community. If you don't, you are voting for outsiders determining what we will be known for.

WE CAN AND MUST DO BETTER!!! Please share this with your neighbors, friends, and family.

To unsubscribe please click [here](#)

Lone Star
2500 Legacy Drive, Suite 220, Frisco, TX, 75034

t

From: dilpesh patel
Sent: Thursday, March 03, 2016 11:52 AM
To: Susie Quinn
Subject: No more storage facilities dump on us

As a Murphy resident I don't like to see massive storage facility in beautiful city to live in ☹️

Thank You,
Dilpesh Patel
401 Cave River Dr,
Murphy Tx

Sent from my iPhone
Sent from my iPhone

From: Bob Kimmerle
Sent: Thursday, March 03, 2016 11:56 AM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Warehouse opposed

As a resident of Murphy for over a decade, I am writing to express my extreme concern for approving another storage warehouse. We do not have a need for this, especially one of this size and multiple stories tall.

I am writing to formally oppose the approval of this and would strongly request this approval to be reconsidered.

Thank you,

Bob Kimmerle
401 Waters Edge Way
Murphy Texas 75094

From: Mike Clover
Sent: Thursday, March 03, 2016 12:03 PM
To: Eric Barna
Cc: Ben St. Clair; sincanon@murphytx.org; Susie Quinn
Subject: Big Storage Facility

The residents of Murphy do not want this built in our community. Let's keep Murphy unique and avoid this path. This would lower property values in murphy and would be a big eye soar. Murphy is already overdeveloped in my opinion. If we keep going in the direct we are, it will cause residents to start selling. I have been a resident of Murphy since 2005 and I have watch this neat little community get out of control with developers.

Kind Regards,

Mike Clover
Mortgage Banker
Homewood Mortgage,LLC
O: 469.621.8484
C: 469.438.5587
F: 972.767.4370
18170 Dallas Parkway
Ste. 304
Dallas, TX 75287
NMLS# 234770

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From: Nancy Crafton
Sent: Thursday, March 03, 2016 12:04 PM
To: Susie Quinn
Subject: NO MORE STORAGE IN MURPHY

Please work with the developer to find another use for this property.

From: Hasham Syed
Sent: Thursday, March 03, 2016 12:06 PM
To: Eric Barna; Susie Quinn; sincanon@murphytx.org; Robert Thomas; Ben St. Clair; Scott Bradley; Betty Spraggins
Subject: No Storage Facility in Murphy!

All,

As a resident of Murphy, I would like to voice my opinion strongly against the construction of any storage building in this city. That empty lot can benefit from a lot of other things that can generate revenue. Storage should NOT be one of them. Let not turn the city into a warehouse!

I also plan to attend the City Council session on 15th March.

Syed Masood
Maxwell Creek, Murphy

From: Jennifer Lewis
Sent: Thursday, March 03, 2016 12:25 PM
To: Eric Barna; Betty Spraggins; Scott Bradley; Robert Thomas; Ben St. Clair;
sincanon@murphytx.org; Susie Quinn
Subject: ANOTHER storage facility

I cannot be at the City Council meeting on 3/15 when I understand there is a vote on another storage facility to be added in the Murphy area. It's estimated size 3.7 football fields? About the size of the super Walmart...

Ridiculous.

Please keep your promise - "Murphy is committed to the promotion and retention of high-quality development in all parts of the city and to an ongoing improvement in the quality of life for its citizens" - and DO NOT ALLOW ANOTHER STORAGE FACILITY INTO MURPHY/WYLIE AREA!!!

These types of facilities reduce home values and do not serve the median income class of people in the area. If I had known 10 years ago that I would eventually live within 3-5 miles of 4 DIFFERENT storage facilities, I would never have moved here. I was irritated to learn of the storage at Betsy and Murphy right next to my son/daughters school and again at McCreary/544 (right next to ANOTHER existing storage facility on the Wylie side) and now more?

Please deny any requests to build new warehouses or storage facilities! We need family friendly and community development NOT another place to store junk. QUALITY development, not just revenue please!

Jennifer Plake
Maxwell Creek Resident

[Sent from Yahoo! Mail for Windows 8](#)

From: Pk Mathew
Sent: Thursday, March 03, 2016 12:34 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Cc: lpmathew2000@gmail.com
Subject: No more storage unit in murphy

Dear City Office,

Please disapprove any storage company in Murphy. Murphy is a small city, no more storage unit.

Thanks,
Prasad Mathew
409 cave river drive
murphy,tx-75094
Tel-469-230-2230

From: Elizabeth D Pfeiffer
Sent: Thursday, March 03, 2016 12:35 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Storage facility

As a citizen of Murphy, I am writing to you to let you know of my objection to the proposal for a storage facility to be built within the city limits.

Something like this does nothing to improve the quality of life or the attractiveness of the city. In fact, it detracts from the attractiveness due to the size and eye-sore look. There is absolutely no shortage of storage facilities along FM544. We do not need another one. I would insist that the city's planning commission seek out developers willing to provide mixed use projects and the type of retail that will allow everyone to stay in Murphy and shop.

Don't rubber stamp this proposal because it is the only thing you have available for that plot of land. Keep looking for developers who can add to the city, not make it look cheap.

Thank you.
Beth Pfeiffer
522 Royal Oak Dr.
Murphy, TX 75094

Elizabeth D Pfeiffer

From: Alison Lumbatis
Sent: Thursday, March 03, 2016 12:37 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Storage Facility

Dear City Officials - I STRONGLY oppose the development of a storage facility. Any development in this city needs to be for the residents to STAY here and dine and shop. Not drive them away by potentially hurting our property values. We don't need another storage facility in this city. Please provide more mixed use projects and the type of retail that this city so desperately needs.

Live up to your promise to promote and retain high quality development in this city. I sincerely hope you will reconsider this decision.

Alison Lumbatis



Alison Lumbatis
Founder + CEO
Get Your Pretty On



From: Mandy Clairfield
Sent: Thursday, March 03, 2016 12:52 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Robert Thomas; Scott Bradley; sincanon@murphytx.org; Susie Quinn
Subject: Opposed to ANOTHER storage warehouse in Murphy

Does Murphy really want to be known for having the largest storage building around?? I know that's not what I want for my community.

We do NOT want to be stuck with something like this for many years to come. With only 20,000 residents we just don't need this much storage! This facility is so large that it must be designed to attract MOSTLY people from outside the city limits. They are drawing a regional customer base, not local. Why does such a huge project need to be located in our community, if it's not going to serve us?

Let's all make Murphy a unique community. We do not want to be known as a storage dumping ground. I urge you to seek out developers who are willing to provide mixed use projects and the type of retail that will allow everyone to stay in Murphy and shop. No one ever says that they wish there was more storage. There have already been two in the area approved. One is in Wylie and one in Murphy and combined these are about the same size as what is proposed. We also have several on FM 544 and others on US 78. There is no shortage.

We don't need more of something that we don't want when we already have more of it than we desire. This same developer tried to develop over 250,000 sf in Wylie recently. If they didn't succeed there, why are we going to let them come to Murphy?

Murphy says its "committed to the promotion and retention of high-quality development in all parts of the city and to an ongoing improvement in the quality of life for its citizens." I encourage you to live up to this promise.

Finally, Murphy "values being a safe, vibrant, family-oriented, distinctive City that foster a strong sense of community." Families don't go to a giant storage building; families won't see this a vibrant development; families won't be safer because of a warehouse. It is only distinctive because of its size, which is designed to appeal and be leased to people OUTSIDE Murphy.

Mandy Masters Clairfield
851 Mustang Ridge Dr.
Murphy, TX 75094
Cell: 713-858-4934

From: Mike Tavares
Sent: Thursday, March 03, 2016 12:58 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: say no to proposed 175,000 sq ft storage

Don't we have just about enough storage warehouses in Murphy? I mean really! Oh and that Denny's? Bravo! What an eye sore!!!

Sincerely,

Mike Tavares
223 Love Bird Ln.
Murphy

Quality Colors Collision Pro Shop
10941 Jupiter Rd.
Dallas, TX 75218
214.324.9463 voice
214.320.8594 fax
www.qualitycolors.com web
<http://www.facebook.com/qualitycolors.qualitycolors>

From: Wufoo <no-reply@wufoo.com>
Sent: Thursday, March 03, 2016 12:58 PM
To: Ben St. Clair; Betty Spraggins; Eric Barna; James Fisher; Owais Siddiqui; Robert Thomas; Sarah Fincanon; Scott Bradley; Susie Quinn; Andy Messer
Subject: Engage Council [#50]

Name Larry Hostetter

Email

Comments or Questions

My wife and I have been Murphy residents since 2004 & live in Maxwell Creek North. We definitely have seen a lot of changes in these 11+ year and most have been very positive for the community. Due to our very limited footprint, it is critical for our long-term viability that we be very prudent in what we allow into our remaining space. I do not believe allowing another storage unit facility would sufficiently benefit Murphy residents long term. Thus, I ask that you deny their pending application.

Respectfully submitted,

Larry Hostetter
221 Creekside Dr

From: Sue Diamond
Sent: Thursday, March 03, 2016 1:45 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Proposed New Storage Facility

We have lived in Murphy for almost six years, and the transformation from the "small town" we chose to build our home in has totally evaporated in that short period of time. Now you want to further over-develop the area with the totally unnecessary construction of a new storage facility. We certainly don't have the need for such a business inasmuch as we have several in the area, nor do I think that any of the local residents want such a business.

The responses to the survey you sent out to Murphy residents a few months ago must have fallen on deaf ears because this is the very thing several of my neighbors and I objected to: excessive use of every available piece of open space/land for needless business projects. Just how many medical facilities do we need? How many donut shops? How many grocery stores? How many fast-food joints? How many nail/spas? The list goes on and on—and now you want to add one more huge, unwarranted building to the already congested chaos that is FM544.

Murphy used to be considered an attractive, higher-class neighborhood; a nice, quiet place to enjoy your family. The "powers that be" have allowed Murphy to morph into a hodgepodge of strip centers and over-built acreage.

I hope the City Council will think long and hard and NOT allow this storage facility to come to Murphy.

Thank you,

Sue A. Diamond
532 Chalk Hill Lane
Murphy

Sue A. Diamond

Browning Oil Company, Inc.
Phone: 214-739-3481, ext. 103
Fax: 214-739-4458

From: Lorelei Baker
Sent: Thursday, March 03, 2016 2:32 PM
To: Eric Barna; Robert Thomas; sincanon@murphytx.org; Ben St. Clair; Susie Quinn; Betty Spraggins; Scott Bradley
Subject: opposition to Murphy Equity Management, Ltd's Self storage facility

Dear City Council Member,

I oppose the planned self-storage facility being planned for near 544 and McCreary – behind the Kolache Factory, O'Reilly and Elevate Church. My Concerns for this business are:

1. Murphy already has 3 self-storage facilities built or in the construction/planning phases. This facility is simply not needed.
2. Self-storage facilities are historically used for criminal activity. This particular facility is air-conditioned, provides 24 hour key code (anonymous) access and its entrance will be partially hidden from the main roads. This could make it a headquarters for human and sex trafficking or for marijuana growing, a meth lab or other illegal activities. Not what the citizens of Murphy want!
3. One of the highlights of Murphy is the pleasant green space and mix of useful retail options. This facility would be detrimental to both of those advantages:
 - a. This facility is HUGE – close to 4 football fields and taller than a standard 3 story building. If it is constructed it will be an eyesore, particularly from the Maxwell Creek linear trail.
 - b. They plan to remove most of the trees in the greenspace around the railroad corridor.
 - c. Construction of this facility means we have lost the chance for more useful development that will contribute to the positive character of our city.

Thank you for your time,
Lorelei Baker

--

Sent with [Postbox](#)

From: Rodaliz Darson
Sent: Thursday, March 03, 2016 3:21 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: VOTE

Dear Officers,

As a resident of Maxwell Creek in Murphy, I vote NO to another storage unit that is being proposed to be built near my community.

Thanks for your kind consideration.

Sincerely,
Liz Darson

From: shelly heller
Sent: Thursday, March 03, 2016 3:35 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sinanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Storage

I oppose (do not want) the storage unit being built by Maxwell Creek

thank you
shelly

sl

From: Bert Heller
Sent: Thursday, March 03, 2016 3:37 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Storage

I would like to oppose the storage unit being built by Maxwell Creek

Thank you,
Bert

From: Andrea John
Sent: Thursday, March 03, 2016 3:51 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; sincanon@murphytx.org; Susie Quinn; Scott Bradley; Robert Thomas
Subject: Zoning for Storage

All,

I would like to vote NO to YET ANOTHER storage building on our city. I understand this bring money for our city but I believe we can find another way to do this and I don't thing a Storage Building is our only way. I believe that Murphy already has enough units in our little town of only 4/5 stop lights (on the main road) and I don't want another built. This is really getting out of hand. I moved to Murphy because it was so pretty and I would think other did as well. Now, other will just see a 'storage unit' town. Please don't let this big building be built. Please find other ways that to bring money into our city!

From: Andrea Cusey
Sent: Thursday, March 03, 2016 4:13 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Storage units by Maxwell Creek! Please NO!

To whom it may concern,

Our household vote is against this storage structure. Storage facilities always look clean and well kept at first, give it 10 years or even 20 try get sold off from original owner, they become ran down and derelict in condition in most cases.

Drive around Plano for perfect example. We like that our city is 6 square miles and convenient for the most part. The addition of more self storage does not make this area "I wanna move to Murphy" location because they have a giant storage facility. It just created an eye sore.

Think about 10-15 year from today and how this building will look be maintained.

How about a dog park? How about a food truck park? How about a restaurant with outdoor play area for kids? Anything but another storage or Chicken or Mexican restaurant.

Asa resident of Murphy for almost 15 years, I have supported most of the developments- but this one is a definite negative in my eyes.

Andrea Cusey
Realtor
469-323-1831

On March 15th at 6 pm the City Council will vote on ANOTHER storage warehouse in Murphy. Except this one is 175,000 sf. which is equivalent to 3.7 football fields. This will be the biggest building in Murphy. It will be 20,000 square feet larger than a Costco and only slightly smaller than a super Walmart. Does Murphy really want to be known for having the largest storage building around??

The developer is trying to tell people that this site cannot be developed with anything other than storage. This is just a scare tactic and not true. This could absolutely be developed into senior housing or offices.

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Let's all make Murphy a unique community. We do not want to be known as a storage dumping ground. Let's insist that our city officials seek out developers willing to provide mixed use projects and the type of retail that will allow everyone to stay in Murphy and shop. No one ever says that they wish there was more storage. There have already been two in the area approved. One is in Wylie and one in Murphy and combined

these are about the same size as what is proposed. We also have several on FM 544 and others on US 78. There is no shortage.

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ebarna@murphytx.org bspraggins@murphytx.org
bstclair@murphytx.org sbradley@murphytx.org
sincanon@murphytx.org rthomas@murphytx.org
squinn@murphytx.org

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This is generic suburban garbage development that we don't want to be known for. Spend the time to protect your community. If you don't, you are voting for outsiders determining what we will be known for.

WE CAN AND MUST DO BETTER!!! Please share this with your neighbors, friends, and family.

Andrea Cusey
469-323-1831
www.andreacusey.com

"Exceeding your Expectations"

Texas Law requires the information below be presented to all persons inquiring about Real Estate. See link:
<http://www.trec.state.tx.us/pdf/contracts/op-k.pdf>

From: Maria Peña-Coe
Sent: Thursday, March 03, 2016 4:31 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: RE: Storage Warehouse on FM 544 and McCreary Road

Our Elected Officials:

I will not be able to be present at the March 15 meeting, however, I would like to voice my opposition to this proposed warehouse, larger than a Costco store!!!

Murphy says it's "committed to the promotion and retention of high-quality development in all parts of the city and to an ongoing improvement in the quality of life for its citizens." We can and must do better.

Thank you for your time.

Sincerely

Maria Peña-Coe



From: Daisy Cutter
Sent: Thursday, March 03, 2016 4:37 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: PLEASE DO NOT APPROVE MEGA ALL STORAGE -

Respected City Council Members,

My name is Stanley Mathews and I live in the Maxwell Creek Edition and am grateful and happy to live in the wonderful city of Murphy. Over the years I have watched proudly as the town has grown with more residents, good businesses of which many are family owned. Numerous residents and myself are happy with the way the city has progressively grown. This has been due to the city council's / zoning commissions careful selection and approval of the businesses that move to murphy. This has allowed property values to increase and given Murphy an elite status as a sought after town to live in. With this in mind I believe that Mega all storage coming to murphy is a bad decision. We have numerous storage facilities which are not even at 90% capacity in murphy and the surrounding locales. This building is going to be an eye sore, due to its garish cheap multistory sheet metal looks and goes against the norm of the city's general architecture. It will also increase environmental pollution in terms of noise, lights and traffic. There is currently no demand for such a facility and does not need to be here. The large apartment complex newly built in Wylie on Betsy lane still sits largely empty because it does not cater to higher income home owners. Large storage facilities such as these only purvey to a transient community who live in apartments. Murphy is not such a town. Allowing such a storage facility also caters to a transient population and makes murphy open to more "outside traffic" and vulnerable to those who do not have the best interests of the city of Murphy at heart. The city of Wylie did not approve this developers plan and I along with numerous other residents do not want such project in this beautiful city. This an impassioned plea to NOT APPROVE this project, we have voted for you all and put our trust in you in good faith with the belief that you will have the interests of the residents of Murphy at heart. I believe that we have all worked hard in unity with our diversified backgrounds to make Murphy successful and need to keep it as such for the future.

Sincerely,
Stanley Mathews

From: Ola
Sent: Thursday, March 03, 2016 5:46 PM
To: Eric Barna; Ben St. Clair; sincanon@murphytx.org; Susie Quinn; bsparaggins@murphytx.org; Scott Bradley; Robert Thomas
Subject: Storage warehouse

To whom it may concern,
Please do not build yet another storage unit in Murphy! We already have too many! Murphy is a RESIDENTIAL area. We do not need outsiders coming to Murphy to store their belongings. Majority of the residents in Murphy already have where to store their goods and those that don't, already have the 2 storage areas that are in place!

PLEASE DO NOT APPROVE THIS AND LIVE UP TO YOUR PROMISE!!!

Concerned resident,
Ola Enabulele

From: Rick Karen Walker
Sent: Thursday, March 03, 2016 5:49 PM
To: Eric Barna; Ben St. Clair; sincanon@murphytx.org; Susie Quinn; Betty Spraggins; Scott Bradley; Robert Thomas
Subject: STOP STORGAE IN MURPHY

We do not need more storage in Murphy, please say NO!

Registered and active voters:

Richard Walker

Karen Walker

Christopher Walker

From: [Patricia DeFrehn](#)
To: [Susie Quinn](#)
Subject: Opposed to storage building
Date: Thursday, March 03, 2016 7:35:55 PM

--
Cheers!
patti

From: Larry Truesdale
Sent: Thursday, March 03, 2016 9:42 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sinanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Opposition to All-Storage proposal

Hello,

I received an email with some information about a proposal to build a storage business in Murphy. The email was obviously opposed and so I haven't heard any of the positive benefits which might have been claimed for this proposal. So, I have to admit that I am NOT full informed on this issue.

However, even trying to give the benefit of doubt to the proposal, I find it difficult to believe that this is a good choice for Murphy. I don't perceive any reason why we should rush to build out the remaining undeveloped space in Murphy. I think we can afford to wait for a proposal which is more beneficial to the community, something with a more positive image, and something we can be proud of.

You have built a wonderful city. Let's keep our standards high.

Thank you for your consideration,

Larry Truesdale
534 Seminole TRL
972-567-3759

--
Larry Truesdale

From: Susy Gulley
Sent: Thursday, March 03, 2016 10:33 PM
To: Eric Barna; bstclaie@murphytx.org; sincannon@murphytx.org; Susie Quinn; Scott Bradley; Robert Thomas; Betty Spraggins
Subject: Storage facility

Please reconsider the building of a storage facility right by my home. I live on North Maxwell Creek Rd. A storage facility at N. Maxwell Creek and 544 will decrease my property values, increase traffic on my street, and will just be an unnecessary eyesore for the city of Murphy. I do not support this endeavor.

Thank you
Susy Gulley

Sent from my iPhone

From: Ignacio Pujana
Sent: Friday, March 04, 2016 6:59 AM
To: Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Storage Building

Murphy City representatives

As a resident of the Community I oppose to the building dedicated to storage in Murphy. These are NOT nice or quality structures. We do NOT want to be stuck with something like this for many years to come. With only 20,000 residents we just don't need this much storage! This facility is so large that it must be designed to attract MOSTLY people from outside the city limits. They are drawing a regional customer base, not local. Why does such a huge project need to be located in our community, if it's not going to serve us?

Let's all make Murphy a unique community. We do not want to be known as a storage dumping ground. **Let's insist that our city officials seek out developers willing to provide mixed use projects and the type of retail that will allow everyone to stay in Murphy and shop.** No one ever says that they wish there was more storage. There have already been two in the area approved. One is in Wylie and one in Murphy and combined these are about the same size as what is proposed. We also have several on FM 544 and others on US 78. There is no shortage.

We don't need more of something that we don't want when we already have more of it than we desire. This same developer tried to develop over 250,000 sf in Wylie recently.

Ignacio Pujana Ph.D.
126 Creekside Dr.
Phone: (972) 429 6374

From: Shyam Chodvadiya
Sent: Friday, March 04, 2016 7:57 AM
To: sincanon@murphytx.org; Robert Thomas; Ben St. Clair; Scott Bradley; barna@murphytx.org; Betty Spraggins; Susie Quinn
Subject: No more storage building in Murphy

Dear Murphy city officials!

We do not want to be known as a storage dumping ground. No one ever says that they wish there was more storage. There have already been two in the area approved. One is in Wylie and one in Murphy and combined these are about the same size as what is proposed. We also have several on FM 544 and others on US 78. There is no shortage.

We don't need more of something that we don't want when we already have more of it than we desire..

Murphy resident and Small business owner!

Thanks & Regards,

Ghanshyam Chodvadiya

From: Wufoo <no-reply@wufoo.com>
Sent: Monday, March 07, 2016 4:26 PM
To: Ben St. Clair; Betty Spraggins; Eric Barna; James Fisher; Owais Siddiqui; Robert Thomas; Sarah Fincanon; Scott Bradley; Susie Quinn; Andy Messer
Subject: Engage Council [#69]

Name Gary Grant

Email

Comments or Questions

As a resident of Murphy, I implore you to reject the proposal to let a 175,000 sqft storage facility move forward in the city of Murphy. Murphy has a lot of great qualities. This project will not lend to that reputation. The city has plenty of storage already planned, and a community with only 20,000 residents doesn't need this much "storage". This will be a visual blemish on our community, dramatically increase traffic congestion, and prevent the opportunity for other needed growth and development. We don't need to be the dumping ground for the surrounding communities. Say NO to All Storage.

Regards,

Gary Grant

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#52]
Date: Friday, March 04, 2016 10:03:24 AM

Name Alexandra Romano

Email _____

Comments or Questions

Hello,
As a soon to be resident of the area, I would like to express my concern for the storage facility that is up for proposal. Murphy's charm of a safe and quiet city will be ruined with this massive eye sore. Keep the beauty of Murphy alive and please do not allow this proposed storage building to pass. Thank you,
Alexandra Romano

From: [Virginia Hartley](#)
To: [Kristen Roberts](#); [Susie Quinn](#)
Cc: [CustomerService](#); [Lori C. Knight](#); [Tina Stelnicki](#)
Subject: FW: New Message/Question for General Information
Date: Friday, March 04, 2016 10:44:15 AM

It's a complaint, please read below.

Regards,
Virginia Hartley

From: noreply@municipalonlinepayments.com [<mailto:noreply@municipalonlinepayments.com>]
Sent: Friday, March 04, 2016 9:48 AM
To: CustomerService
Subject: New Message/Question for General Information

New Question/Message from Richard Weaver (Pamelajwe@verizon.net):

Please forward this to the correct department or person. Please consider stopping the build of any additional storage facilities. The city does not need any more. Small town is not small town anymore. Rick and Pam Weaver 1313 Ranger Road Murphy, Texas 75094

From: [Jane Rackler](#)
To: [Susie Quinn](#)
Subject: future storage facility
Date: Friday, March 04, 2016 10:55:06 AM

My husband and I moved to Murphy last summer from Dallas. We wanted to get away from the big box stores, storage facilities, liquor stores and other such places that attract trouble.

Murphy appealed to us because it seemed to be a safe, family-oriented community. Murphy does not need another storage facility. There seems to be such limited space that the available land should be used for high-end senior housing, restaurants, retail, and/or offices. These things would add to the attraction of Murphy. High-end restaurants and retail would also allow more people to spend their money in Murphy rather than Dallas, Plano or McKinney.

Murphy is our home now. I respectfully ask that you reconsider this storage facility. We need to be mindful of what will be best for the citizens of Murphy.

Develop something the residents of Murphy can be proud of. I for one will not be proud to have a gigantic storage building taking up space that could have been used for senior housing, high-end restaurants and/or high-end retail. Those are the things that matter in a safe, family-oriented community.

Thank you for your consideration,

Jane Rackler

From: [Tamara Holloman](#)
To: [Eric Barna](#); [Ben St. Clair](#); sincanon@murphytx.org; [Susie Quinn](#); [Betty Spraggins](#); sbradley@murphytx.or;
[Holloman Group Info](#); [Robert Thomas](#)
Cc: [Darren M. Holloman](#)
Subject: ***Opposing Warehouse Storage***
Date: Friday, March 04, 2016 11:16:19 AM

Hello All~

I am writing to express our extreme opposition to the upcoming storage facility on 544. We live in the Maxwell Creek area, and would like to see something that would benefit the "community", there is already storage units in the area. This will not bring business to the community, nor is it something that Murphy as a whole will benefit from. There is limited space in Murphy, and I believe this HUGE facility will bring unwanted negative appeal to the City. We are asking you that you veto the storage facility based on the interests of the residents, and keep Murphy a place that people want to move to, not a storage community! From our perspective this type of facility belongs in a warehouse district, and not on a main thoroughfare of the city. Additionally, a facility such as this once built would prevent other future thriving business from being there that would help maintain the city's objective of positive community appearance.

Please do not let them build this facility!

Thanks,
Darren and Tamara Holloman
401 Post Oak Trail
Murphy, TX 75094

Duplicate but sent in a different method

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#53]
Date: Friday, March 04, 2016 11:45:24 AM

Name Stanley Mathews

Email _____

Comments or Questions

Respected City Council Members,

My name is Stanley Mathews and I live in the Maxwell Creek Edition and am grateful and happy to live in the wonderful city of Murphy. Over the years I have watched proudly as the town has grown with more residents, good businesses of which many are family owned. Numerous residents as well as myself are happy with the way the city has progressively grown. This has been due to the city council's / zoning commissions careful selection and approval of the businesses that move to murphy. This has allowed property values to increase and given Murphy an elite status as a sought after town to live in. With this in mind I believe that Mega all storage coming to murphy is a bad decision. We have numerous storage facilities which are not even at 90% capacity in murphy and the surrounding locales. This building is going to be an eye sore, due to its garish cheap multistory sheet metal looks and goes against the norm of the city's general architecture. It will also increase environmental pollution in terms of noise, lights and traffic. There is currently no demand for such a facility and does not need to be here. The large apartment complex newly built in Wylie on Betsy lane still sits largely empty because it does not cater to higher income home owners. Large storage facilities such as these only purvey to a transient community who live in apartments. Murphy is not such a town. Allowing such a storage facility also caters to a transient population and makes murphy open to more "outside traffic" and vulnerable to those who do not have the best interests of the city of Murphy at heart. The city of Wylie did not approve this developers plan and I along with numerous other residents do not want such project in this beautiful city. This an impassioned plea to NOT APPROVE this project, we have voted for you all and put our trust in you in good faith with the belief that you will have the interests of the residents of Murphy at heart. I beli eve that we have all worked hard in unity with our diversified backgrounds to make Murphy successful and need to keep it as such for the future.

Sincerely,

Stanley Mathews

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#54]
Date: Friday, March 04, 2016 11:47:42 AM

Name Dan Edwards

Email _____

Comments or Questions I definitely protest the storage facility. No need to add something like that in Murphy nor bring the traffic to our small community. It will not only be an eye sore to our nice neighborhoods but I truly believe it will detract the businesses we want, restaurants retail from ever coming.

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#55]
Date: Friday, March 04, 2016 11:57:42 AM

Name Muhammad Uzair

Email _____

Comments or Questions

I strongly oppose the proposal of construction of a new storage facility in Murphy. We have plenty already in and around Murphy for resident's needs. The huge facility will increase traffic in the area and will be an eye sore for our town. I am sure its against the concept of quite suburban town feel. I believe we need more high end retail businesses instead. Thank you.

From: [Raul Zamudio](#)
To: [Eric Barna](#); [Betty Spraggins](#); [Ben St. Clair](#); [Scott Bradley](#); sincanon@murphytx.org; [Robert Thomas](#); [Susie Quinn](#)
Subject: Storage Warehouse
Date: Friday, March 04, 2016 12:04:02 PM

Hi All,

I live in Maxwell Creek and I wanted to let you know that I am totally opposed to the Storage Warehouse new project. What are the benefits to have another one if we already have one in Wylie and one in Murphy and combined these are about the same size as what is proposed. We also have several on FM 544 and others on US 78. There is no shortage.

Please provide more information in regards to this project and what benefits our City would get from this project.

Thanks,
Raul Zamudio

From: Wufoo
To: Ben St. Clair; Betty Spraggins; Eric Barna; James Fisher; Owais Siddiqui; Robert Thomas; Sarah Fincanon; Scott Bradley; Susie Quinn; Andy Messer
Subject: Engage Council [#56]
Date: Friday, March 04, 2016 12:07:09 PM

Name Tom Johns

Email _____

Comments or Questions I do NOT think that a 175,000 square foot storage facility is needed or appropriate for Murphy. The increase in traffic from outside our city is unwanted.

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#57]
Date: Friday, March 04, 2016 12:22:54 PM

Name Mike Bryarly

Email _____

Comments or Questions

Please just say no to any more Home/U Storage businesses.

- A. We have enough already
- B. If not built nicely they can be an eyesore.
- C. They are a place where illegal unlicensed businesses can operate
- D. They can also bring in more problems with an increase in crime.

I think the city of Murphy can find better ways to serve the public and still make tax revenues for the city without causing any problems.

Thanks for your time,

Mike Bryarly

From: Wufoo
To: Ben St. Clair; Betty Spraggins; Eric Barna; James Fisher; Owais Siddiqui; Robert Thomas; Sarah Fincanon; Scott Bradley; Susie Quinn; Andy Messer
Subject: Engage Council [#58]
Date: Friday, March 04, 2016 12:28:33 PM

Name Dickerman David

Email _____

Comments or Questions Dear Council,

I see no benefit to having this large Storage facility located in Murphy. We need to concentrate on those businesses that generate significant sales tax revenue in support of our citizens. There may be benefits that I am not aware of and would welcome an explanation of those benefits.

Thanks for your time and consideration,
David Dickerman

Duplicate but sent in a different method

Agenda Item 7.A.

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#59]
Date: Friday, March 04, 2016 12:32:34 PM

Name Tamara Holloman

Email _____

Comments or Questions

Hello All~

I am writing to express our extreme opposition to the upcoming storage facility on 544. We live in the Maxwell Creek area, and would like to see something that would benefit the "community", there is already storage units in the area. This will not bring business to the community, nor is it something that Murphy as a whole will benefit from. There is limited space in Murphy, and I believe this HUGE facility will bring unwanted negative appeal to the City. We are asking you that you veto the storage facility based on the interests of the residents, and keep Murphy a place that people want to move to, not a storage community! From our perspective this type of facility belongs in a warehouse district, and not on a main thoroughfare of the city. Additionally, a facility such as this once built would prevent other future thriving business from being there that would help maintain the city's objective of positive community appearance.

Please do not let them build this facility!

Thanks,
Darren and Tamara Holloman
401 Post Oak Trail
Murphy, TX 75094

From: Wufoo
To: Ben St. Clair; Betty Spraggins; Eric Barna; James Fisher; Owais Siddiqui; Robert Thomas; Sarah Fincanon; Scott Bradley; Susie Quinn; Andy Messer
Subject: Engage Council [#60]
Date: Friday, March 04, 2016 3:03:18 PM

Name Curtis Lee

Email _____

Comments or Questions

Please do not approve another large storage unit facility in Murphy. We have enough already.

Thank you,

Curtis Lee

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#61]
Date: Friday, March 04, 2016 4:23:20 PM

Name Kevin McGillis

Email _____

Comments or Questions

I have a couple of comments:

1. I returned to town today and saw in Murphy Messenger that city manager had resigned, then I checked website and saw an emergency meeting had been called for Monday the 29th of February with executive session, James Fisher had resigned , Mark Lee was appointed interim CM and Mayor Barna was authorized to execute a search for a replacement CM. I just received the weekly city news email but there was no mention of this action occurring. I think it would be in Cities best interest if they provided citizens an update. Having watched the video of last council meeting with the discussion over the pay raise section of HR manual I can understand the situation. I don't think you need to tell citizens the particulars just that James has moved on, Mark is interim and then what is plan going forward.
2. As part of the search I would like to see citizen involvement and input unlike the police chief search and public Services Director search. I know Chief Cotten and he was a great hire but it just seems that the city manager made a lot of decisions in a vacuum.
3. On the proposed storage facility to be voted on at council meeting on the 15th of March I would like you to know I am opposed and would like this to not be approved by council. We have a lot of storage facilities within city, one next to Murphy Road and Betsey has been approved. I think we need to focus on businesses that clearly provide value to citizens of Murphy first and then regionally second. Clearly this would be a regional service and I think owners/proposers should look elsewhere.
4. An idea or concern also is that the proposers asking for zoning changes in Murphy need to advise landowners within 200 feet of proposed change. I think the storage facility proposed for behind O'Reillys Auto Parts and also the kids exercise, sports gym behind 7-11 public notification was flawed. I commend ther city for asking storage facility to contact folks within Maxwell Creek. Maxwell Creek is an HOA and we are all owners of the public space we own such as our parks and pool. So wouldn't it be correct that the proposer should have sent notice to the landowners, ie. MCHOA? Something to have city attorney review for in the future as there are a lot of HOAs in city and this issue could come up again.

Thank you all for your service, I know you have a a tough job.

Kevin McGillis
 636-485-6989 cell
 kevinmcgillis@hotmail.com

From: Wufoo
To: Ben St. Clair; Betty Spraggins; Eric Barna; James Fisher; Owais Siddiqui; Robert Thomas; Sarah Fincanon; Scott Bradley; Susie Quinn; Andy Messer
Subject: Engage Council [#62]
Date: Friday, March 04, 2016 8:04:54 PM

Name Jeffre Redmond

Email _____

Comments or Questions I do not want the City of Murphy to have another storage faculty. This city has grown and has a lot of other amenities it could add- like an entertainment complex with bowling, skating and arcade. This would be something the families or Murphy and surrounding areas could enjoy.

Perhaps the storage facility belongs in East Wylie near highway 78.....it's a better fit.

Council, let's be smart here!

From: Ghebray Laura
Sent: Friday, March 04, 2016 9:52 PM
To: Susie Quinn
Subject: Say "no"

Hi, my name is Laura and I am a Murphy resident and live off of McCreary Road and I am completely against the new proposal for the building. There are so many cons to this. We have way too many storage places in such a small square mileage area of our town. This building will be a nuisance and public eye sore for our area. Murphy is known for their beauty and small town feel and adding this mess of a building does not fit in our community and what we represent as a city. Why do we as a community or city for this matter want to put aside what we are essentially known for as a town, a green, beautiful town known for its "small" businesses and big sky???? Putting this building will take away from this and our skyline!!!! This building will attract rats, bring down property values, and will be an eye sore to so many! It's not necessary. There are many residents and citizens who are angered by this and there will be plenty of representation at the hearing.

~Smile like you've never cried, fight like you've never lost, love like you've never been hurt and live like there's no tomorrow.~

~Smile like you've never cried, fight like you've never lost, love like you've never been hurt and live like there's no tomorrow.~

From: Tam Nguyen
Sent: Friday, March 04, 2016 11:16 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: [Possible Spam] Oppose to another storage building in Murphy
Importance: Low

Hello,

I don't think we need another storage building in Murphy, because we already has 2 on FM 544. This one is 175,000 sf. which is equivalent to 3.7 football fields.
This will be the biggest building in Murphy. It will be 20,000 square feet **larger than a Costco** and only slightly smaller than a super Walmart.

The developer is trying to tell people that this site cannot be developed with anything other than storage. This is just a scare tactic and **not true**. This could absolutely be developed into senior housing or offices.

The massive building also looks cheap and is the equivalent of 4 stories at 44 feet in height. Take a look at the company's other locations around Texas and Oklahoma (<https://www.flickr.com/photos/saynotostorage/>). These are NOT nice or quality structures. We do NOT want to be stuck with something like this for many years to come. With only 20,000 residents we just don't need this much storage! This facility is so large that it must be designed to attract MOSTLY people from outside the city limits. They are drawing a regional customer base, not local. Why does such a huge project need to be located in our community, if it's not going to serve us?

There have already been two in the area approved. One is in Wylie and one in Murphy and combined these are about the same size as what is proposed. We also have several on FM 544 and others on US 78. There is no shortage.

We don't need more of something that we don't want when we already have more of it than we desire. This same developer tried to develop over 250,000 sf in Wylie recently.

Please make Murphy beautiful !!!

Thank you,
Tam Nguyen @ 512 Smoke Tree Drive.

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#63]
Date: Saturday, March 05, 2016 7:50:04 AM

Name Sharon Martinez

Email _____

Comments or Questions

Hello,

As a resident of Maxwell Creek, we are opposed to the approval and construction of the 4/story high storage building. We are a small city, and within the city and lines with Wylie and Plano we have currently 3 storage companies. We understand that there are smaller storage units already approved, therefore, we don't think it's necessary such a big and unattractive building shading our community.

We hope that you listen to the residents on this matter.
Thank you!!!

From: Dana Bennett
Sent: Saturday, March 05, 2016 10:33 AM
To: Eric Barna; Ben St. Clair; sinanon@murphytx.org; Susie Quinn; Betty Spraggins; Scott Bradley; Robert Thomas
Subject: NO NEW STORAGE IN MY MURPHY

My family and I have lived in Murphy for quite some time, and recently purchased a home in Maxwell Creek. Imagine our frustration when shortly after moving in, we learn that the backdrop for our now beautiful view will be the back of a behemoth of a storage facility. Not only will it be an eyesore, but it will surely hurt our property values - particularly those closest to the entrance of the community where the facility will be visible. We love Murphy and are proud to say we live here, and I want to know that our city council is doing everything in its power to ensure that the residence are protected and that includes our property values and peace of mind as well. We want businesses that enhance the Murphy experience, and this storage facility does not represent what we want. Please do not allow valuable land to be confiscated for such a wasted use that most of the residence oppose. Thank you for your time and consideration.

Respectfully,

Dana Bennett
A proud yet concerned citizen

From: Scott Wood
Sent: Saturday, March 05, 2016 11:40 AM
To: Betty Spraggins; Robert Thomas; Ben St. Clair; Susie Quinn; sincanon@murphytx.org; Scott Bradley
Subject: No New Construction of Storage Units

PLEASE
No more storage units for Murphy
We have too many already enough is enough

Thank you
W S Wood
Maxwell Creek

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#64]
Date: Saturday, March 05, 2016 4:23:55 PM

Name Helayna Trask

Email _____

Comments or Questions

Dear City Council,
I realize there are difficulties in developing Murphy, but for what it is worth, please no more storage facilities, banks or chicken restaurants.
Thank you,
Helayna Trask

From: Megan Friddle
Sent: Saturday, March 05, 2016 11:07 PM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Oppose Storage Buildings

Please help...I oppose the HUGE storage building warehouse being build in Murphy!

Murphy says its "committed to the promotion and retention of high-quality development in all parts of the city and to an ongoing improvement in the quality of life for its citizens." Let's make the leaders live up to this bold promise.

Finally, Murphy "values being a safe, vibrant, family-oriented, distinctive City that foster a strong sense of community." Families don't go to a giant storage building; families won't see this a vibrant development; families won't be safer because of a warehouse. It is only distinctive because of its size, which is designed to appeal and be leased to people outside Murphy.

Thanks,
Megan

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#65]
Date: Sunday, March 06, 2016 11:07:32 AM

Name JOHN BARTLETT

Email _____

Comments or Questions Nancy and I vehemently oppose the Murphy City Council's favorable view toward permitting more ugly, monstrous buildings to be permitted/constructed in our fair city. We urge you to vote NO when the proposed new 175,000 square foot Storage/Warehouse comes before you for a vote. Thank you.

John and Nancy Bartlett
305 Crepe Myrtle Lane
Murphy, TX 75094
972-442-3010

From: Belinda Rogers
Sent: Sunday, March 06, 2016 9:19 PM
To: Eric Barna; Ben St. Clair; sincanon@murphytx.org; Susie Quinn; Betty Spraggins; Scott Bradley; Robert Thomas
Subject: Storage Warehouse Opposition

I strongly oppose the building of a storage warehouse that has been passed by the Planning and Zoning Commission.

Thank you,
Belinda Rogers
312 Shady Timbers Lane
Murphy, TX 75094

From: kurian mathew
Sent: Sunday, March 06, 2016 9:54 PM
To: Eric Barna; Ben St. Clair; sincanon@murphytx.org; Susie Quinn; Betty Spraggins; Scott Bradley; Robert Thomas
Subject: Storage Warehouse

We oppose to the plan of a Storage place in Murphy, instead we welcome a Shopping Complex or Hospital in that place. Please don't ruin our already downgraded Neighborhoods, The value of properties here are going down compared to nearby cities, Do not contribute to increase foreclosures here.

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#66]
Date: Monday, March 07, 2016 5:54:53 AM

Name Pat Tallman

Email _____

Comments or Questions

I understand that you will be voting on ANOTHER storage warehouse in Murphy on 3-15. We do not need another storage warehouse and certainly not one that is 175,000 sf. With only 20,000 residents we don't need more storage!

We don't need something else UGLY in our town and we certainly don't want something that will attract MORE traffic. During drive-times, traffic is already backed up westbound from McCreary Road to beyond Murphy Road. Traffic should be your consideration prior to this decision. I say put something that will allow residents to stay in Murphy and shop. Suggestions: Trader Joe's; Ulta; La Madeleine - some smaller shops instead of a 175,00 foot monstrosity!

From: Kasper Andrews
Sent: Monday, March 07, 2016 7:06 AM
To: Eric Barna; Betty Spraggins; Ben St. Clair; Scott Bradley; sincanon@murphytx.org; Robert Thomas; Susie Quinn
Subject: Storage Building in Murphy

I live in the Maxwell Creek Subdivision. I am aware of plans to allow a developer to build a storage building behind the 7 Eleven on Hi 544 and McCreary Rd. I am opposed to allowing this type building to be built there for the aesthetic reasons as well as the impact on property values. Please contact me if more information is needed.

Keith Andrews
404-408-5454

From: Wufoo <no-reply@wufoo.com>
Sent: Monday, March 07, 2016 10:47 AM
To: Ben St. Clair; Betty Spraggins; Eric Barna; James Fisher; Owais Siddiqui; Robert Thomas; Sarah Fincanon; Scott Bradley; Susie Quinn; Andy Messer
Subject: Engage Council [#67]

Name Shirley Johnson

Email

Comments or Questions

I understand there is a company who wishes to build a multiple storage bldg in Murphy.

I would like to say that I am against another storage bldg being built in the City of Murphy.

Instead perhaps usage for the land would be better served in a food service place such as Red Hot & Blue or a Trader's Joes.

Thank you,

From: [Elaine Santero](#)
To: [Eric Barna](#); [Ben St. Clair](#); [Susie Quinn](#); [Sarah Fincanon](#); [Betty Spraggins](#); [Scott Bradley](#); [Robert Thomas](#)
Subject: Re: Storage Building Opposition
Date: Monday, March 07, 2016 11:58:12 AM

Good morning all.

Please see the link below in regards to recent storage unit crimes. Again, do we really want to entice criminals into our city with a large storage building?

<http://crimeblog.dallasnews.com/2016/03/plano-police-say-storage-unit-thieves-may-have-struck-over-100-victims.html/>

Thanks again for your time.

From: Elaine Santero
Sent: Thursday, March 3, 2016 11:35:19 AM
To: Ebarna@murphytx.org; Bstclair@murphytx.org; squinn@murphytx.org; Sincanon@murphytx.org; Bspraggins@murphytx.org; Sbradley@murphytx.org; Rthomas@murphytx.org
Subject: Storage Building Opposition

Good morning.

I have recently been informed that plans for a very large storage facility have been approved by the Murphy City Council. As a longtime resident of Murphy, I would like to express my concern and opposition towards these plans.

Murphy has been highly regarded not only by its residents but also by various publications. It has been named one of the safest cities in the state and is a greatly desired area by many homebuyers because of its small town, family atmosphere and strong community values. Bringing in such a large facility will attract all kinds of traffic from nearby and adjoining cities not to mention it will simply be an eye sore. More traffic from outside city limits brings in more opportunities for crime. Murphy is a family town with many small children. We don't need to attract more people that could possibly harm residents and MORE IMPORTANTLY harm our children.

I moved to Murphy so that I can raise my family in a safe community with a small town feel, but with all the new businesses and now this LARGE storage facility plans being approved, it seems as though the city is leaning more towards "how can we make an extra buck" rather than "how can we continue to be great and stay at the top of the list for Texas's safest and best cities".

Please reconsider having this storage building in our community.

Sincerely,

Elaine Santero

From: Wufoo <no-reply@wufoo.com>
Sent: Monday, March 07, 2016 1:43 PM
To: Ben St. Clair; Betty Spraggins; Eric Barna; James Fisher; Owais Siddiqui; Robert Thomas; Sarah Fincanon; Scott Bradley; Susie Quinn; Andy Messer
Subject: Engage Council [#68]

Name James Tucker

Email

Comments or Questions I am against having a massive storage facility in our town. I'm sure there are other businesses that could be built there.

Jim

From: Dawn Rexroad-Shallow
Sent: Monday, March 07, 2016 1:46 PM
To: Eric Barna; Ben St. Clair; rthomas@murphytx.org; Susie Quinn
Subject: Oppose Murphy Storage Facility

Dear Murphy board,

I would like to express my strong opposition to the storage facility that is proposed for the site behind 7-11. This is a family neighborhood. Our community does not NEED another storage facility nor an large warehouse structure backing up to our neighborhoods.. You can certainly find a business that our families need.

I oppose the storage facility for the following reasons:

- Our community DOES NOT need ANOTHER storage facility.
- Our community can be better served by a family FRIENDLY business.
- a metal facility of any kind will be an eyesore for years to come. My kids and I pass that corner EVERYDAY to go to school, work, church, shopping. We do not want to see it.
- My children swim at the neighboring pool and will be looking down at that monster each time they go down the family friendly pool slide.; forever etched in their minds as part of their landscape.
- That outrages facility will forever be an unattractive structure in a community that prides itself on a country feel.
- Storage facilities attract rats.
- Storage facilities attract outsiders to our neighborhoods. More traffic and crime.

Would you want this in your backyard? Who does it serve? Certainly not our community.

I urge you to vote NO on this facility. We do not need something in that space just to have something. Let's have something that our community CAN and WILL use. Please use the good sense I know you have.

Dawn Shallow
627 Chalk Hill Lane
Murphy, TX 75094

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#69]
Date: Monday, March 07, 2016 4:26:22 PM

Name Gary Grant

Email _____

Comments or Questions

As a resident of Murphy, I implore you to reject the proposal to let a 175,000 sqft storage facility move forward in the city of Murphy. Murphy has a lot of great qualities. This project will not lend to that reputation. The city has plenty of storage already planned, and a community with only 20,000 residents doesn't need this much "storage". This will be a visual blemish on our community, dramatically increase traffic congestion, and prevent the opportunity for other needed growth and development. We don't need to be the dumping ground for the surrounding communities. Say NO to All Storage.

Regards,

Gary Grant

From: Wufoo
Sent: Monday, March 07, 2016 6:51 PM
To: Ben St. Clair; Betty Spraggins; Eric Barna; James Fisher; Owais Siddiqui; Robert Thomas; Sarah Fincanon; Scott Bradley; Susie Quinn; Andy Messer
Subject: Engage Council [#70]

Name Chris Martin

Email

Comments or Questions

Hello,

I am writing to express my concern regarding the proposed self-storage facility that could be built near the entrance of Maxwell Creek subdivision.

One year ago, our family was beginning the process of relocating from Illinois to Texas. We looked at houses all across the north Dallas area, including Allen, Richardson, Wylie, Sachse, and Murphy. Ultimately, we purchased a home in Maxwell Creek based on many factors, including Murphy being a smaller yet conveniently located community with curb appeal and a growing "upscale" feel. The new proposed self-storage facility will not add curb appeal to Murphy, and it will create a more "industrial" feel to FM544. That property is in a prime, highly visible location in Murphy and a storage building will send a message that property values and commerce are not strong enough to attract desirable businesses to our main thoroughfare. FM544 is already littered with storage facilities to east and west of this location, and adding another will not provide a needed service to the residents of our community. Better this remain a green space, free of clutter and congestion than become an eyesore at the entrance of Murphy's largest subdivision.

Please, I ask you to consider this: do you want Murphy's image to grow as a vibrant, family-friendly community? Or, do you want Murphy to be known as a good place to store your stuff?

Thank you,

Chris Martin

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#74]
Date: Tuesday, March 08, 2016 6:31:12 PM

Name Tamara Burton

Email _____

Comments or Questions

Dear Murphy City Council,

I am very disappointed to see that you are actually considering the approval of a huge storage facility when we already have plenty in this area. I live in the Maxwell Creek neighborhood I and highly oppose this decision. With this area growing so quickly I'm sure there will be many more upscale businesses to choose from in the future. When I moved here in 2003 Murphy City Planners (I thought) were trying to build up Murphy as a more upscale city similar to South Lake. Many, many fast food restaurants later (and 4 chicken joints in a half mile stretch between Brand and Mc Creary) you have let many of us Murphy residents down. Please do not approve the building of this huge, unsightly storage facility. Murphy and it's residents deserve and are asking for better.

Sincerely,
Tami Burton

From: Wufoo
To: Ben St. Clair; Betty Spraggins; Eric Barna; James Fisher; Owais Siddiqui; Robert Thomas; Sarah Fincanon; Scott Bradley; Susie Quinn; Andy Messer
Subject: Engage Council [#75]
Date: Tuesday, March 08, 2016 8:53:55 PM

Name mohsin shah

Email _____

Comments or Questions

MEGA ALL STORAGE In Murphy.

Dear Sir/Madam.

Just wanted to share my concerns on the Mega Storage being proposed in Murphy. I just wanted to say that we strongly disagree with this proposed commercial area. The only reasons we bought the home in this community was that it was away from commercial areas and provides a good community sense. Building the new commercial area will destroy the safe community feelings and overall look and feel of Maxwell community.

We strongly request your office to please block the construction of this storage building being proposed.

Kindest Regards,
Mohsin

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#76]
Date: Wednesday, March 09, 2016 5:45:29 AM

Name John Cathey

Email _____

Comments or Questions

Dear council members,

We moved to Murphy in April 2015 because it rank in our research as a great place to raise our two young boys. We have not been disappointed. The city's Maize Day, Christmas celebration, breakfast with Santa, and the fishing week-end have all been awesome and very family friendly. We are very proud of the way the city looks to our guests. We are constantly bragging about the city.

However, this massive eye-sore of a storage unit would be a blight on the city. Our biggest fear is the intrusion of people from outside the city could bring crime. The low crime rate was one of the selling points for us.

Please say no to the developer who wants to make lots of money off this ugly and disgusting piece of property while the citizens of Murphy have to drive by it everyday.

Thank you.

John Cathey
djcathey1@sbcglobal.net
502 Leeward Drive
Murphy

From: [Andrew & Amie Vawter](#)
To: [Susie Quinn](#)
Subject: Please do not build another storage unit in Murphy
Date: Wednesday, March 09, 2016 12:19:00 PM

Hi,

Our family moved to Murphy in June 2015. We love the family-friendly community with all of it's great stores, restaurants, and fun things to do. We love that it has a small town feel and that there are still lots of green open spaces.

Murphy doesn't need another storage unit. We'd much rather see something that will further the unique charm of our city.

Thank you for your time and consideration!

Sincerely,

Amie Vawter

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#77]
Date: Wednesday, March 09, 2016 12:46:56 PM

Comments or Questions

You say: Murphy says its "committed to the promotion and retention of high-quality development in all parts of the city and to an ongoing improvement in the quality of life for its citizens."

I say: Live up to this promise!!

Vote "NO" for proposed storage facility !!

We DO NOT want a HIDEOUS storage facility next to Maxwell Creek!!

Would YOU want to live beside a storage facility? I think not!

Say NO to this storage developer!!

From: [Bryan Connell](#)
To: [Eric Barna](#); [Ben St. Clair](#); sincanon@murphytx.org; [Susie Quinn](#); [Betty Spraggins](#); [Scott Bradley](#); [Robert Thomas](#)
Subject: Murphy Storage Warehouse - VOTE NO
Date: Thursday, March 10, 2016 12:50:10 PM

I live in the Maxwell Creek Subdivision directly behind where the Huge Storage Warehouse is to be built. We do NOT want or need this type of storage facility in Murphy. There is a large storage facility just across the street that we have to look at every time we drive down McCreary - it's an eye-sore and having a large building across the street will make it 100 times worse. This storage facility does NOT improve the quality of life or benefit the residents of Murphy, it is NOT wanted.

We moved to Murphy because we loved the small town feel and thanks to you and your predecessors this is being taken away (who wanted Wal-mart here in the first place, not to mention the lack of tax revenue it brings to the city). Murphy residents do not want to be known as the "Oh, you live where all the storage facilities are" city, Murphy deserves more than that.

My family and I are asking that you say NO to the huge storage facility that will leave an ugly scar in Murphy. Please **do the right thing** and vote it down on March 15th. We will all be there to show our support.

DO THE RIGHT THING,

Bryan Connell

Duplicate but sent in a different method

Agenda Item 7.A.

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#78]
Date: Thursday, March 10, 2016 1:00:47 PM

Name Bryan Connell

Email blconnell308@gmail.com

Comments or Questions

I live in the Maxwell Creek Subdivision directly behind where the Huge Storage Warehouse is to be built. We do NOT want or need this type of storage facility in Murphy. There is a large storage facility just across the street that we have to look at every time we drive down McCreary – it's an eye-sore and having a large building across the street will make it 100 times worse. This storage facility does NOT improve the quality of life or benefit the residents of Murphy, it is NOT wanted.

We moved to Murphy because we loved the small town feel and thanks to you and your predecessors this is being taken away (who wanted Wal-mart here in the first place, not to mention the lack of tax revenue it brings to the city). Murphy residents do not want to be known as the "Oh, you live where all the storage facilities are" city, Murphy deserves more than that.

My family and I are asking that you say NO to the huge storage facility that will leave an ugly scar in Murphy. Please do the right thing and vote it down on March 15th. We will all be there to show our support.

DO THE RIGHT THING,

Bryan Connell

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#79]
Date: Thursday, March 10, 2016 5:36:40 PM

Name	Virginia Stein
Email	_____
Comments or Questions	I am totally opposed to this type of business. We have enough traffic. We need more stores, sit down restaurants, a library and a senior center. This storage business should be near a major highway (not FM544) like Hwy #190 & Jupiter, not in the middle of a residential community and a small residential community. How is this going to benefit Murphy?

From: [Wufoo](#)
To: [Ben St. Clair](#); [Betty Spraggins](#); [Eric Barna](#); [James Fisher](#); [Owais Siddiqui](#); [Robert Thomas](#); [Sarah Fincanon](#); [Scott Bradley](#); [Susie Quinn](#); [Andy Messer](#)
Subject: Engage Council [#80]
Date: Thursday, March 10, 2016 8:58:48 PM

Name John Gore

Email [_____](#)

Comments or Questions

City Leaders,

My name is John Gore and I am a resident of the Maxwell Creek Neighborhood in Murphy. I am also a high school educator. I first want to thank you for your service to our community and for your role in making Murphy truly a great place to live. It has come to my attention about a new storage building proposal. I respectfully ask that you reconsider allowing the new storage building that is proposed to be four stories in Murphy.

Here are some reasons I respectfully ask you to reconsider bringing this storage facility to our great city.

This will be the biggest building in Murphy. It will be 20,000 square feet larger than a Costco and only slightly smaller than a super Walmart. Does Murphy really want to be known for having the largest storage building around??

The developer is trying to tell people that this site cannot be developed with anything other than storage. This is just a scare tactic and not true. This could absolutely be developed into senior housing or offices.

The massive building also looks cheap and is the equivalent of 4 stories at 44 feet in height. Take a look at the company's other locations around Texas and Oklahoma (<https://www.flickr.com/photos/saynotostorage/>). These are NOT nice or quality structures. We do NOT want to be stuck with something like this for many years to come. With only 20,000 residents we just don't need this much storage! This facility is so large that it must be designed to attract MOSTLY people from outside the city limits. They are drawing a regional customer base, not local. Why does such a huge project need to be located in our community, if it's not going to serve us?

Please bring in another development that will better serve our community and will not bring down property values.

Thank you for your time,

John Gore

Exhibit G

Ordinance 16-03-1010

With Exhibits A and B

ORDINANCE NO. 16-03-2010

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 30, OF THE MURPHY CITY CODE, AS AMENDED, BY AMENDING AN EXISTING PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES ON AN APPROXIMATE 6.635 ACRE TRACT OF LAND OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 582, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, BY AMENDING EXHIBIT "B" DEVELOPMENT STANDARDS OF ORDINANCE 12-06-916 TO ALLOW MINI-WAREHOUSE/SELF-STORAGE FACILITIES AS A PERMITTED USES WITH CONDITIONS AND AMENDING THE CONCEPT PLAN; PROVIDING A CUMULATIVE/ REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 09-12-825, adopted on December 7, 2009, changed the zoning for the property described in this ordinance from R (Retail) District to PD (Planned Development) for Retain an Office Uses with conditions; and

WHEREAS, Ordinance No. 11-01-871, adopted on January 4, 2011, amended the PD (Planned Development) District for property described in this ordinance to allow an auto supply store use for new and rebuilt parts by SUP only and allowed more than one pad site adjacent to FM 544; and

WHEREAS, Ordinance No. 12-06-916, adopted on June 19, 2012, amended the PD (Planned Development) District for property described in this ordinance by to include veterinary uses by SUP; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Murphy, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Murphy, in considering the application for a change in zoning of the property, have determined that the proposed use and development is consistent and compatible with the goals and objectives of the City of Murphy and is in the best interest of the health, safety, morals and general welfare of the City of Murphy, and, accordingly, the City Council of the City of Murphy is of the opinion and finds that said zoning change is in the public interest and should be granted and that the Comprehensive Zoning Ordinance should be amended accordingly as set forth herein.

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

Section 1. That all of the above recitals are found to be true and correct and are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby amended so as to amend a PD (Planned Development) for Retain an Office Uses with conditions for the property described as an approximately 6.635 acre tract of land situated in the James Maxwell Survey, Abstract No. 582, in the City of Murphy, Collin County, Texas, and more particularly described in **Exhibit A** attached hereto and incorporated herein by reference for all purposes.

Section 3. That the Development Standards and Concept Plan for the Planned Development District as attached to Ordinance No. 12-06-916 as **Exhibit B** are hereby amended by the addition of Mini-warehouse/Self-storage as a permitted use under Section VI.A. thereto by the City Council for said planned development district as required by Chapter 30, of the City of Murphy, Texas, Code of Ordinances, and the Development Standards and Concept Plan otherwise remain in full force and effect.

Section 4. That the other provisions of Ordinance No. 12-02-905 for this PD (Planned Development district shall remain in full force and effect.

Section 5. That Chapter 30 of the Murphy City Code, as amended, shall be and remain in full force and effect save and except as amended by this ordinance, and that said property shall in all other respects be subject to all applicable regulations of the City of Murphy.

Section 6. Cumulative/Repealer Clause. This ordinance shall be cumulative of all provisions of state or federal law and all ordinances of the City of Murphy, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

Section 7. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect for any reason, the validity of the remaining portions of this ordinance or the Comprehensive Zoning Ordinance, Chapter 30 of the Murphy City Code, and the remaining portions shall remain in full force and effect.

Section 8. Penalty Clause. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Murphy, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

Section 9. Effective Date. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this 15th day of March, 2016.

Eric Barna, Mayor
City of Murphy

ATTEST:

Susie Quinn, City Secretary

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney

Exhibit A

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS, Murphy/McCreary, Ltd. is the owner of a tract of land situated in the James Maxwell Survey, Abstract No. 582 and being a portion of that tract of land described in a deed to Murphy/McCreary, Ltd. as recorded in County Cerks Doc. No. 20080826001032940 of the Deed Records of Collin County, Texas (DRCCT).

BEGINNING at an X-Cut found in the northerly right-of-way line of FM 544, said point also being the most southwesterly corner of Block A, Lot 1 of America's Country Store Addition, an addition to the City of Murphy as recorded in Cabinet F, Page 114.

THENCE along the northerly right-of-way line of said FM 544 as follows:

North 89 deg 35 min 26 sec West a distance of 192.64 feet to a point for corner from which a Brass Monument bears North 85 deg 03 min 55 sec East a distance of 2.55 feet;

North 80 deg 30 min 07 sec West a distance of 151.77 feet to a point for corner from which a 1/2 inch iron rod found bears South 45 deg 20 min 34 sec East a distance of 3.67 feet, said point being the most southwesterly corner of a tract of land described in a deed to Murphy Four Venture L.P. as recorded in County Clerks Doc. No. 20080815000996690 (DRCCT);

THENCE departing the northerly right-of-way line of said FM 544 along the easterly line of said Murphy Four Venture L.P. tract North 00 deg 32 min 51 sec East a distance of 615.15 feet to a 1/2 inch iron rod with a red plastic cap stamped "W.A.I." set for the most northwesterly corner of said Murphy Four Venture L.P. tract, said iron rod also being in the southerly right-of-way line of the Dart Area Rapid Transit (a 100' right-of-way);

THENCE along the southerly right-of-way line of the Dart Area Rapid Transit South 83 deg 30 min 03 sec East a distance of 592.67 feet to a 1/2 inch iron rod found for corner, said point being the most northwesterly corner of Lot 2A of the One-Plus-One Addition, an addition to the City of Murphy as recorded in Cabinet P, Page 113;

THENCE departing the southerly right-of-way line of the Dart Area Rapid Transit and along the westerly line of said Lot 2A South 02 deg 12 min 36 sec West a distance of 304.53 feet to an X-Cut Set for corner, said point being the most southwesterly corner of said Lot 2A, and the most northeasterly corner of said America's Country Store Addition;

THENCE departing the westerly line of said Lot 2A and along the northerly and westerly lines of said America's Country Store Addition as follows:

North 89 deg 35 min 26 sec West a distance of 230.18 feet to an X-Cut Found for corner;

South 02 deg 12 min 42 sec West a distance of 272.00 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 6.635 Acres of 289,021 Square Feet of land, more or less.

Bearings cited herein are based on an on the ground survey performed in the field using GPS measurements.

EXHIBIT A

EXHIBIT B

ZONING FILE NO. 2015-09

- I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality retail and office development that is consistent with the Comprehensive Plan and that is beneficial and complementary to the City of Murphy in terms of visual identity.
- II. **Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the area designated by this Planned Development encourage a mixed-use application including, but not limited to the following.
 - Restaurants;
 - Offices;
 - Medical Facilities;
 - Service Businesses
- III. **Statement of Effect:** This Planned Development shall not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 06-12-708, as amended, except as specifically provided herein.
- IV. **General Regulations:** All regulations of the R (Retail) District set forth in Chapter 30, Article 30.03, Division 14 of the Code of Ordinances are included by reference and shall apply, except as otherwise specified by this ordinance.
- V. **Development Plans:**
 - A. **Concept Plan:** Development shall be in general conformance with the approved concept plan set forth in this exhibit; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail.
 - B. **Conceptual Exterior Elevation Plan:** Development shall be in general conformance with the approved conceptual exterior elevations as set forth in this exhibit; however, in the event of conflict between the exterior elevations and the conditions, the conditions shall prevail.
 - C. **Site Plan:** Before development can begin, a site plan shall be submitted in accordance with the requirements set forth in Chapter 30, Article 30.02, Division 7 of the City of Murphy Code of Ordinances. The site plan may be for all or any part of the land within the Planned Development District.

EXHIBIT B

EXHIBIT G

VI. Specific Regulations:

- A. Permitted Uses. The following uses shall be permitted.
1. Antique Shop (household items; no outside storage) (SUP)
 2. Art Dealer/Gallery
 3. Artist Studio
 4. Automobile Driving School (including Defensive Driving) (SUP)
 5. Auto Supply Store for New and Rebuilt Parts (SUP)
 6. Bakery (Retail)
 7. Bank (SUP)
 8. Barber/Beauty Shop (non-college)
 9. Barber/Beauty Shop College (SUP)
 10. Book Store
 11. Building Material Sales
 12. Cafeteria
 13. Child Day Care (Business)
 14. Church/Place of Worship
 15. Clinic (Medical)
 16. Computer Sales
 17. Confectionary Store (Retail)
 18. Credit Unions (SUP)
 19. Department Store
 20. Dinner Theater
 21. Emergency Care Clinic
 22. Financial Services (Advice/Invest)
 23. Florist
 24. Full Service Car Wash (Detail Shop) (SUP)
 25. Furniture Sales (Indoor)
 26. Hardware Store
 27. Health Club (Physical Fitness) ; Indoors Only; Less than 10,000 square feet)
 28. Health Club (Physical Fitness; Indoors Only) (SUP)
 29. Hospital (Acute Care/Chronic Care)
 30. Insurance Agency Offices

31. Landscape Nursery (SUP)
32. Laundry/Dry Cleaning (Drop Off/Pickup)
33. Major Appliance Sales (Indoor)
34. Mini-warehouse/Self-storage in conformance with the Concept Brief and Development Standards
35. Motion Picture Studio, Commercial Film
36. Offices (Brokerage Services)
37. Offices (Health Services)
38. Offices (Legal Services)
39. Offices (Medical Office)
40. Offices (Professional)
41. Pet Shop/Supplies
42. Pharmacy (SUP)
43. Philanthropic Organization (SUP)
44. Photo Studio
45. Photocopying/Duplicating
46. Quick Lube/Oil Change/Minor Inspection
47. Restaurant
48. Restaurant (Drive-In) (SUP)
49. Retail Store (Misc.)
50. Security Monitoring Company (No Outside Storage)
51. School, K through 12 (Public)
52. Studio for Radio or Television (without tower)
53. Tailor Shop
54. Theater (Non Motion Picture; Live Drama)
55. Travel Agency
56. Video Rental/Sales
57. Veterinary

B. Area Regulations:

1. Minimum Size of Lot/Tract: There shall be no minimum lot/tract area required.
2. Minimum Lot/Tract Width: There shall be no minimum lot/tract width except for lots fronting FM 544, which shall be 120 feet.
3. Minimum Lot/Tract Depth: There shall be no minimum lot/tract depth required.
4. Lot Frontage: Only two (2) lots within the boundaries of this Planned Development District shall have frontage on FM 544.

C. Parking, Driveways & Sidewalks:

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

EXHIBIT B

EXHIBIT G

2. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
3. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Code of Ordinances. No required parking space may be occupied by signs, cart corrals, merchandise, or display items at any time.
4. Sidewalks along FM 544 shall be a minimum of 8 feet in width.

D. Loading and Unloading

1. Truck loading berths and apron space shall not be located on the street side of any building, however, and exceptions can be addressed during site plan approval. In those instances where 3 or more sides of the building face dedicated streets, the loading berth shall be screened from view.
2. Truck loading berths and apron space shall not be located within any required setback or landscape buffer strip.

E. Minimum Exterior Construction Standards, Building Materials and Design – Exterior Construction and Design Requirements shall comply with Chapter 28 of the Code of Ordinances and shall be architecturally compatible and comply with the following.

1. All structures, including all building elevations, shall be constructed utilizing a unified design that is substantially consistent with or contains architectural design elements including but not limited to the following.
 - a. Canopies and awnings.
 - b. Outdoor patios.
 - c. Display windows/decorative windows.
 - d. Architectural details (such as decorative tile or brick work) integrated into the building façade.
 - e. Integrated planters or wing walls that incorporate landscape and/or sitting areas
 - f. Articulated cornice line.
 - g. Peaked roof form.
 - h. Accent materials (minimum 15% of exterior facade)

EXHIBIT B

EXHIBIT G

1. All landscaping shall use a unified design for the entire Tract. Landscaping shall be required on all developments within the Planned Development District and shall be complete prior to the issuance of any certificate of occupancy or final building inspection for the development. An automatic underground irrigation system shall be installed and maintained for all required landscaping and shall be in place and operable at time of planting.
 2. A landscape buffer shall be provided 15 feet in depth adjacent to the right-of-way of FM 544. No parking may be placed within any landscape buffer. Pedestrian easements may be located within a landscape buffer. The width of the sidewalk may be included in the calculation of the buffer depth.
 3. A landscape buffer shall be provided for an average of 5 feet in depth adjacent to the KCS/DART Railroad right-of-way.
 4. Parking Lots:
 - a. A minimum percentage of the parking area shall be landscaped according to the following requirements. Such landscaping shall be distributed within the parking area, occurring within medians, islands, or peninsulas. All such landscape areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to landscaped areas. Bumper overhang shall not be included as part of required landscaping. A permeable area no less than four (4) feet by four (4) feet shall be provided surrounding each tree located in a surface parking area.
 1. A total of five (5) percent of the interior of the entire parking lot regardless of location, shall be landscaped. One large tree or three (3) ornamental trees from the Plant List, shall be provided for each twelve (12) parking spaces, and planted within the five (5) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed eighteen (18) spaces in length.
 5. Existing trees on site shall be able to be removed without mitigation if located with a building area footprint or fire lane or required parking space.
- G. Screening:** Screening shall comply with the standards set forth in Chapter 28 in the Code of Ordinances.
- H. Site Lighting:** Lighting shall comply with the standards set forth in Chapter 28 in the Code of Ordinances, except as provided below.
- I. Signage and Graphics:** Signage shall comply with the standards set forth in Exhibit F and Chapter 28 in the Code of Ordinances, except as provided below.

EXHIBIT B

EXHIBIT G

1. **General:** Monument signs – Two (2) monument signs shall be allowed along the frontage of FM 544 and shall be limited to a maximum sign area of 100 square feet and a maximum structure area of 150 square feet.
2. **Single Tenant Monument Signs**
 - a. Monument signs shall identify individual tenants or uses within a pad site. Monument signs shall be a maximum of ten (10) feet tall.
 - b. All monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit. Light fixtures should be screened from view in front of the sign.
 - c. Monument signs shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and incorporated within the landscaping area or buffer.
 - d. Construction of monument signs shall include a base of material compatible with the material used for buildings.
3. **Attached Signage:** Attached signage shall comply with Chapter 28 of the Code of Ordinances.
4. **Temporary Marketing Signage**
 - a. Four (4) quality temporary marketing signs shall be permitted for the proposed development. These signs shall for a term of twelve (12) months from the date of installation.
 - b. The maximum signage area will be 96 square feet. The maximum height shall be 8 feet.
 - c. All other temporary signage not specifically referred to in the Signage Criteria package or in this section shall comply with the City of Murphy standards.
 - d. Temporary signs are not required to be constructed of the material used for buildings.

VII. Special Regulations:

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

EXHIBIT B

EXHIBIT G

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

EXHIBIT B

EXHIBIT G

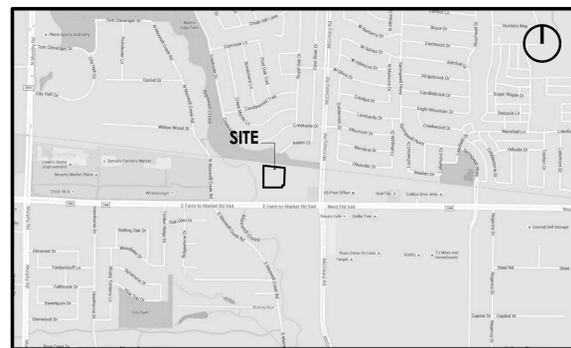
ALL STORAGE

FM 544 @ McCREARY

MINI-WAREHOUSE SF TABLE		
MINI-STORAGE USE	SF	BLDG. HEIGHT
OFFICE	1,192 SF	
BUILDING A	100,800 SF	45 FT
BUILDING B	73,695 SF	45 FT
BUILDING C	0 SF	0 FT
TOTAL:	175,687 GROSS SF	

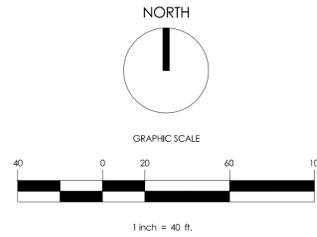
SITE SUMMARY TABLE	
EXISTING ZONING:	"PD-R/LC" (OFFICE)
PROPOSED USE:	MINI-WAREHOUSE
LOT AREA:	148,686 SF / 3.413 ACRES
MINI-WAREHOUSE USE	174,495 SF
MINI-WAREHOUSE OFFICE	1,192 SF
TOTAL SQUARE FOOTAGE:	175,687 SF
LOT COVERAGE:	59,357 SF - 40%
IMPERVIOUS COVER:	-%
FAR:	1.18:1

SITE PARKING TABLE	
STORAGE REQUIRED SPACES	4
STORAGE PROVIDED	25 SPACES
ACCESSIBLE SPACES REQUIRED:	1 SPACE
ACCISIBLE SPACES PROVIDED:	1 SPACE



VICINITY MAP

NTS



ZONED "PD-R/LC"

APPROX. LOCATION ZONE AE (00YR) 4808500415J DATE 6/2/2009

MURPHY FOUR VENTURE, L.P., A TEXAS LIMITED PARTNERSHIP C.F. NO. 20080815000996690

GENERAL NOTES:

CITY OF MURPHY FIRE DEPARTMENT SHALL HAVE 24 HOUR ACCESS TO THE FACILITY THROUGH KNOX BOX OPERATED SLIDING GATES.

SIGNAGE: REQUIRES SEPARATE APPROVAL.

SANITATION CONTAINER SCREENING WALLS WILL BE BRICK MASONRY, STONE MASONRY, OR OTHER ARCHITECTURAL MASONRY FINISH, INCLUDING A METAL GATE, PRIMED AND PAINTED, AND THE SANITATION CONTAINER SCREENING WALLS, GATE, AND PAD SITE WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY'S DESIGN SPECIFICATIONS.

MECHANICAL AND HEATING AND AIR CONDITIONING EQUIPMENT IN NO-RESIDENTIAL USES SHALL BE SCREENED FROM VIEW FROM THE PUBLIC RIGHT-OF-WAY AND FROM ADJACENT RESIDENTIAL PROPERTIES.

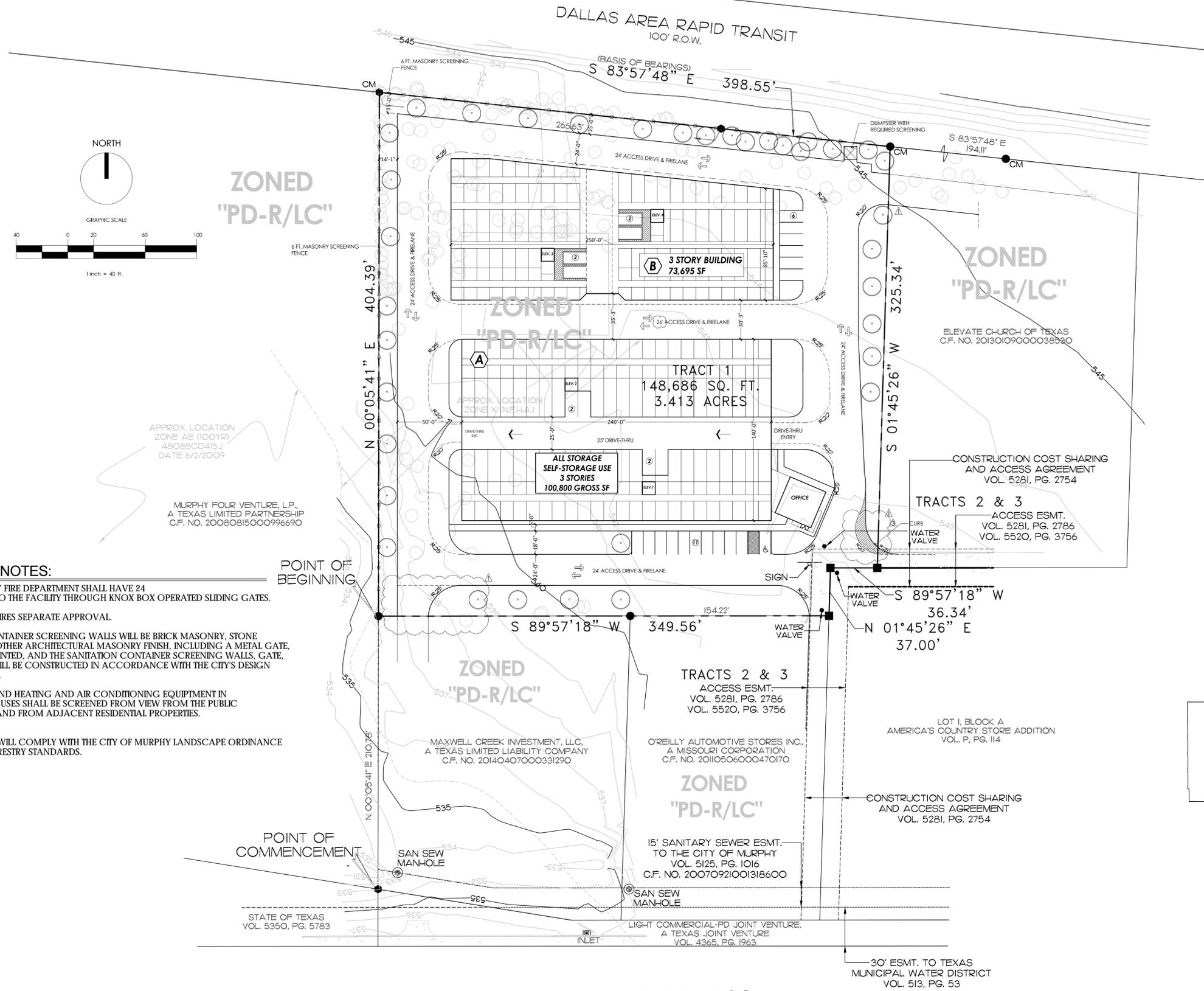
LANDSCAPE: ALL PLANTINGS WILL COMPLY WITH THE CITY OF MURPHY LANDSCAPE ORDINANCE AND URBAN FORESTRY STANDARDS.

POINT OF BEGINNING

POINT OF COMMENCEMENT

STATE OF TEXAS VOL. 5350, PG. 5783

EXHIBIT B



F.M. HIGHWAY NO. 544

120' R.O.W.

PD CONCEPT PLAN

Reliable Commercial Construction, Inc.
1903 N. Peyco Drive
Arlington, Texas 76001
T | 817.467.0779 F | 817.467.9148
cod@reliablecorp.com

RELIABLE COMMERCIAL CONSTRUCTION, INC.
HOW MAY WE SERVE YOU?

Revisions:	Number	Date
1	City Comments	1-5-16
2	City Comments	1-14-16
3	City Comments	1-19-16

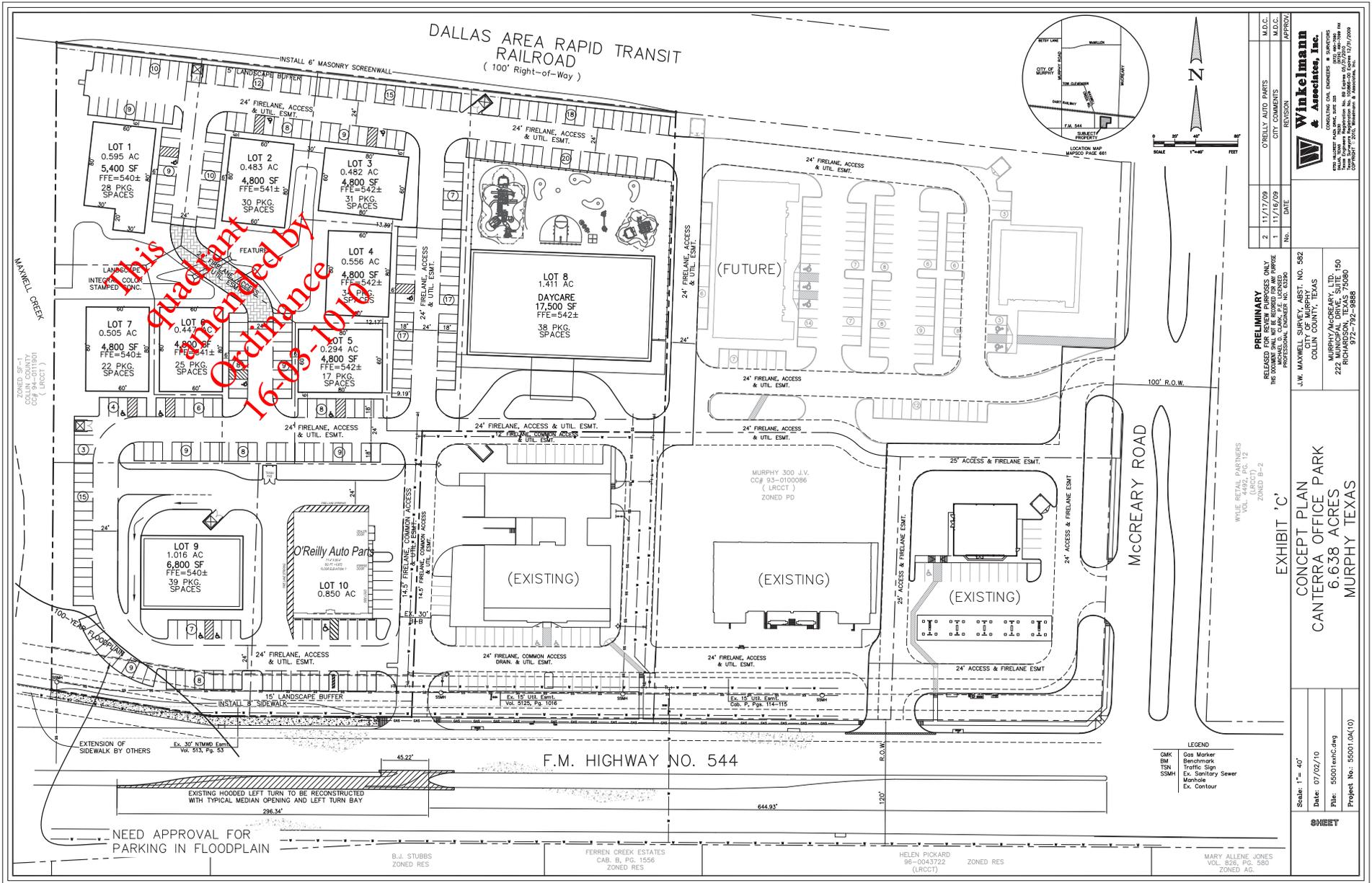
REAL ESTATE AGENT:
Quine and Associates, Inc.
301 S. Sherman St. Ste 100
Richardson, TX 75081
Office: (972) 669-8440
Fax: (972) 671-4227

ALL STORAGE FACILITY
MURPHY, TX
FM 544 WEST OF McCREARY, MURPHY, TX

PROJECT:	
FILE NUMBER:	ASMURPHY
DATE:	12/07/15
DRAWN BY:	RCC

Sheet Title:
CONCEPT SITE PLAN

SP1.0



This Ordinance
 is
 16-05-1016
 Ordinance

EXHIBIT B

EXHIBIT G



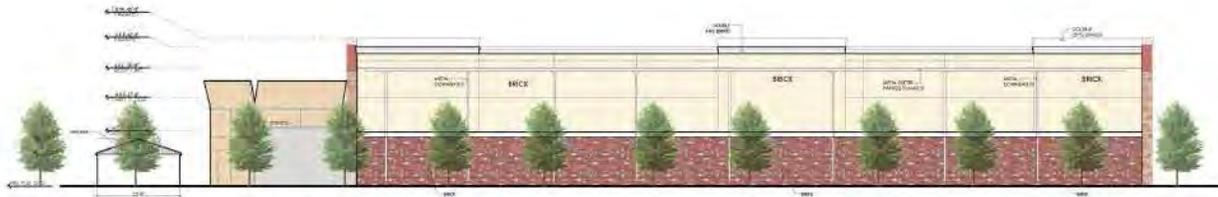
01 | BLDG. A SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



02 | BLDG. A EAST ELEVATION

SCALE: 1/4" = 1'-0"



03 | BLDG. A NORTH ELEVATION

SCALE: 1/4" = 1'-0"



04 | BLDG. A WEST ELEVATION

SCALE: 1/4" = 1'-0"

CONCEPTUAL ELEVATION

Reliable Commercial Construction, Inc.
1903 N. Payco Drive
Arlington, Texas 76010
1 | 817-462-2279 | F | 817-462-5148
c.c@reliablec.com

RELIABLE
COMMERCIAL CONSTRUCTION, INC.
1903 N. Payco Drive
Arlington, Texas 76010
1 | 817-462-2279 | F | 817-462-5148
c.c@reliablec.com

Prepared: _____ Date: _____
Checked: _____
Reviewed: _____

PRELIMINARY
FOR REVIEW ONLY
-NOT FOR CONSTRUCTION-
NOV. 3, 2015

ALL STORAGE FACILITY
MURPHY, TX
PM 541 WEST OF FACEBURY, MURPHY, TX

PROJECT: _____
FILE NUMBER: _____ ASSAULT: _____
DATE: _____ ISSUE: _____
DRAWN BY: _____
CONCEPT ELEVATIONS
A2.0



01 | BLDG. B SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



02 | BLDG. B WEST ELEVATION

SCALE: 1/8" = 1'-0"



03 | BLDG. B EAST ELEVATION

SCALE: 1/8" = 1'-0"



04 | BLDG. B NORTH ELEVATION

SCALE: 1/8" = 1'-0"

CONCEPTUAL ELEVATION

Reliable Commercial Construction, Inc.
1903 N. Polaris Drive
Arlington, Texas 76010
1 | 817.467.0779 | F | 817.467.9148
reliableconstruction.com

RELIABLE
COMMERCIAL CONSTRUCTION, INC.

Revision: _____ Date: _____
Revision: _____ Date: _____
City Comment: 4-4-16

PRELIMINARY
FOR REVIEW ONLY
-NOT FOR CONSTRUCTION-
NOV. 3, 2015

ALL STORAGE FACILITY
MURPHY, TX
PM 514 WEST OF HIGHWAY, MURPHY, TX

DESIGNED BY: _____
CHECKED BY: _____
DATE: _____
PROJECT NO: _____
CONCEPT ELEVATIONS

A2.1

EXHIBIT B

[Return to Agenda](#)

EXHIBIT G

City Council Meeting**March 15, 2016****Human Resources: City of Murphy Personnel Policies and Procedures Handbook**

Issue

Consider and/or act upon the proposed revisions to the Murphy Personnel Policies and Procedures Handbook.

Staff Resource/Department

Mark Lee, Acting City Manager

Jana Traxler, Human Resources Manager

Summary of Changes

The Personnel Policies and Procedures Handbook is reviewed on an annual basis, under legal guidance, as an opportunity to make sure it has appropriate provisions in place to continue to allow for effective and efficient employee administration and to make revisions as deemed necessary. We propose this revised handbook become effective April 1, 2016. Employees will be responsible for reviewing the information contained in the revised handbook and a signed record of receipt and understanding will be kept in each employee's personnel file.

When reviewing the attachments, please note that new verbiage is indicated by *italicized underlined font*. Verbiage that has been eliminated is ~~struck~~. The changes include:

- **1.04 Sexual Harassment and Unlawful Discrimination Policy:** This policy has been fully revised under legal guidance and includes language mandated by House Bill 1151 (84th Texas Legislative Session, 2015) regarding the protection of volunteers and unpaid interns from harassment and discrimination.
- **1.07 Applicability of Personnel Policies:** The Judge of the Municipal Court has been removed from and the City Engineer has been added to the list of categories that are not considered Murphy employees for the purposes of the Personnel Policies and Procedures handbook.
- **2.02 Employment Categories:** The City only has two employment categories, full-time and part-time, and this policy has been clarified to reflect that. Additionally, the definition of part-time employee has been updated, in accordance with the Affordable Care Act, to any employee that works on the average fewer than thirty hours per week. Part-time employees are to stay below the TMRS enrollment threshold of 1,000 hours per year.
- **2.03 Methods of Recruitment and Selection:** This policy has been updated to reflect that any person wishing to be considered for a position must submit an application for each position for which they wish to be considered.
- **2.06 Employment of Relatives (Nepotism):** The definition of personal relationship, for purposes of determining which employees can work in the same department or division, has been clarified.
- **2.17 Probationary Period:** The language in this policy (and throughout the document where probationary periods are referenced) was modified from using the term "introductory period" to using the term "probationary period". The term probationary period is considered an industry standard for this concept.

City Council Meeting**March 15, 2016****Human Resources: Murphy Personnel Policies and Procedures Handbook**

- **2.18 Personnel Files:** This policy has been revised to include a provision that requires employees to update their home address, phone number and emergency contacts annually with the Human Resources Department.
- **2.21 Training and Development/Educational Assistance:** This policy has been revised to clarify that all training is subject to approval by the Department Director and/or the City Manager.
- **2.24 Outside Employment Activities:** This policy has been revised to reflect that a Department Director and/or the City Manager is authorized to approve outside employment.
- **3.02 Wage and Salary Adjustments:** After Council's initial discussion of this item at the February 16, 2016 City Council meeting, the first sentence of this section has been returned to its original verbiage which states that during budget deliberations, the City Council may authorize a wage and salary adjustment to recognize an employee for performance and achievement of objectives.
- **3.04 Certification Pay:** This policy has been revised to clarify an error in the policy. Certification payments are made monthly, not per paycheck.
- **3.05 Interim Status Pay:** Clarifying language was added to this policy to reflect that when a position is vacated, Human Resources and the Department Director will work together to determine if an interim assignment is needed for those duties and who will be given that assignment. Interim status assignments will be paid at an increase of 5% or minimum of the pay grade (where applicable), whichever is greater.
- **3.08 Public Safety Work Period and Schedules:** This policy has been revised to reflect that hours worked for public safety includes meal time because they cannot be fully relieved of their duties.
- **3.09 Expression of Breast Milk:** This policy has been revised per the language mandated by House Bill 786 (84th Texas Legislative Session, 2015) regarding the requirement to provide a space other than a restroom for an employee as needed that is shielded from view and free from intrusion from co-workers of the public.
- **3.11 Time Reporting:** This policy has been revised to reflect that exempt employees, as determined and classified by the City of Murphy per the United States Department of Labor guidelines, are not required to submit time sheets. Personal leave forms shall still be submitted and the employees leave bank charged accordingly. Additionally, all Department Directors are responsible for ensuring that the City Manager signs off on and approves any paid administrative leave that is provided to any employee before the employees timesheet is submitted to the Finance department.
- **3.13 On-Call and Call-Backs:** This policy has been updated to reflect that employees who are on-call must have a working cell phone in their possession instead of being required to wear and respond to a beeper.
- **3.15 Check Delivery:** This policy has been revised to reflect that all direct deposit changes must be reported to the Finance Department at least one week prior to the beginning of the pay period of which the employee wishes the change to become effective. Exceptions will be made for extenuating circumstances only.
- **3.16 Payroll Deductions:** This policy has been revised to reflect that Social Security Taxes are deducted from the paycheck of part-time employees. Additionally, clarifying

City Council Meeting

March 15, 2016

Human Resources: Murphy Personnel Policies and Procedures Handbook

language was added to reflect additional allowable payroll deductions the City will process.

- **4.03 Holidays:** This policy was revised to clarify that part-time employees are not given holiday pay and to clarify that probationary employees are given holiday pay. Additionally, clarifying language was added to reflect that if an employee missed the day preceding or following a holiday, they may be required to provide a doctor's note and after review of the doctor's note, the City reserves the right to determine that the employee still may not be paid for the holiday. Wellness time off was removed as the City no longer provides that benefit.
- **4.07 Sick Leave:**
 - This policy has been updated to reflect that only full-time employees receive sick leave accruals. Employees who are part-time do not receive the benefit;
 - Clarifying language was added that sick leave can be requested in one hour increments for non-exempt employees;
 - Clarifying language was added that sick leave can be used to extend approved bereavement leave;
 - Clarifying language was added that while employees may request to use sick leave instead of approved vacation leave if they become ill on vacation – this benefit is at the supervisor's discretion and the employee may be required to provide sufficient documentation from a licensed medical professional;
 - Clarifying language was developed to better explain the City's policy on sick leave payout at retirement and match what is listed in Section 8.08 reflecting that City of Murphy retirement standards will mirror what the current TMRS retirement standards are at the employee's date of retirement.
 - The shared sick leave donation program was changed from a maximum donation amount of 10% of an employee's available sick leave balance to a maximum of 40 hours per year and clarifying language was added regarding the procedure for how an employee requests to be considered for this benefit.
- **4.08 Bereavement Leave:** This policy has been revised to allow employees to extend their bereavement leave with their own sick leave accruals.
- **4.11 FMLA:** This policy has been fully revised under legal guidance. Additionally, for ease of administration, the FMLA year is being changed from a rolling twelve month period of time to a fixed twelve month period that will match the city's fiscal payroll year.
- **4.13 Workers Compensation Insurance/Injury Leave:** Due to the safety addendum being removed from this document, a safety overview paragraph has been added to this section which includes language about best practices, following safety rules, reporting accidents and making suggestions for improvement. Additionally, language prohibiting an employee who is on light duty from working overtime has been removed due to the impact it has on the salary lookback period for the purposes of calculating an employee's potential workers compensation indemnity payments.
- **4.14 Leave of Absence without Pay:** Please see Section 5.02.
- **5.02 Pension/Retirement Plan:** Language regarding contributions to TMRS during a leave of absence has been removed from this section and relocated to Section 4.14 – Leave of Absence without Pay. This information can also be found under Section 4.11

City Council Meeting**March 15, 2016****Human Resources: Murphy Personnel Policies and Procedures Handbook**

FMLA. The language added is as follows: No loss of service with the City will occur as a result of a Leave of Absence. No benefit credits, including TMRS contributions, will accrue during an unpaid status of the leave. It is the employee's responsibility to initiate arrangements with TMRS for contribution payments.

- **5.05 Longevity:** Language has been added to clarify the annual period of calculation for the longevity check and the provision for the City Manager to override an employee's final payment amount at separation has been eliminated.
- **6.03 Drug Free Workplace:** This policy has been revised to reflect that any employee involved in any kind of accident during work hours is required to take a drug test.
- **6.04 Fraternalization:** The language in the fraternization policy has been updated to match the Nepotism policy regarding the definition of a personal relationship.
- **6.11 Use of City Property/Vehicle Policy:** This policy has been revised to reflect that if a City employee who is assigned a City vehicle on a twenty-four hour basis is going to be absent from work for three or more calendar days, the City Manager reserves the right to require the employee to return the vehicle to City property during the absence.
- **6.13 Vehicle and Operator Standards:** This policy has been moved from the Safety Addendum to the body of the handbook. Additionally, language was revised to reflect that any employee who is found to have accrued five or more points towards their ten point allowance will be required to take a defensive driving course as their own expense.
- **6.14 Smoking/Tobacco/Vapor Products:** This policy has been revised to include the prohibition of vapor products under the conditions listed in this policy and was also revised to include work sites on the list of prohibited places to smoke, use tobacco or use vapor products.
- **6.16 Searches:** This policy has been revised to remove pagers from the list of electronic devices the City provides.
- **6.18 Hazardous Weather Conditions:** This policy has been revised to clarify that safety is paramount in hazardous weather conditions policy. All employees are expected to make a reasonable effort to come to work, however, safety is paramount and if they do not feel like they can travel safely they are directed to make alternate arrangements with their Supervisor. Scheduled emergency service personnel are required to be on the job regardless of weather conditions.
- **7.03 Types of Disciplinary Action:** This policy has been fully revised under legal guidance to ensure our disciplinary action policy is fair, easily understood by any employee and can be used consistently across all departments. The policy still provides appeal rights for the level of written reprimand and above.
- **8.08 Calculation of Separation Pay:** This policy has been revised to match what is listed in Section 4.07 for sick leave payout and to reflect that City of Murphy retirement standards will mirror what the current TMRS retirement standards are at the employee's date of retirement.
- **Addendum A – Organization Chart:** The organization chart has been updated to reflect our current structure with the addition of an Assistant City Manager and the Innovation and Technology Department Director having been added to the Leadership Team.

City Council Meeting

March 15, 2016

Human Resources: Murphy Personnel Policies and Procedures Handbook

- **Addendum C – Purchasing Policy:** This policy has been revised to reflect changes to internal purchasing policies including what qualifies for advance payment requests, credit card log procedures and purchase order procedures.
- **Addendum D – Travel Policy:** This addendum has been revised to clarify that employees shall not be reimbursed or provided a per diem allowance for meals that are provided by the destination event/conference. Additionally, it clarifies the internal policies regarding credit card reconciliation procedures post travel.
- **Addendum E – Credit Card Policy:** This addendum has been revised to include emergency management operations under the acceptable use provision for City issued credit cards and clarifies the internal policies regarding reconciliation procedures.
- **City Charter:** The City Charter has been removed from the employee handbook.
- **Safety Addendum:** This policy has been removed from the employee handbook. TML has provided a current template for a brand new safety addendum that is currently being reviewed by the leadership and management teams and will become a stand-alone safety handbook. Employees will be responsible for reviewing the information contained in the safety handbook and a signed record of receipt and understanding will be kept in each employee's personnel file.
- **Formatting:** The entire document has been standardized for ease of reading and understanding.
- **Table of Contents:** A full table of contents has been added for ease of use.

Board Discussion/Action

Authorize revisions to the Murphy Personnel Policies and Procedures Handbook, as presented.

Attachments

All revised sections and addendums listed in this briefing.

1.04 UNLAWFUL DISCRIMINATION AND HARASSMENT

1.04.01 It is the policy of the City of Murphy that all employees, *volunteers or interns* shall be able to enjoy a work environment free from all forms of unlawful harassment. Unlawful harassment is aggressive, suggestive, or offensive behavior based on sexual orientation, race, age, religion, color, disability, national origin, gender, status as a Vietnam-era or special disabled veteran, or any status in any group protected by federal, state or local law. The City does not tolerate improper interference with the ability of the City's employees to perform their expected job duties.

1.04.02 Prohibited conduct includes, but is not limited to: epithets, slurs and negative stereotyping; threatening, intimidating or hostile conduct; denigrating jokes and comments; and writings or pictures that single out, denigrate or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including, but not limited to via facsimile, e-mail and/or the Internet. Harassment of any nature, when based on sexual orientation, race, age, religion, color, disability, national origin, gender, status as a Vietnam-era or special disabled veteran, or any status in any group protected by federal, state or local law, will not be tolerated. All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens and vendors. City employees are also prohibited from harassing citizens, vendors and all other third parties.

1.04.03 Sexual Harassment is unlawful harassment that is a form of sex discrimination. Sexual harassment is any unwelcome or unsolicited sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature towards another individual when:

- A. Submission to such conduct is made explicitly or implicitly a term or condition of employment;
- B. Submission to or rejection of such conduct is used as the basis for employment decisions;
- C. The conduct has the purpose or effect of substantially interfering with an individual's work or creates a hostile, intimidating, or offensive work environment;

Sexual harassment includes, but is not limited to the following:

- A. Making suggestive comments, gestures, threats, insults or jokes;
- B. Flirting, touching, making advances or propositions;
- C. Using sexually degrading words to describe an individual;

D. The display in the workplace of sexually suggestive objects or pictures.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, which lowers morale and therefore, interferes with work effectiveness.

A FINDING OF ANY TYPE OF HARASSMENT CAN RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION OF EMPLOYMENT.

1.04.04 Retaliation against an individual who makes a good faith report of prohibited conduct or who assists in a complaint investigation, is prohibited. Acts of retaliation must be reported immediately as set out in this section below. The City shall be proactive in preventing retaliation and shall take remedial action when necessary.

~~Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, which lowers morale and therefore, interferes with work effectiveness.~~

1.04.05 Each Supervisor has a responsibility to maintain the workplace free from all types of harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure harassment. Furthermore, if notified of a possible harassment situation, the Supervisor must report the situation to the City Manager or Human Resources as soon as possible.

1.04.06 It will be the responsibility of the City Manager to inform Supervisors and employees of the policy concerning unlawful harassment, the gravity of such behavior and the procedure to be employed in the event such an allegation develops.

1.04.07 The City of Murphy is committed to diligently enforcing its harassment/discrimination policy by promptly investigating all complaints. When harassment or discrimination is discovered, the City shall take appropriate remedial measures and/or disciplinary action, up to and including termination. The complaint procedure is designed to deal with complaints in a fair, discreet and timely manner to:

- A. Decide if the behavior alleged in the complaint took place and constitutes harassment/discrimination that violates federal and/or state law and City Policy; or constitutes harassment/discrimination in the form of inappropriate or offensive behavior that violates City policy.
- B. Stop the offending behavior.
- C. Restore the complainant's working environment.
- D. Take steps to prevent retaliation and repetition of the harassment.
- E. Educate and/or discipline the harasser/discriminator consistent with the

seriousness of the offense.

1.04.08 The following procedures are to be used for reporting and investigating harassment/discrimination complaints:

- A. Any employee who feels victimized by harassment/discrimination should report, verbally or in writing, the harassment/discrimination to his or her Supervisor immediately. If the employee's immediate Supervisor is the source of the alleged harassment, or is so closely associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint to their Director, Human Resources, or the City Manager. The employee is not required to follow his or her chain of command when reporting harassment/discrimination.
- B. Any Supervisor or Department Director that learns of, or receives a complaint of harassment/discrimination is required to report it to Human Resources or the City Manager's office.
- C. If the complaint alleges harassment/discrimination, Human Resources, the City Attorney's office or their designee will conduct a prompt and impartial investigation.
- D. Management, upon being informed about a harassment/discrimination complaint, shall take immediate and appropriate action when necessary to ensure any inappropriate behavior is not repeated during the investigation. Depending on the nature and severity of the complaint, the City reserves the right to take any immediate action necessary to address the complaint including, but not limited to, immediate suspension without pay of the employee against whom a complaint has been made. If, at the conclusion of the investigation, no discipline is imposed, the City may award back pay for the period of the unpaid suspension, except for any unpaid periods imposed as discipline.
- E. The investigation may include, but is not limited to, obtaining all factual evidence, conducting interviews and obtaining witness statements, determining whether a reasonable basis exists for the allegations of harassment, determining if there has been a violation of federal or state law and/or City policy, and affording the accused the opportunity to respond verbally or in writing to the allegations. If harassment is found to have occurred, recommendations for remedial action shall be made.
- F. The investigator shall conduct the investigation carefully and discreetly to protect all employees questioned and all information gathered. Confidentiality during an investigation is not guaranteed, but the investigator, to the extent possible, shall conduct the investigation to protect the privacy of those involved and relate facts only on a need-to-know basis. Every effort shall be made to conduct the investigation promptly so as to respect the rights

of all individuals involved.

- G. Upon completion of the investigation and based upon the findings of the investigation and the conclusions of the investigator, Human Resources or the designee shall promptly relay the results of the investigation to the accused and the complainant.
- H. If the investigation finds that harassment/discrimination has occurred, the City shall take appropriate corrective disciplinary action, which may include but not be limited to: oral reprimand, written reprimand, suspension, demotion and/or termination. The City shall take all steps necessary to effectively remedy the harassment/discrimination that was found during an investigation.
- I. No employee shall be subject to any form of retaliation or discipline for pursuing or participating in a harassment/discrimination complaint. The City shall insure that complainants and witnesses shall suffer no retaliation as a result of their involvement in the investigation.
- J. If the investigation does not find that harassment/discrimination occurred or that the alleged incident(s) did not constitute harassment/discrimination, the matter shall be referred back to the department Director to be addressed.

~~**1.04.06 — Procedure for Complaint.** AN EMPLOYEE MUST REPORT ANY INCIDENT OF SEXUAL HARASSMENT WITHIN FORTY EIGHT (48) HOURS OF ITS OCCURRENCE. Any employee who believes that he or she has been the subject of unlawful sexual harassment should report the alleged charge immediately in accordance with the following procedure. **All information disclosed in the procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.**~~

~~**1.04.07** — The individual alleging unlawful sexual harassment must report the incident to his or her supervisor, the City Manager, and/or the City Attorney within forty-eight (48) hours of the alleged incident. The individual will be interviewed as to the nature of the allegations. If said accusations are reported to another person, the matter must be immediately directed to the City Attorney who shall immediately notify the City Manager.~~

~~**1.04.08 — Complaint Must Be In Writing.** The individual alleging unlawful harassment must make his or her complaint in writing, providing sufficient detail to enable the City to properly investigate the complaint. Upon receipt of a complaint, the City Attorney shall immediately notify the Mayor and the City Manager and commence an investigation of the allegations.~~

~~**1.04.09 — Respondent's Written Answer.** Within forty eight (48) hours after receiving the complaint in writing, the employee accused of engaging in harassing~~

~~conduct should be called to a meeting with the City Attorney and the City Manager and be informed of the nature and seriousness of the allegation. The employee will have the opportunity to respond to the allegation in writing immediately or within forty-eight (48) hours after his or her notice of the complaint.~~

~~**1.04.10** — **Possible Suspension During Investigation.** The City Attorney and City Manager will meet with the supervisor of the employee accused of engaging in harassing conduct and discuss the seriousness of the allegation. If the circumstances warrant, the employee may be suspended with or without pay, pending a complete investigation. If, at the conclusion of the investigation, the employee is reinstated to his or her position at the City, back pay for the period of the suspension will be paid to the employee if suspended without pay. Depending on the nature and severity of the complaint, the City reserves the right to take any immediate action necessary to address the complaint including, but not limited to, immediate suspension without pay of the employee against whom a complaint has been made.~~

~~**1.04.11** — **Investigation.** Immediately upon receipt of a complaint of unlawful harassment, the City Manager and the City Attorney will conduct a thorough investigation to determine if unlawful harassment has occurred or if any policy has been violated. If the City Manager and/or City Attorney are being accused of sexual harassment, the City Council will conduct the investigation. If such investigation confirms the allegation, appropriate disciplinary action up to and including dismissal will be taken. All complaints and actions taken to resolve such complaints will be treated as confidentially as possible without impairing the effectiveness of the investigation. The City Manager and City Attorney may consider any evidence deemed relevant in the investigation and review of the complaint including but not limited to:~~

- ~~1. The nature and seriousness of the complained action;~~
- ~~2. The effectiveness and advisability of counseling;~~
- ~~3. Whether transfer of the complainant and/or accused employee would be appropriate;~~
- ~~4. Any contributing factor by the complainant;~~
- ~~5. Previous substantiated unlawful harassment allegations against the employee alleged to have engaged in the harassing behavior or unsubstantiated false allegations by the complainant.~~

~~**1.04.12** — **Records of an Unlawful Harassment Complaint Kept Separate.** All records concerning a complaint of unlawful harassment shall be kept in a separate locked file in the Human Resources Department. Access shall be only with the City Manager's approval to parties who have a direct and relevant need to know, unless access is otherwise required by law of the State of Texas.~~

~~**1.04.13** — **Anti-retaliation.** The City of Murphy prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation.~~

~~1.04.14~~ However, if, after investigating any complaint of harassment or unlawful discrimination, the City of Murphy determines that the complaint is not bona fide and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

1.07 APPLICABILITY OF PERSONNEL POLICIES

1.07.01 These personnel policies shall apply to all employees unless superseded by the State or Federal constitutions, State or Federal legislation and/or regulations, the City Charter or City code provisions. Failure to comply with these policies may result in appropriate disciplinary action. All City employees are charged with the responsibility of being thoroughly familiar with all provisions of these Personnel Policies and Procedures.

1.07.02 Elected officials, the City Attorney, the City Engineer, ~~the Judge(s) of the Municipal Court~~, members of appointed boards and commissions, persons employed under contract (other than the City Manager and City Secretary), and personnel appointed to serve without pay shall not be considered City employees for purposes of these policies.

2.02 EMPLOYMENT CATEGORIES

2.02.01 There are two (2) ~~five (5)~~ categories of employment with the City:

- A. **Regular-Full-Time:** A regular full-time employee is appointed to an authorized position that involves, on the average, 32-40 hours or more per week for employees outside of fire personnel. Fire personnel assigned to shifts are considered full-time when scheduled to work 56 hours per week. Regular Full-time employees may be either exempt or non-exempt employees. Exempt employees are those who occupy an executive, administrative or professional position or one who is a computer employee, as defined by the Fair Labor Standards Act. A non-exempt employee means any employee who does not occupy an executive, administrative or professional position or one who is a computer employee, as defined by the Fair Labor Standards Act.
- B. **Part-Time: (No Benefits):** A part-time employee is appointed to an authorized position that involves, on the average, less than 30 hours per week not to exceed 1,000 hours per year. A part time employee who works fewer than 30-20 work hours per week. Non-benefited Part-time employees receive no employment benefits or accrued leave time.
- C. **Regular Part-time** A regular part time employee is appointed to an authorized regular position that involves, on the average, fewer than 32 but more than 20 work hours per week. Regular part time employees may be either exempt or non-exempt employees.
- D. **Temporary Full-time** A temporary full time employee is an employee hired to work an average of 32 hours or more per week for a period of time which is normally specified in advance and is expected to last fewer than six months. Temporary full time employees may be either exempt or non-exempt employees.
- E. **Temporary Part-time** A temporary part time employee is an employee hired to work fewer than 32 hours per week for a period of time which is normally specified in advance and is expected to last fewer than six months.

2.03 METHODS OF RECRUITMENT AND SELECTION

2.03.01 The City has four methods of recruiting and selecting persons to fill vacancies: (1) promotion from within; (2) lateral transfer from within; (3) competitive *external* consideration of applicants for employment; and/or (4) selection from a valid current eligibility list. A valid current eligibility list is a list of applicants for the same or a similar position for which internal applications were sought. ~~within the last six months. The City Manager determines the method(s) of selection to be used in filling each vacancy.~~

2.03.02 Employment with the City of Murphy shall be based on merit, ability and fitness. No one shall be employed in any position with the City until a completed application of employment is provided to the Human Resources Department. Any applicant wishing to be considered for openings must submit a new application for each position of which they wish to be considered. Applications that have resulted in employment shall be included in the employee's City employment records.

~~All applications for employment that have not resulted in employment will be retained active for not more than 180 days. Any applicant wishing to be considered for future openings must submit contact the Human Resources Department, and the application and/or resume shall be considered for the new opening. After 180 days, a new application and/or resume for each position of which they wish to be considered and/or resume must be submitted in order to be considered for any new openings. Applications that have resulted in employment shall be included in the employee's City employment records.~~

2.03.03 The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications or material omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

2.03.04 The City does not accept applications for employment unless a specific vacancy exists. Persons wishing to apply for a job with the City when a specific vacancy does not exist are informed of this policy and of the City's method of advertising City job announcements. These persons may return and file an application at any time an advertised vacancy exists for which they consider themselves to be qualified.

2.06 EMPLOYMENT OF RELATIVES (NEPOTISM)

2.06.01 Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the City.

2.06.02 In accordance with Article XIV, Section 14.01 of the Charter, no person may be hired who is related within the second degree of affinity (marriage) or within the third degree by consanguinity (blood) to the Mayor, to any City Council Member or to the City Manager. No person may continue in City employment who is related in one of the prohibited degrees unless the employee is currently employed by the City and has been employed continuously by the City for a period of at least six months prior to the election or appointment of said official or the person serves in an unpaid capacity with the City;

2.06.03 In addition, in the interest of effective management, no personnel action will be taken that would result in any employee supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee.

2.06.04 Employees who are in a personal relationship with one another defined as being married, dating, cohabitating or involvement in any type of intimate or sexual relationship shall not be allowed to work within the same department or division.

~~Employees who are married or cohabitating will not be allowed to work within the same department or division.~~

2.17 INTRODUCTORY-PROBATIONARY PERIOD

2.17.01 Every new employee goes through an initial period of adjustment in order to learn about the organization and about his or her job. During this probationary ~~introductory~~-period the employee will have an opportunity to find out if he or she is suited to, and likes, his or her new position.

2.17.02 The probationary ~~introductory~~ period gives the employee's Supervisor a reasonable period of time to evaluate his or her performance. New employees are required to serve a probationary ~~introductory~~-period of six (6) months, except for certified Police and Fire personnel, for whom the probationary ~~introductory~~-period is twelve (12) months.

2.17.03 As with all periods of employment with the City, an employee may be terminated at any time, with or without cause and without prior notice, during this period. At the end of the probationary ~~introductory~~-period, the employee and his or her Supervisor will discuss the employee's performance. Provided his or her job performance is "satisfactory" at the end of the probationary ~~introductory~~ period, he or she may, at the discretion of the Supervisor, continue City employment as an at-will employee. The probationary ~~introductory~~-period may be extended up to an additional ninety (90) days if the Department Director and City Manager determine such an extension is warranted.

2.18 PERSONNEL FILES

2.18.01 Personnel records, except medical records, are maintained by the Human Resources Department. Medical records are kept in a separate confidential file also maintained by the Human Resources Department.

2.18.02 Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are exempt from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the City Manager or Human Resources Department.

2.18.03 An employee may examine their own personnel file upon request during normal working hours in the Human Resource office. The employee may request copies of items or materials in his or her personnel file, but may not remove anything from the file. A City representative will assist with and be in attendance during the examination of the employee's personnel file.

2.18.04 Employees shall inform Human Resources ~~their Department Heads~~ of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information. Employees are required to re-verify this information with Human Resources annually. ~~The Department Head will notify the Human Resources Department.~~

2.21 TRAINING AND DEVELOPMENT/EDUCATIONAL ASSISTANCE

2.21.01 Training and employee development programs for City employees will be directed toward skill development, knowledge enhancement, enrichment and/or performance improvement. Such training is recognized to be in the best interests of the employee and the City. Employees are required to contact their Supervisor in reference to any training and development opportunities they feel would be beneficial to their position. All training is subject to approval by the Department Director and/or the City Manager.

2.24 OUTSIDE EMPLOYMENT ACTIVITIES

2.24.01 Employees may not engage in any outside employment activity or enterprise that is determined to be inconsistent or incompatible with employment with the City or to adversely affect the employee's job performance.

2.24.02 An employee who wishes to engage in such activity must prepare a full and complete written request describing the employment activity or enterprise for which permission is requested and must have the advance approval of his or her Department Director and/or the City Manager to engage in any outside employment, including self-employment. City approval of an outside employment activity or enterprise may be withdrawn at any time if, in the discretion of the City Manager, such outside employment or enterprise is negatively impacting the employee's performance of duties for the City or if a conflict of interest or appearance of impropriety arises in connection with the outside employment or enterprise. Department Directors are prohibited from engaging in any form of secondary employment except as may be specifically approved by the City Manager.

2.24.03 The City of Murphy is considered primary employment and the outside job is secondary employment. At no time should secondary employment interfere with primary employment or be done during the course of primary employment. An employee who performs duties relating to his or her secondary employment while on duty with the City will be subject to discipline up to and including termination of employment.

2.24.04 If a City employee is injured on the job in the course of employment outside of his or her employment with the City, the employee must notify their Supervisor and Department Director and cannot file a workers' compensation claim against the City for benefits related to the injury, regardless of the fact that the City Manager may have approved the outside employment.

2.24.05 An employee shall not perform any outside work at any time when the employee is on leave from the City for paid work-related injury leave, sick leave or paid or unpaid family and medical leave. An employee shall not perform any outside work within eight (8) hours after the employee's missed work period with the City due to the employee's illness or injury. Continuation of secondary employment approved by the City Manager or the appropriate Department Director must be approved by the Human Resources Department when an employee has been injured in the course and scope of City employment.

2.24.06 No employee shall identify himself or herself with his or her position, department or the City of Murphy in:

- A. The course of a sale or solicitation for sale of any goods or services; or

B. The advocacy of any policy, practice, standard or position not officially sanctioned by the City.

2.24.07 An employee of the City of Murphy who holds an office of emolument, or position of honor, trust or profit shall be subject to the provisions of the Texas Constitution, Art. XVI, § 40.

3.02 WAGE AND SALARY ADJUSTMENTS

3.02.01 During budget deliberations for the coming fiscal year, the City Council may authorize a wage and salary adjustment to recognize an employee for performance and achievement of objectives. The employee's annual performance appraisal serves as the basis for a wage and salary adjustment. In addition to the increases that may be awarded following an annual performance appraisal, the City may award increases based on market adjustments should a position require such an increase.

3.02.02 In making a determination regarding a salary increase, Supervisors and the Human Resources Department will consider the employee's performance, including but not limited to any increase in responsibilities of the employee and achievement of objectives since the last performance appraisal.

3.02.03 Once Supervisors receive final information, they will meet with each employee informing him or her of the salary decision. An employee who disagrees with a salary decision may appeal by submitting a written request for review by the City Manager. Employees who are approved for a salary increase will start receiving the increase at the beginning of the next pay period.

3.02.04 Department Directors, with approval of the City Manager, may reduce the salary of an employee at any time for non-discriminatory reasons. No reduction in salary shall deprive an employee of consideration for salary increases at a later date.

3.04 CERTIFICATION PAY

3.04.01 Eligible full-time employees may receive additional compensation per month paycheck for each qualifying certificate or license obtained above the “basic level” within their respective professions or occupations. The amount of such compensation shall be determined as part of the annual budget and will be included in the employee’s regular rate of pay. Certificates or licenses must be obtained from appropriate State certification or licensing agencies and/or recognized professional associations performing a similar certification or licensing function for personnel in the applicable profession and must be maintained in an active status. Certificates or licenses also must be directly related to the employee’s present job duties and functions. ~~A current list of authorized certifications by position shall be maintained by the Human Resources Department.~~ Certification pay is subject to annual funding and adoption of such funding within each fiscal budget.

3.05 INTERIM STATUS PAY

3.05.01 Upon the resignation or separation of an employee, the Department Director and Human Resources will determine if an interim assignment is needed. If it is determined that an interim assignment is needed and that it can effectively be assigned internally to a qualified existing employee, Human Resources and the Department Director will notify the selected employee. Any employee who is temporarily assigned to serve in a higher level position, ~~typically for a vacated position,~~ shall be compensated for the additional duties and responsibilities of the higher level position at an increase of five (5) percent or minimum of the pay grade (where applicable), whichever is greater. The employee must be qualified to perform and must actually perform the full range of duties of the higher level position required during the interim assignment in order to be eligible for the additional compensation.

3.05.02 When an employee returns to his or her regular job assignments, upon the completion of a higher level interim assignment, the employee's compensation shall return to that employee's regular rate of pay prior to his interim assignment, including any increases that may have been given during the timeframe in which the employee was working an interim assignment.

3.08 PUBLIC SAFETY WORK PERIOD AND SCHEDULES

3.08.01 Employees of the City's police department work in shifts. The City has established a 14 day work period for its patrol officers. Patrol officers will earn overtime compensation for all hours worked above 80 hours in a 14 day work period. Employees in the City's fire department work in 24 hour shifts. In accordance with the exception allowable under Section 207 (k) of the Fair Labor Standards Act (FLSA), the City has established a 21 day work period for its certified fire suppression personnel.

3.08.02 "Hours worked" for purposes of calculating overtime for non-exempt police officers include all hours when an officer is on duty including time spent performing work outside the officer's normal shift if the work is required by the City; time spent testifying in court or in an administrative proceeding if the time is controlled or required by the City, attendance is intended to benefit the City, or attendance is a direct result of the police officer's duties; and time spent in training activities required by the City. "Hours worked" does not include travel time to and from the officer's residence and work, ~~meal time when the officer is on a tour of duty of 24 hours or less and is completely relieved of duties during the meal time,~~ on-call time unless the City places special restrictions on the officer's time so that he or she cannot effectively use the on-call time for his or her own purposes, time spent working for another employer, time spent substituting for another employee by mutual agreement, or time spent in volunteer law enforcement activities performed for a different jurisdiction. Holiday and vacation time count as "hours worked" for purposes of calculating overtime.

3.09 EXPRESSION OF BREAST MILK

3.09.01 The Fair Labor Standards Act (FLSA) requires that nursing and adoptive mothers be provided a reasonable break time in order to express breast milk for her nursing child for up to one (1) year after the child's birth or adoption (as applicable) each time such an employee has a need to express the milk. The City will provide a private, secure location, other than a restroom, ~~with a separate refrigerator~~ in the employee's building for this purpose. The space provided will be one that can be made available to the employee as needed, is shielded from view, and free from intrusion from co-workers or the public. The employee and her Supervisor will agree on the times for these breaks. In order to prepare such a designated space, the City requires advance notification (that an employee is requesting this break time) so that space can be designated and prepared within a facility. For the purposes of this policy, a written request directed to Human Resources will suffice. Human Resources will work with Facilities Maintenance and the Department Director to ensure that an adequate space is prepared and maintained for the duration of the period of time expressing is requested. Breaks taken for the purpose of expressing breast milk will run concurrently, not in addition to, other breaks taken throughout the day.

3.11 TIME REPORTING

3.11.01 Employees must keep records of all hours worked and leave time taken and, where appropriate, hours credited to particular projects. Timesheets for this purpose are provided by the City.

3.11.02 Time records must be signed by both the employee and the employee's immediate Supervisor. It is recommended that these forms be completed after each day's work in order to maintain an accurate and comprehensive record of the actual time spent on particular projects.

3.11.03 Each Department Director is responsible for ensuring that all hours worked and leave time taken are reported on the time sheets sent to the finance department as well as being recorded on the individual department's records. Additionally, each Department Director is responsible for making sure the City Manager signs and approves all timesheets that include paid administrative leave.

3.11.04 Exempt employees, as determined and classified by the City of Murphy per the United States Department of Labor guidelines, are not required to submit time sheets. When personal leave time is taken, exempt employees shall submit the leave time request and approval form to the Finance department reflecting the type and amount of leave taken so it can be charged appropriately.

3.13 ON-CALL AND CALL-BACKS

3.13.01 The vital nature of certain City services requires that some employees be available in an "on-call" or "standby" status in the evenings and over holidays and weekends to ensure the continuity of those vital services. The time an employee is designated to be "on-call", he or she is free to pursue personal activities, but is prohibited from consuming alcohol, illegal drugs, or any other substance (legal or illegal) that may impair the employee's ability to perform his or her duties in a safe and capable manner. Employees who are on-call ~~will be~~ may be required to have in their possession a working cell phone and wear a beeper and to respond immediately when notified to report to work. ~~by the beeper.~~ Response time should not exceed 30 minutes. The employee who is on-call is not restricted to a specific location provided he or she can meet the 30 minute response time.

3.13.02 When non-exempt City employees are assigned to be on-call for a particular week, the person(s) designated as on-call will automatically be paid for four (4) hours at the regular, straight-time hourly rate of pay for any on-call week and four (4) additional hours at the straight-time rate for any holiday during the on-call period. Should there be a second employee in the same department also scheduled for on-call, the second employee will also be paid two (2) hours at regular straight-time rate of pay for any on-call week and two (2) additional hours at the straight-time rate for any holiday during the on-call period.

3.13.03 The on-call period begins Saturday morning at the beginning of the workweek and ends the following Saturday at the same time. Refusal to report without sufficient justification or repeated non-availability for emergency service will result in disciplinary action, up to and including dismissal. All on-call assignments are subject to the approval of the City Manager or the employee's Department Director. The City Manager is hereby authorized to amend the standby policy from time to time to meet the financial, operational, and maintenance needs of the City.

3.13.04 Call-back pay is defined as being called back to work typically due to an unexpected situation that is not scheduled. A minimum of two hours of pay will be given to non-exempt employees for call-back situations in which an employee was called back to work. If called back, compensation shall be paid for actual hours worked. Time spent traveling shall not be counted as hours worked and will not be compensable time. In the Police Department, any employee may be called back to duty, regardless of the hours assigned that employee, and will be paid according to the number of actual hours worked, with the exception of scheduled court appearances on off-duty time in which the minimum of two hours will be paid. Fire Department employees are subject to call-back at any time in an emergency and are required to leave information with the department as to how they may be reached when not on duty. Since their use of this time is not effectively restricted, this time is not considered compensable work time.

3.15 CHECK DELIVERY/DIRECT DEPOSIT

3.15.01 Participation in the direct deposit program is mandatory for all City employees. Direct deposit is allowed for up to two different accounts at any financial institution that is part of the Federal Reserve System. Forms are available in the Human Resources Department for those who need to make changes to their direct deposit. Only two direct deposit changes are allowed per year unless approved by the City Manager. All changes must be reported at least one (1) week prior to beginning of the pay period of which the employee wishes the change to be effective. Exceptions will be made for extenuating circumstances only. Direct deposit paystubs are distributed to individual employees via electronic transmission. No salary advances or loans against future salary will be made to any employee for any reason.

3.15.02 Employees must bring any discrepancy in their paychecks (such as overpayment, underpayment, or incorrect payroll deductions) to the Department Director's attention immediately upon discovery. If an employee does not understand how to figure his or her pay or how to read his or her paystub, help should be sought from the Finance Department after contacting the Department Director. Failure to report any discrepancy may result in disciplinary action.

3.16 PAYROLL DEDUCTIONS

3.16.01 The following deductions made from employees' pay checks are either required by federal or state law or approved and authorized by the City Council:

A. Required federal/state deductions:

1. Medicare;
2. Federal income taxes;
3. Social Security taxes (part-time employees only);
4. Court ordered child support; and
5. Any other deductions required by law.

B. Deductions approved by City Council:

1. Texas Municipal Retirement System contributions; and
2. The portion not paid by the City of group health/medical and life insurance premiums for employees and dependents.

C. Additional Allowable Deductions:

1. Voluntary deductions for 457 retirement plan contributions;
2. AFLAC premiums; and
3. Police and Fire Membership Association Dues.

3.16.02 If there is a change in the employee's family status, address, or any other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the Human Resources Department the appropriate forms for communicating these changes.

4.03 HOLIDAYS

4.03.01 The City provides paid holidays to all full-time and ~~regular part-time employees~~ including new employees who are still in their new hire probationary period. Part-time employees are extended official holidays without pay. Holidays are days designated by the City when City offices are closed on what otherwise would be regular business days. The City Manager shall submit a holiday schedule, not to exceed ten (10) days, to the City Council for approval by November 1 of each calendar year.

4.03.02 The following official holidays may be observed:

- A. New Year's Day;
- B. Martin Luther King Day;
- C. Good Friday;
- D. Memorial Day;
- E. Independence Day;
- F. Labor Day (all city employees except fire personnel);
- G. Patriot's Day (fire employees only);
- H. Veteran's Day;
- I. Thanksgiving Day;
- J. Friday following Thanksgiving;
- K. Christmas Eve; and
- L. Christmas Day.

4.03.03 Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

4.03.04 A holiday is a period of 8 hours, paid at the employee's regular rate, except in the case of 24-hour Fire Department shift employees where the holiday is 12 hours. ~~All regular full-time employees are paid for holidays based on their normal day's pay. regular part-time employees whose work schedule involves less than 32 hours per week are paid a proportionate amount, if the holiday would have been the part-time employee's regularly-scheduled workday.~~

4.03.05 Part-time employees are not paid for holidays except for holiday hours actually worked.

4.03.06 An employee who is absent without approved leave immediately preceding or following a holiday may be required to provide a note from a licensed

medical professional. The note and circumstances surrounding the unapproved leave will be reviewed, however, if the leave was not approved, the City could still determine that the employee will not be paid for the holiday.

4.03.07 Employees wishing to observe religious or other holidays not listed herein shall at their option be given time off without pay or have the time charged to vacation, personal day or holiday leave time, if available.

4.03.08 Accrued holidays, ~~including wellness time off,~~ will be paid out upon termination.

4.07 SICK LEAVE

4.07.01 The intent of sick leave is to prevent a loss of income to an employee who is absent due to an injury or illness which is not job related. Should such an injury or illness occur to an employee, continued income should be insured through the use of sick leave. Sick leave may also be used for maternity and paternity reasons.

4.07.02 Sick leave shall be accrued by all full-time employees, except full-time firefighters, at the rate of 3.08 hours per pay period (ten days per year) for employees scheduled to work 40 hours per week. ~~Regular Full-time employees who work less than 40 hours per week will receive sick leave on a pro-rated basis.~~ Full-time firefighters shall accrue sick leave at a rate of 4.62 hours per pay period (fifteen days per year). Sick leave begins accruing immediately for all new full-time employees. ~~Regular part-time employees shall accrue sick leave at a rate proportionate to the number of hours worked in a week as compared to a full-time 40 hour work week. For example, an employee who is regularly scheduled to work 20 hours per week will accrue sick leave at one-half the rate of similarly employed full-time 40 hour per week employees with equal seniority.~~ Part-Time employees are not eligible to accrue sick leave.

4.07.03 Any accrued but unused sick leave shall be carried to the employee's credits for the following calendar year. The maximum number of hours that can be accrued is 720 hours (1080 hours for full-time firefighters).

4.07.04 After an employee's accumulated sick leave has been exhausted, accrued vacation leave may be used as sick leave with approval of the employee's Department Director, provided there has been no abuse of sick leave and that all provisions of the sick leave policy are met. When absence due to illness exceeds the amount of paid leave earned and authorized, the pay of an employee shall be discontinued.

4.07.05 Full-time employees are charged with a regular work day of sick leave for each full day they are absent on approved sick leave. Sick leave can be requested and used in one hour increments for non-exempt employees. For employees who are exempt from FLSA under the executive, administrative, or professional categories, no deduction is made from salary or accrued sick leave for a partial day's absence on approved sick leave.

4.07.06 Sick leave may be allowed in case of medical ~~doctor~~ appointments, personal illness, physical incapacity of an employee or the employee's immediate family or to extend approved bereavement leave. Immediate family is defined as the employee's spouse, children, parents or a member of the household.

4.07.07 Employees who are absent due to illness for three (3) or more consecutive days may shall be required to provide their Supervisor with sufficient documentation from a licensed medical professional. At his or her discretion, the Supervisor may request documentation for any sick leave taken regardless of the amount of sick leave taken.

4.07.08 A Supervisor shall be responsible to notify the Human Resources Department when an employee is absent due to illness for more than three (3) consecutive work days so the time may be evaluated for family and medical leave status (FMLA). If an employee is taking FMLA medical leave, the employee's accrued sick leave will be debited for the leave taken.

4.07.09 Sick leave will not accrue if an employee is on an unpaid leave of absence.

4.07.10 Employees who become ill or are injured during vacation may request that sick leave be used instead of vacation time. At the Supervisor's discretion, employees may be required to provide sufficient documentation from a licensed medical professional.

4.07.11 Notice of employee absence due to a non job-related injury or illness must be given daily by the employee to that employee's immediate Supervisor or Department Director no later than thirty (30) minutes prior to the beginning of the employee's work shift or as may be prescribed by departmental policy. Notification means that the employee must actually speak to his or her immediate Supervisor unless emergency conditions arise in which time immediate family members must report the absence. Failure to do so may cause the employee's absence to be charged to leave without pay. Emergency situations which might prevent compliance with the provisions of this paragraph shall be taken into consideration by the Supervisor or Department Director.

4.07.12 Human Resources, Department Directors and Supervisors are authorized to undertake any investigations of sick leave claimed by an employee that they may deem necessary or to disapprove any claims not properly substantiated.

4.07.13 An employee who is released by an examining licensed medical professional to return to regular duty and refuses to report for work or perform his assigned duties is subject to disciplinary action, up to and including termination.

4.07.14 An employee on disciplinary suspension forfeits all claims to use sick leave for the duration of the disciplinary suspension.

4.07.15 Employees on Sick Leave, whether paid or unpaid, may not work a second job, including self-employment, or participate in volunteer work during the leave, even with written authorization from their Department Director to work a second job.

4.07.16 Accrued sick leave shall not be paid to any City employee upon separation from employment with the City with the exception of retirement. Employees hired prior to July 1, 2009 may be compensated for any accrued sick leave, not to exceed 400 hours (600 for full-time fire suppression personnel) upon retirement from the City. Employees hired after July 1, 2009 will not receive payout of any accrued sick leave

upon retirement. City of Murphy retirement standards mirror what the current TMRS retirement standards are at the employee's date of retirement.

~~Accrued sick leave shall not be paid to any City employee upon separation from employment with the City; however, if an employee retires from the City, that employee will be compensated for any accrued sick leave, not to exceed 400 hours or 600 hours for full-time fire suppression personnel. Payout is subject to budget allocation and approval of the City Council upon recommendation from the City Manager. Retirement is defined as working for the City of Murphy at least 20 years as a full-time employee, with at least 10 consecutive years as a full-time employee. Employees hired after July 1, 2009 will not receive payout of any accrued sick leave upon retirement.~~

4.07.17 An employee who has exhausted all available leave balances may request a leave of absence without pay. All full-time employees who qualify for leave under the Family Medical Leave Act are eligible to use donated leave time from other employees provided they have exhausted all available leave balances. All full-time employees who are eligible to accrue sick leave are eligible to donate sick leave to be used by another employee. Employees may not donate more than 10% ~~or~~ 40 hours of their leave balance per year unless otherwise authorized by the City Manager, whichever amount is greater. Employees wishing to request this benefit must submit their request, in writing, to Human Resources. If the employee meets all requirements for the shared leave program, the request will be forwarded to the Finance Department and all employees will then be notified via email of the shared leave request. The employee requesting the shared leave donation and all donors shall remain anonymous.

4.08 BEREAVEMENT LEAVE

4.08.01 Full-time employees who suffer the loss of an immediate family member (spouse, parents, step-parents, children, step-children, foster children, brothers, sisters, parents-in-law, brothers/sisters in-law, grandchildren, grandparents, sons/daughters-in-law, aunts and uncles) will be granted up to 24 hours of Bereavement Leave with pay per occurrence. This benefit may also be granted in the case of the loss of any other relative living in the household. Employees may be authorized to extend their bereavement leave with their own personal sick leave accruals. Department Directors may require satisfactory documentation of eligibility ~~for this benefit~~ and the relationship of the employee to the deceased (ie: spouse, parent, sibling, etc.) must be listed on the timesheet. Non-exempt fire suppression personnel work 24-hour shifts will be eligible for a total of 36 hours of bereavement.

4.11 FAMILY AND MEDICAL LEAVE ACT (FMLA)

4.11.01 The City of Murphy follows the rules and procedures established by the Family and Medical Leave Act of 1993, as amended, and the Support for Injured Servicemembers Act of 2008. The City provides FMLA protections to all eligible employees to assure compliance with all federal and/or state statutory requirements.

4.11.02 Any eligible employee will be granted up to twelve (12) weeks of unpaid family and medical leave during any payroll year, consistent with the terms of the Family and Medical Leave Act (FMLA) of 1993, as amended, and the Support for Injured Servicemembers Act of 2008. Such leave will be available for:

- A. The birth of the employee's child and in order to care for the child;
- B. The placement of a child with the employee for adoption or foster care;
- C. To care for a spouse, child or parent ("parent" does not include a parent-in-law) who has a serious health condition;
- D. A serious health condition that renders the employee incapable of performing the functions of the employee's job; or
- E. Leave associated with a military exigency or as a military caregiver.

4.11.03 The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement. Where possible, employees are required to provide a minimum advance notice of thirty (30) days before the beginning of their leave.

4.11.04 Definitions for purposes of administrating the FMLA program are as follows:

- A. FMLA Year:
 - a. Before October 1, 2016: A 12-month period rolled forward from the date any employee's first FMLA leave begins.
 - b. October 1, 2016 and later: a fixed twelve (12) month period matching the City's fiscal payroll year being measured from October 1 to September 30. All employees' FMLA leave will reset on October 1, 2016, regardless of the amount of FMLA leave used based on the prior rolling 12-month period.
- A. Child: Defined as a child 18 years or younger and includes a biological, adopted or foster child, stepchild or legal ward or a child of a person standing In loco

parentis (i.e. in place of a parent). A child 18 years of age or older is included only if he or she is incapable of self-care because of mental or physical disabilities. To define a mental or physical disability, refer to the Social Security Act Regulations.

- B. Spouse: Defined as husband or wife as defined or recognized by State law for purposes of marriage, or a common law spouse as recognized by the State of Texas.
- C. Parent: Defined as a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis (i.e. in place of a parent) to the employee when the employee was a son or daughter as defined.

Limitations and Conditions

4.11.05 The FMLA leave shall run concurrently with the use of the employee's own leave balances. Leave taken under this policy may be paid to the extent the employee has vacation or sick leave accrued. While on paid FMLA, vacation and sick leave will continue to accrue. If the FMLA Leave is unpaid, vacation and sick leave will not accrue. The use of any sick leave or vacation time does not extend the twelve (12) week FMLA entitlement in any payroll year.

Serious Health Condition Defined

4.11.06 "Serious health condition" entitling an employee to FMLA leave means an illness, injury, impairment or physical or mental condition that involves: Inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider.

- A. A serious health condition involving continuing treatment by a health care provider includes any one (1) or more of the following:
 - 1. A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from) or for more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - a. Treatment two (2) or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care

- provider; or
- b. Treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of the health care provider.
2. Any period of incapacity due to pregnancy, or for prenatal care.
 3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition.
- B. A chronic serious health condition is one which:
1. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 2. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 3. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
 4. A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
 5. Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).
 - a. Treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest,

drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

- b. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not “serious health conditions” unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.
- c. Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider of health care services on referral by a health care provider. On the other hand, absence because of the employee’s use of the substance, rather than for treatment, does not qualify for FMLA leave.
- d. Absences attributable to incapacity due to pregnancy or a chronic serious health condition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three (3) days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee’s health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Eligibility

4.11.07 An employee must have worked for the City for at least twelve (12) months and for a minimum of one-thousand two-hundred and fifty (1,250) hours during the previous year to be eligible to take FMLA. Where a husband and wife both work for the City, each employee may make application for leave for the same qualifying event. At the discretion of the City Manager, in consultation with Human Resources, each employee may be granted an entire twelve (12) weeks of leave. If it is determined that

granting the entire leave is not in the best interest of the City, the City Manager may limit leave time to not less than six (6) weeks for each employee.

Medical Certification of Leave

4.11.08 Where leave is requested as a result of a serious health condition of the employee or the employee's spouse, child or parent (not including parent-in-law), the employee must also provide a "Medical Certification Statement" completed by the applicable health care provider. The City will allow the employee at least fifteen (15) calendar days from the date of the request for leave to obtain the medical certification. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition. If the employee is needed to care for a spouse, child or parent, the certification must so state along with an estimate of the amount of time the employee will be needed.

- A. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of the employee's job.
- B. Should there be a question of validity of the certification provided by the employee, the City may, at its own expense, require an opinion from a second health care provider. Where there is a conflict between the two (2) opinions, the City may pay for the opinion of a third provider. The opinion of the third provider is binding on both the employee and the City.
- C. Each employee returning from FMLA as a result of his or her own serious health condition will be required to obtain medical certification from the employee's health care provider stating that the employee is able to resume work. The City reserves the right to refer the employee to a health care provider, at the City's expense, to receive a second opinion as to the employee's fitness for duty. Where there is a conflict between the two (2) opinions, the City may pay for the opinion of a third provider. The opinion of the third provider is binding on both the employee and the City.

Notification

4.11.09 Employees are expected to provide a minimum advance notice of thirty (30) days of the need for leave for birth, adoption, or planned medical treatment. No advance notice is required for unforeseen events such as premature birth or sudden changes in a covered patient's condition that require a change in scheduled medical treatment. The City also recognizes that persons who are waiting to adopt a child are often given short notice of the adoption; therefore, no advance notice is required in short-notice cases. Similarly, no advance notice is required for employees who face emergency medical conditions or unforeseen changes in medical condition. If leave is to begin within thirty (30) days, employees must give notice to their appointing authority and to Human Resources as soon as the necessity for the leave arises.

Support for Injured Servicemembers Act of 2008

4.11.10 The Support for Injured Servicemembers Act grants additional leave under the FMLA to employees who have family members in the military. The Legislation created two (2) new categories of FMLA leave:

- A. Active Duty Family Leave – Employees with a spouse, parent, or child who is on, or has been called to active duty in the Armed Forces may take up to twelve (12) weeks of FMLA leave when they experience a qualifying exigency.
- A. Injured Servicemember Leave – Employees who are the spouse, parent, child, or next of kin of a servicemember who incurred a serious injury or illness on active duty in the Armed Forces may take up to twenty-six (26) weeks of leave in a twelve (12) month period (including regular FMLA leave).

4.11.11 Employees may take Injured Servicemember Leave intermittently, but must use it up within twelve (12) months. There is no twelve (12) month time limit on Active Duty Family Leave, which is more akin to traditional FMLA leave.

FMLA and Workers Compensation

4.11.12 When an employee is injured on the job, and the injury qualifies the employee for benefits under the FMLA, the employee shall be placed on FMLA leave. Any qualifying time shall be counted towards the entitlement of FMLA leave.

Key Employees

4.11.13 Under certain conditions, employees who are designated as “key” may be denied job restoration rights.

- A. A “key employee” is a salaried FMLA-eligible employee who is among the highest paid ten (10) percent of all the employees employed by The City.
- B. The term “salaried” means paid on a “salary basis,” as defined in 29 CFR 541.118. This is the Federal Department of Labor regulation defining employees who may qualify as exempt from the minimum wage and overtime requirements of the FLSA as executive, administrative and professional employees.
- C. A “key employee” must be “among the highest paid ten (10) percent” of all the employees—both salaried and non-salaried, eligible and ineligible.
 - 1. In determining which employees are among the highest paid ten (10) percent, year-to-date earnings are divided by weeks worked by the employee (including weeks in which paid leave was taken). Earnings include wages, premium pay, incentive pay and non-discretionary and discretionary bonuses. Earnings do not include incentives whose value

is determined at some future date (e.g., stock options, or benefits or perquisites).

2. The determination of whether a salaried employee is among the highest paid ten (10) percent shall be made at the time the employee gives notice of the need for leave. No more than ten (10) percent of The City's employees may be "key employees."

D. If an employee designated as "key" still takes leave under this Policy, no guarantees are made about returning the key employee to employment.

Benefits Coverage During Leave

4.11.14 During the period of the FMLA leave, an employee will be retained on the City's health plan under the same conditions that applied before the leave commenced. To continue health coverage, the employee must continue to make any contributions that the employee made to the plan before taking the leave. Arrangements to make these contributions must be made directly by the employee with the Finance department.

4.11.15 The employee's participation in the City's health insurance program may be terminated if the employee's contribution to the employee's premium payment is more than thirty (30) days late. The employee's health insurance benefits will resume upon return to work. The employee's participation also ceases if the employee fails to return from leave or clearly states that the employee does not intend to return.

4.11.16 THE CITY IS ENTITLED TO RECOVER HEALTH INSURANCE PREMIUM PAYMENTS MADE DURING THE LEAVE IF THE EMPLOYEE DOES NOT RETURN TO WORK. However, if failure to return to work is due to the continuation, recurrence or onset of a serious health condition beyond the employee's control, the employee will not be liable for health care premiums paid while on family or medical leave. In such cases, a certification issued by a health care provider may be required.

4.11.17 In order to drop the coverage for an employee whose premium payment is late, the City must provide written notice to the employee that the payment has not been received. The cancellation notice must be mailed to the employee at least fifteen (15) days after the date of the late premium notice letter, unless the payment has been received by that date. Coverage for the employee may be terminated at the end of a thirty (30) day grace period, where the required fifteen (15) day notice has been provided.

4.11.18 All other obligations of an employer under FMLA would continue; for example, the City continues to have an obligation to reinstate an employee upon return

from leave. If coverage lapses because an employee has not made required premium payments, upon the employee's return from FMLA leave, the City must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed, including family or dependent coverage. Per the FMLA law, in such case, an employee may not be required to meet any qualification requirements imposed by the plan, including to wait for an open enrollment period.

4.11.19 No loss of service with the City will occur as a result of a Leave of Absence. No benefit credits, including TMRS contributions, will accrue during an unpaid status of the leave. It is the employee's responsibility to initiate arrangements with TMRS for contribution payments.

Report Requirements

4.11.20 Employees on FMLA may be required to report their status on a weekly basis. The employee's estimated date of return to work will be communicated to their Director and Human Resources as far in advance as practical so that scheduling can be facilitated. Human Resources may be in communication with the employee during the leave and should be informed immediately if the medical condition changes, or the employee states that the employee will not be returning to work.

Reduced or Intermittent Leave

4.11.21 The employee and The City may work out an agreement by which leave may be taken intermittently or on a reduced leave schedule. While this would not reduce the employee's twelve (12) week entitlement for the payroll year, it would enable the employee to spread the leave over a longer period of time. Employees who take intermittent leave may be transferred temporarily to another position that would better accommodate a part-time schedule. They would receive equivalent pay and benefits during the temporary transfer.

Return to Work Authorization

4.11.22 Employees must report to Human Resources for a return-to-work authorization prior to reporting to their department to present the original doctor's release form to Human Resources. If an employee is released by his or her physician for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which the City can use the employee's limited services for a temporary period of time. If no acceptable light duty assignment can be found, the employee will be placed on inactive status until released by the physician to return in a full duty capacity to his or her previous job. An employee who is able to return to work in light duty status will receive the same rate of pay but may be required to work in a different department and perform duties not contained

within his or her current job duties. A light duty assignment shall not exceed 90 (ninety) days.

4.11 FAMILY AND MEDICAL LEAVE

~~4.11.01~~ Regular employees who have completed one (1) year of employment with the City and have worked at least 1,250 hours during the previous 12 months are entitled to receive family and medical leave (also called "FMLA Leave") in a 12-month period for one or more of the reasons listed below:

- ~~1. Birth of a child of the employee in order to care for such child (leave must be taken within a twelve (12) month period after birth);~~
- ~~2. Upon the placement of a child with the employee for adoption or foster care (leave must be taken within a twelve (12) month period after placement);~~
- ~~3. To care for the employee's spouse, child or parent who has a serious health condition; or~~
- ~~4. When the employee is unable to perform the essential functions of his or her position because of a serious health condition;~~
- ~~5. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or twenty six workweeks of leave during a single 12-month period to care for a covered Servicemember with a serious injury or illness who is the spouse, son, daughter, parent or next of kin to the employee (military caregiver leave).~~

~~The male employee/father may be entitled to use earned paid Sick Leave for this purpose, concurrent with his unpaid FMLA leave.~~

~~A husband and wife who are eligible for FMLA leave and are both employed by the City of Murphy may be limited, by law, to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for any of the following reasons:~~

- ~~1. For the birth of a son or daughter or to care for the child after birth.~~
- ~~2. For the placement of a son or daughter for adoption or foster care, or to care for the child after placement.~~
- ~~3. To care for a parent with a serious health condition.~~

~~When the husband and wife both use a portion of the total 12-week entitlement for one of the purposes noted above, each spouse shall be entitled to the difference between the amount of time he or she has taken individually and 12 weeks of FMLA leave for a purpose other than those listed above.~~

~~4.11.02 DEFINITIONS~~

~~FMLA Year~~ is defined as a twelve (12) month rolling period, measured from the first date FMLA began.

~~Leave of Absence~~ for eligible employees is defined as an approved absence for up to 12 weeks of unpaid leave per FMLA year, under particular circumstances.

~~Child~~ or ~~Son or Daughter~~ is defined as a child 18 years or younger and includes a biological, adopted or foster child, stepchild or legal ward or a child of a person standing *In loco parentis* (i.e. in place of a parent). A child 18 years of age or older is included only if he or she is incapable of self care because of mental or physical disabilities. To define a mental or physical disability, refer to the Social Security Act Regulations.

~~Spouse~~ is defined as husband or wife as defined or recognized by State law for purposes of marriage, or a common law spouse as recognized by the State of Texas.

~~Parent~~ is defined as a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined.

~~Serious Health Condition~~ is defined as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of his/her job, or prevents the qualified member from participating in school or daily activities. Common colds, earaches, headaches, other than migraines, etc. are not usually considered serious health conditions.

~~Continuing Treatments~~ are those that may be met with a period of incapacity of more than three (3) consecutive calendar days combined with at least 2 visits to a health care provider, or 1 visit to a health care provider and a regimen of continuous treatments such as prescription medication or therapy, incapacity due to pregnancy or to a chronic condition.

~~Needed to Care for~~ provides physical and/or psychological care. The employee does not need to be the only individual or family member available to provide care, nor is the employee required to provide actual care (e.g., someone else is providing in-patient or home care) as long as the employee is providing at least psychological comfort and reassurance.

~~Health Care Provider/Physician~~ includes doctors of medicine or osteopathy who are authorized by the State in which they practice, or any other person determined by the Family Medical Leave Act to be capable of providing health care services.

~~Medical Certification~~ is defined as certification from a health care provider to support the claim for leave to care for a seriously ill child, spouse or parent, or for an employee's serious health condition.

~~“Key Employee” is defined as a salaried employee who is among the highest paid 10 percent of all City employees. If reinstatement of a key employee at the conclusion of the leave period would result in substantial and grievous economic injury to the City, reinstatement to the key employee can be denied.~~

~~4.11.03 STATUS OF SERVICE AND BENEFITS~~

~~No loss of service with the City will occur as a result of a Leave of Absence. No benefit credits, including TMRS contributions, will accrue during an unpaid status of the leave. Employees on unpaid leave will be notified by Human Resources of contribution options with TMRS. It is the employee’s responsibility to initiate arrangements with TMRS for contribution payments.~~

- ~~1. During a Leave of Absence, employee health benefits will continue. Therefore the employee must continue to pay any share of his/her employee-paid health benefits premium.~~
- ~~2. Employees are responsible for repayment of any benefit costs paid by the City if they do not return to work, unless failure to return to work was for a verifiable reason beyond the employee’s control.~~

~~4.11.04 INTERMITTENT OR REDUCED LEAVE~~

- ~~1. Leave may be taken on an intermittent or reduced leave schedule if necessary for approved reasons under this policy. The employee must attempt to schedule the leave so as not to disrupt the City’s operations.~~
- ~~2. Employees will be required to provide documentation from the health care provider certifying a medical necessity for intermittent leave, and the time and length of the leave requested. The City may require the employee to transfer temporarily to an alternative position (equivalent in pay and benefits) which accommodates recurring periods of absence or to a part-time schedule provided the position has the equivalent rate of pay and benefits.~~

~~4.11.05 FMLA-Military Family Leave~~

- ~~1. **Military Caregiver Leave** (also known as Covered Servicemember Leave): Under the first of these new military family leave entitlements, eligible employees who are family members of covered servicemembers will be able to take up to 26 workweeks of leave in a “single 12-month period” to care for a covered servicemember with a serious illness or injury incurred in the line of duty on active duty. The definition of “serious injury or illness” also includes an injury or illness that existed before the beginning of the Servicemember’s active duty that was aggravated by service in the~~

~~line of duty on active duty. Based on a recommendation of the President's Commission on Wounded Warriors (the Dole Shalala Commission), this 26 workweek entitlement is a special provision that extends FMLA job-protected leave beyond the normal 12 weeks of FMLA leave. This provision also extends FMLA protection to additional family members (i.e., next of kin) beyond those who may take FMLA leave for other qualifying reasons.~~

- ~~2. **Qualifying Exigency Leave:** Any qualifying exigency arising due to the spouse, son, daughter or parent of the employee being on active duty (or having been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered Servicemember is entitled to a total of 26 workweeks of leave during a 12 month period to care for the Servicemember. The leave described in this paragraph shall only be available during one single 12-month period. Qualifying exigency refers to a number of broad categories for which employees can use FMLA leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.~~

~~**4.11.06** — An eligible employee is entitled to take up to 12 weeks of paid or unpaid FMLA Leave in any 12 month period. The 12-month period shall be a rolling 12-month period measured backward from the date leave is used. The provisions for using FMLA Leave for items 1 through 3, listed above, are as follows:~~

- ~~1. — An employee who has no accrued paid leave will receive unpaid family and medical leave up to a maximum of twelve (12) weeks;~~
- ~~2. — An employee who has less than twelve (12) weeks of accrued paid leave must first use all accrued paid leave toward the twelve (12) weeks; thereafter, the remaining balance of the twelve (12) weeks shall be unpaid FMLA leave; and~~
- ~~3. — An employee who has more than twelve (12) weeks of accrued paid leave may use the accrued paid leave over and beyond the twelve (12) weeks, if necessary, for family and medical leave causes, only upon review by the Human Resources Department and approval by the City Manager.~~

~~An employee who takes FMLA leave under these provisions is entitled to be restored to the position held when the leave commenced or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.~~

~~4.11.07 — Requests for FMLA Leave should be made at least 30 days prior to the leave start date. To be eligible for FMLA Leave, proof of a serious health condition must be certified by a health care provider, as defined by the FMLA. An employee may be required to submit periodic written status reports to the Human Resources Department. While on paid FMLA, vacation and sick leave will continue to accrue. If the FMLA Leave is unpaid, vacation and sick leave will not accrue. An employee shall continue to receive health insurance benefits during FMLA Leave. The City shall continue paying its portion and the employee shall continue to pay his portion of health insurance benefits. FMLA Leave may be delayed or denied due to the failure of an employee to adhere to these Regulations. An employee may be terminated if the FMLA Leave exceeds 12 weeks within a 12-month period of time. Further information regarding the federal regulations concerning the Family and Medical Leave Act is available in the Human Resources Department.~~

4.13 WORKERS COMPENSATION INSURANCE/INJURY LEAVE

4.13.01 Good safety practices and habits are the best protection against on-the-job hazards. It is each employee's responsibility to exercise precautionary measures and good judgment to avoid personal injury or injury to others while on duty. Employees can help to ensure safety on the job by following the basic safety rules described in the City-wide Safety Handbook and specific safety rules as described in the standard operating procedures in each respective department. Please report any accidents or unsafe conditions or practices to the appropriate Supervisor or Department Director or Human Resources Manager or the City Manager immediately so the corrective action may be taken. Any suggestions made to lessen the possibility of on-the-job accidents and injuries will be appreciated and will be given serious consideration.

4.13.02 The City provides workers compensation benefits for all full-and part-time employees and volunteers. Workers' Compensation insurance is designed to cover certain costs associated with injuries resulting from identifiable and specific accidents or injuries occurring during the course and scope of one's employment. It is not designed to cover ordinary diseases of life. An employee injured on the job may be eligible for workers' compensation benefits, which may cover the cost of hospitalization, treatment by a licensed medical professional, prescription drugs and other related expenses, to include possibly partial salary continuation.

4.13.03 An employee who sustains a bona fide, on-the-job, work related injury must seek medical attention from a medical facility or professional within the network of the insurance carrier. The employee must immediately report the circumstances of the accident and/or injury to his supervisor.

4.13.04 The following procedure shall be followed for reporting and documentation:

- A. The employee's Supervisor is responsible for notifying the Department Director Human Resources Department immediately upon being made aware of an employee's involvement in an accident or injury. Timely notification is critical in allowing Human Resources to authorize treatment of the employee's work-related injuries.
- B. Post-motor vehicle accident alcohol and drug tests shall be conducted on all employees as soon as practical following an accident. Any employee involved in an accident involving motorized equipment may also be subject to alcohol and drug tests as soon as practical following an accident. An employee may not report back to work until a drug test has been completed. Driving is not allowed until results of the drug test are known.

- C. The employee's Supervisor (or other appropriate City personnel) will initiate a thorough investigation into the cause and circumstances of the accident or injury, interview all witnesses and prepare a detailed written report explaining how and why the accident occurred. The Supervisor must submit the Accident Report, First Report of Injury or Illness and any other related information to the Human Resources Department no later than the next business day after the injury was reported or no later than 9 a.m. on the following Monday for injuries occurring over the weekend.
- D. If the employee's Supervisor has reason to believe that an injury has been reported that is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the Supervisor must advise Human Resources of these circumstances. The decision of whether or not an injury will be covered by workers' compensation will be made by the City's insurance carrier and not by the City.
- E. For every office visit, the employee is required to obtain from his or her licensed medical professional a completed Work Status Report, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment. It is the employee's responsibility to ensure that a copy of the Work Status Report is forwarded to the Human Resources Department.

4.13.05 The City will hold an employee's position, following an injury that occurred while performing official job duties or conducting City business, for no more than 26 weeks. Twelve weeks of this period may qualify for Family and Medical Leave (FMLA) and will run concurrently with such leave if applicable. At the end of the aggregate 26 week period, should the employee still be unable for any reason to perform the essential duties of his or her job, with or without accommodation, his or her position may be filled and he or she may be considered for a vacant position for which he or she is qualified. If no vacant position is available for which the employee is qualified, if he or she is not selected to fill the vacant position or if the employee declines to accept another position, his or her employment with the City will be terminated.

4.13.06 Salary Continuation Eligibility shall be as follows:

- A. An employee who is unable to work for any period of time, either at his or her regular job or at any alternative duty position, because of an injury that occurred while performing official job duties or conducting official City business, is eligible to receive workers' compensation benefits equal to approximately 70% of his salary. It is the City's policy to make up the remainder of the employee's regular pay for at least a portion of the time off, provided certain conditions are met. This benefit is paid starting from the date of injury and is available to both full-time and part-time employees. Any employee receiving salary continuation is not allowed to engage in any other part-time or secondary jobs outside of the City.

- B. The Human Resources Department will determine whether the employee meets the criteria for receiving supplemental salary continuation pay for any hours missed because of restrictions imposed by the employee's licensed medical professional. To be eligible for supplemental salary continuation, the employee must furnish to the City sufficient documentation to verify the injury or accident:
1. Occurred during the course and scope of the employee's employment;
 2. Did not occur while conducting personal business on paid or unpaid meal breaks or while participating in voluntary fitness activities while not on shift;
 3. Was timely reported;
 4. Was not caused by the employee's failure to use or wear prescribed safety apparel or devices;
 5. Did not occur while the employee was under the influence of alcohol, illegal drugs or abuse of legally obtained drugs; and
 6. Prevents the employee from performing his or her regular job duties or any other alternative duty assignment.
- C. The maximum duration of salary continuation for employees is 90 days from the first day of lost time as a result of the work-related injury, unless such an extension is expressly authorized by the City Manager. A careful review will be conducted by the City Manager and Human Resources Department prior to authorizing each extension. Extensions by the City Manager may be authorized in no more than 30 day intervals.
- D. Employees suffering injuries that have extended beyond the 90 days or are not eligible for supplemental salary continuation may elect to use their personal leave accruals ~~day, sick leave or vacation accruals~~ to offset the loss of income during the recovery period.

4.13.07 Injury leave begins on the first scheduled workday of disability and continues until the employee returns to work or is released to return to work by their licensed medical professional.

4.13.08 The City will continue to pay the City's portion of the employee's group medical insurance for a period of time not to exceed 26 weeks for an employee on injury leave. To continue group and/or dependents' medical insurance after the 26th week on which the employee is on injury leave, the employee must pay both the employee's and the City's portions of these insurance premiums.

4.13.09 While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the licensed medical professional for consultation or treatment, he or she must provide a progress report to the appropriate City Supervisor as well as the Human Resources Department. Any change in the employee's condition which might affect his or her entitlement to workers' compensation payments must also be reported to the appropriate Supervisor. In addition, the injured employee must contact his or her Supervisor at least once a week to report on his or her condition where practical.

4.13.10 A written statement from the attending licensed medical professional certifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing as well as any limitation(s) must be received by the City before an employee may return to work. All employees on injury leave must return to work after approval of either the employee's attending licensed medical professional or an independent licensed medical professional paid by the City. Upon receipt of a release to return to work, the City may require the employee to submit to a medical examination to determine whether the employee can perform the essential functions of his or her position. Failure to return to work when directed will result in appropriate disciplinary action up to and including termination.

4.13.11 During the course of an on-the-job injury leave of absence, if an employee is released by his or her licensed medical professional for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which the City can use the employee's limited services for a temporary period of time. If no acceptable light duty assignment can be found, the employee may will be placed on inactive status until released by the licensed medical professional to return to his or her previous full job duties. ~~No overtime may be worked by any employees placed on temporary light duty status.~~ An employee who is able to return to work in light duty status will receive the same rate of pay but may be required to work in a different department and perform duties not contained within his or her current job duties. A light duty assignment shall not exceed 90 days. In addition, the employee may receive workers' compensation payments which would be turned over to the City and the City may pay the employee his or her regular pay, if applicable.

4.14 LEAVE OF ABSENCE WITHOUT PAY

4.14.01 Leave of absence without pay is an approved absence from duty in a non-pay status for not more than three (3) months.

4.14.02 Granting a leave of absence without pay is at the discretion of the City Manager. Such leave is not authorized unless all applicable accrued paid leave has been exhausted and there is a reasonable expectation that the employee will return to employment with the City at the end of the approved period. Approval of the leave must be documented with a copy of the documentation to be placed in the employee's personnel or medical file, as appropriate. Employees on leave of absence without pay receive no compensation and accrue no benefits. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms of the benefit programs. The employee shall remain eligible for health insurance benefits; however, the employee's portion of any premiums, supplemental insurance and dependent coverage must be paid by the employee during such leave.

4.14.03 A leave of absence without pay may be revoked upon receipt of evidence submitted that the cause for granting the leave was misrepresented or has ceased to exist.

4.14.04 An employee requesting an unpaid leave of absence must provide the City Manager with a statement from an appropriate third party as to the date upon which the employee is no longer able to perform his or her duties and the expected length of time needed. In addition, the employee must furnish the City with a written statement from the employee concerning his or her intentions about returning to work at the City. In determining whether or not to approve the request for leave without pay, the City Manager will consider the employee's length of service with the City and past performance, the department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

4.14.05 At the expiration of an authorized leave of absence without pay, every effort will be made to reinstate the employee in the same, or a comparable, position. However, if no vacancy exists and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be separated and paid accrued benefits.

4.14.06 No loss of service with the City will occur as a result of a Leave of Absence. No benefit credits, including TMRS contributions, will accrue during an unpaid status of the leave. It is the employee's responsibility to initiate arrangements with TMRS for contribution payments.

5.02 PENSION/RETIREMENT PLAN

5.02.01 The City of Murphy does not participate in the Social Security program; however, contributions are made towards Medicare insurance. The City of Murphy is a member of the Texas Municipal Retirement System (TMRS). The purpose of this system is to provide a plan for the retirement of employees of Texas municipalities. Participation in this system is compulsory for all full-time employees who are scheduled to work a minimum of one thousand (1,000) hours annually. Enrollment into this system shall be handled by the Human Resources Department at the date of employment.

- A. The plan requires a contribution be made by means of payroll deductions. The City matches each employee's contribution at a 2:1 ratio.
- B. In the event a member of the retirement system leaves employment of the City prior to retirement and is not vested, such member may elect to leave his contributions on deposit with the system for not more than five (5) years, may file application for a full refund of the employee's contributions and accrued interest thereon, or may roll the funds over into a qualified account. In the event that an employee receives a full refund of his or her contributions, the employee forfeits any seniority towards retirement under TMRS.
- C. Where practical, employees shall give the Human Resources Department written notice of their intent to retire at least 45 days prior to the proposed date of retirement in order to file a written application for retirement with TMRS.
- D. Complete details of the retirement plans, as well as additional information, is provided in the Texas Municipal Retirement System Handbook available through the Human Resources Department.
- E. ~~Employees on leave without pay are not eligible to make contributions to the Texas Municipal Retirement System.~~

5.05 LONGEVITY

5.05.01 All full-time employees of the City who have completed one full year of employment as of August 30 shall be eligible to receive longevity pay for each year of service to the City, not to exceed 25 years, beginning with the date of hire. Longevity begins accruing beginning at the employee's thirteenth (13th) month of employment. Longevity pay shall be at a rate of \$4.00 per month for every year of service.

5.05.02 Longevity pay shall be included in the employee's regular rate of pay in computing the overtime pay rate. Longevity pay is subject to federal withholdings, including TMRS contributions, and will be paid annually in November. The period of calculation shall be the amount accrued through each month of the preceding fiscal year. Employees who terminate prior to November will receive a prorated payment on their final check that will be calculated based only on the number of months that have passed between September 1 and the date of their separation. ~~The City Manager, on a case by case basis, has discretion to override this policy and pay the full longevity amount for an employee's entire tenure upon their separation for employees that have been employed five (5) years or longer only.~~

6.03 DRUG-FREE WORKPLACE

6.03.01 It is the desire of the City of Murphy to provide a drug-free, healthful and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

6.03.02 Violations of this policy may lead to disciplinary action, up to and including termination of employment.

6.03.03 The City has a “zero tolerance” policy, whereby employees who test positive as a result of drug or alcohol testing, or who refuse to submit to a lawful drug or alcohol test, shall be terminated. Employees who are terminated as a result of testing positive for drugs or alcohol or refusing to submit to a drug or alcohol test shall not be considered for re-employment with the City.

6.03.04 For the purposes of this section, the term “drug” includes alcohol, prescription drugs when not taken as directed by the employee’s doctor, illegal inhalants and illegal drugs.

6.03.05 While on the City premises and while conducting business-related activities off City premises, no employee may use, possess, distribute, sell or be under the influence of alcohol or drugs.

- A. The legal use of prescribed drugs or over-the-counter medications taken for a current health condition is permitted on the job only if it does not impair an employee’s ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.
- B. Any employee who is legally taking a prescription drug or over-the-counter medication that may impair his or her ability to perform the essential functions of the job effectively and in a safe manner shall inform his or her Supervisor that he or she is taking such prescription drug or over-the-counter medication. If the employee’s job abilities are compromised, the employee’s Supervisor may send the employee home. If available, appropriate leave may be used to cover the absence.

6.03.06 An employee’s voluntary disclosure of a chemical dependency problem may result in required participation in a substance abuse or related rehabilitation or treatment program. An employee may not provide a “voluntary disclosure” upon being notified that he must submit to a drug or alcohol test.

- A. Employees with questions or concerns about substance dependency or abuse may also wish to discuss these matters with their Supervisor or the Human Resources Department to receive assistance or referrals to appropriate resources in the community.

- B. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take time off to participate in a rehabilitation or treatment program through the City's health insurance benefit coverage. Leave may be granted if the employee agrees to abstain from use of any substance not prescribed or approved by his attending licensed medical professional; abides by all City policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave shall not cause the City any undue hardship.

6.03.07 Under the Drug-Free Workplace Act, any employee must notify the Human Resources Department of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five (5) days of the conviction.

6.03.08 All employees of the City of Murphy are subject to drug and/or alcohol testing. The following tests shall be conducted:

- A. Employment alcohol and drug tests shall be conducted before applicants are hired.
- B. Post-motor vehicle accident alcohol and drug tests shall be conducted on all employees as soon as practical following an accident. Any employee involved in an accident involving motorized equipment will also be subject to alcohol and drug tests as soon as practical following an accident.
- C. Any employee involved in an accident of any kind shall ~~may~~ be subject to a drug and alcohol screen.
- D. Alcohol and drug testing shall also be conducted when a Supervisor or Department Director has reasonable suspicion, or observes behavior, speech, appearance or body odors, that may be characteristic of misuse of drugs or alcohol. Drug and alcohol testing shall occur as soon as practical following the Supervisor's or Department Director's observation. The Human Resources Department must be notified in order to authorize the testing with the medical facility. The Supervisor shall document his or her observations and forward the document to the Human Resources Department.

6.03.09 U.S. Department of Transportation Drug and Alcohol Testing – Employees with a Commercial Drivers License (CDL):

- A. The City of Murphy shall comply with the Department of Transportation rules requiring drivers who hold a position requiring a Commercial Drivers License (CDL) to submit to random alcohol and drug testing, effective October 1, 1996, and as may be amended.

- B. Employees holding a position that requires a commercial driver's license shall be tested on a random, unannounced basis for drugs and alcohol. The testing shall be performed with unpredictable frequency throughout the year. Employees shall be randomly selected for testing from a pool of employees who hold a commercial driver's license. Random drug and alcohol testing shall be conducted just before driving, after driving, or while an employee is on call to drive.

- C. Employees with questions on this policy, issues related to drug or alcohol use in the workplace, or the required U.S. Department of Transportation's Drug and Alcohol Testing rules, should raise their concerns with the Supervisor or the Human Resources Department without fear of reprisal.

6.04 FRATERNIZATION

6.04.01 It is the policy of the City to promote a productive work environment. While the City encourages employees to develop good working relationships and friendships with fellow employees certain types of fraternization are strongly discouraged. The City does not wish to intrude into the private lives of their employees, however, when personal or business relationships between employees adversely impact or have the reasonable potential to adversely impact the City of Murphy by eroding morale, good order, discipline, respect for authority or departmental cohesion they become a matter of official concern. In order to avoid situations involving unlawful sexual harassment, stalking, conflicts of interest, misunderstandings or the appearance of favoritism and impropriety, any relationship that impedes the City's ability to conduct business, that would create a conflict of interest or that would prevent employees from performing their duties in an effective manner and would therefore be detrimental to a productive work environment is prohibited.

6.04.02 Relationships are considered unprofessional whether pursued on or off-duty when they detract from management authority or result in, or reasonably create the appearance of, favoritism, misuse of office or position, or the abandonment of organizational goals for personal interests. Unprofessional relationships can exist between supervisors, managers and directors and individuals in higher positions, between supervisory personnel and employees, between employees and other employees within their own department, and between elected officials and employees.

6.04.03 Personal Relationships are defined as being married, dating, cohabitating or involvement in any type of intimate or sexual relationship.

6.04.04 Business relationships are defined as borrowing or lending money or commercial solicitation.

6.04.05 Individuals in a supervisory position are strongly discouraged from entering into any type of personal (emotional or physical) relationship with any employee, in a lower grade or job title than they are, in the City.

6.04.06 Employees who are in a personal relationship with one another, as defined in Section 6.04.03, shall not be allowed to work within the same department or division.

6.04.07 Employees who are in relationships which comply with this policy but move to noncompliance due to a change in status of one or both members through promotion or transfer would be expected to notify their Department Director and each case would be reviewed on a case by case basis to determine resolution. Such decisions will take into consideration the business needs of the City. Resolution may include reassignment, restriction of duties and responsibilities, transfer or resignation of the least senior employee.

6.04.08 Employees who are in a relationship which are in non-compliance due to the institution of this policy will be expected to notify their Department Director(s) and each case will be reviewed on a case-by-case basis to determine appropriate resolution.

6.04.09 Employees who do not bring to the City's attention the fact of a personal (emotional or physical) relationship will be subject to remedial action up to and including, reassignment of duties and responsibilities, transfer, demotion, limiting of job functions and/or access to certain information, possible disciplinary action, up to and including termination.

6.11 USE OF CITY PROPERTY/VEHICLE POLICY

6.11.01 The City attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

6.11.02 Employees who are assigned tools, equipment, vehicles, or any other City property by their departments are responsible for them and for their proper use and maintenance. Improper use and/or maintenance may result in disciplinary action. City property, materials, supplies, tools, equipment, and vehicles are purchased with taxpayer funds and are intended for the maintenance and operations of the City. No personal or political use of any City property, materials, supplies, tools, or equipment is permitted. Upon termination of employment, employees must return any and all City property in their possession. Failure to return all City property in the employee's possession may result in legal action by the City against the employee. If an employee is in doubt about whether a particular use of City equipment, property, or vehicles is permissible, he or she must check with the appropriate Department Director or the City Manager before proceeding.

6.11.03 The City Manager allows some City of Murphy employees to drive City vehicles home in the evenings and on weekends and to return to their work site in the vehicle on their next regularly scheduled workday. Generally, this is done to enhance the employee's ability to respond to an emergency call by eliminating the need for the employee to drive first to the City vehicle's location and then to the work site. In these instances, the vehicle shall not be used by the employee to conduct any kind of personal business.

6.11.04 Use of a City vehicle by an employee is neither a right nor a privilege; rather, it is a trust conferred to facilitate necessary performance of job duties. Use of a City vehicle should always lead to positive perceptions by our citizens. When an employee operates a City vehicle or a personal vehicle for which reimbursement is received, the following rules shall be observed. Violations of this policy may result in disciplinary action up to and including termination and possible prosecution.

- A. Use of City vehicle by City employee only. City vehicles shall not be used to transport family members or other passengers not engaged in City business, without prior approval of the City Manager.
- B. Personal use of a City vehicle for any reason is prohibited, except as specifically approved in writing by the City Manager.
- C. An employee who operated an assigned vehicle or a private vehicle for City business must have a current safety inspection, liability insurance and license plates for the vehicle.

- D. The City maintains up-to-date insurance coverage on all vehicles owned by the City. Employees who drive a personal vehicle on City business are required to have proof of automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage.
- E. Smoking and tobacco product usage is prohibited within City vehicles.
- F. Identification and markings on City vehicles must remain intact and visible.
- G. City and/or personal vehicles operated for City business shall be operated in a safe and courteous manner at all times. City and/or personal vehicles operated for City business shall be required to comply with the laws and ordinances concerning operation of motor vehicles and rules of the road and shall not be operated by an individual using or under the influence of drugs and/or alcohol. Seat belts for the driver and any passenger must be fastened at all times.
- H. Except for the performance of official City business, no alcohol shall be carried in a City vehicle without the express permission of the City Manager.
- I. An employee who is operating a City vehicle or private vehicle on City business is required to pay for moving violations and/or parking citations for which he or she is responsible.
- J. Take-home vehicles should be safely parked or stored at an employee's residence when not in use, preferably not in an alley or on the side of the street.
- K. Should a City employee assigned to a City vehicle on a twenty-four (24) hour basis be absent from work for more than three (3) calendar days, the vehicle could be required, at the City Manager's discretion, to be returned to the City during the employee's absence.

6.11.05 All operators of City vehicles or personal vehicles who are on City business are required to have the valid driver's license necessary for legal operation of that vehicle in the State of Texas and to keep their Supervisors informed of any changes of status in their licenses. An employee who is required to drive as an essential function of his or her job must maintain a driving record satisfactory to the City's general liability insurance carrier as outlined in Section 6.13 or the employee will be restricted from driving and/or disciplined up to and including termination.

6.11.06 The City conducts an annual examination of the driving records of all employees who operate City-owned motor vehicles to determine any violations of this policy. Probation, suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in a demotion, restriction, or other disciplinary action, up to and including termination.

6.13 VEHICLE AND OPERATOR STANDARDS

6.13.01 Applicants for positions requiring the operation of a City of Murphy vehicles or motorized equipment shall not be eligible for driving/operating privileges if the total points assigned to their driving record is ten (10) or more within a twenty-four (24) month timeframe. Employees currently in a position requiring them to operate the City of Murphy vehicles or motorized equipment shall not be eligible to operate vehicles and may be subject to immediate disciplinary action up to and including termination if the total points assigned to their driving record is ten (10) or more within a twenty-four (24) month timeframe.

Violation Points

a. License suspension, revocation	10
b. Driving while intoxicated or under the influence of narcotics	10
c. Any serious violation - e.g. reckless driving, endangering lives of others or racing	10
d. Any speeding violation	3
e. Any standard moving violation, i.e., careless driving, stop sign, lane crossover, failure to signal, failure to keep right, following too close, etc.	2
f. Any chargeable bodily injury accident	3
g. Any chargeable property damage accident	3

6.13.02 The following procedures shall be observed under this policy:

- A. Employees operating a City of Murphy vehicle or motorized equipment must report to their Supervisors any accident involving said vehicles as soon as possible and no later than twenty-four (24) hours of the occurrence where practical.
- B. Employees who are in jobs that require the driving/operating of vehicles or motorized equipment shall report any driver's license suspensions to their immediate Supervisor within twenty-four hours of the suspension.

6.13.03 Failure to report license suspensions; or failure to maintain the required driver's license; or failure to meet minimum driving record criteria will be sufficient grounds for removal from driving privileges and will subject the employee to disciplinary action.

6.13.04 The Human Resources Department will make a list of all personnel who are required to drive or operate motorized equipment for their position. This list shall include the employee's name, date of birth, and current driver's license number. All such employees will then have their driving record status reviewed through a motor vehicle record check. The motor vehicle record reflects the past three years of a driving record. The appropriate Department Director will be notified of any employee whose driving record fails the criteria set forth in this policy.

6.13.05 At the time of driver's license review, any employee who is required to drive or operate motorized equipment for their position who is found to have accrued five (5) or more violation points as defined in Section 6.13.01 towards driving ineligibility will be, at the employee's expense, required to complete a Defensive Driver Training Program approved by the Department Director and submit evidence of satisfactory completion to the Department Director, and a copy to the Human Resources Department. After taking this course, any employee who still reaches ten (10) points within twenty-four (24) months as defined in Section 6.13.01 may be subject to immediate disciplinary action up to and including termination.

6.13.06 Any employee who is required to drive or operate motorized equipment for their position is found to have accrued violation points due to categories (a), (b), or (c) as defined in section 6.13.01 may be subject to immediate disciplinary action up to and including termination.

6.13.06 An employee who is mandated to take a defensive driver training program may only do so once every three (3) years in order to have his or her eligibility status reinstated, and employee is personally responsible for the cost of said training.

6.14 SMOKING/TOBACCO/VAPOR PRODUCTS

6.14.01 In general, the use of ~~smoking~~, tobacco and vapor products are prohibited within City facilities, work sites and City vehicles. However, specific areas where ~~smoking and~~ the use of tobacco and vapor products is allowed are designated. Appropriate signs will state that smoking and the use of tobacco products is permitted only in designated areas in all City buildings; and smoking/tobacco products areas will be clearly identified.

6.16 SEARCHES

6.16.01 The City reserves the right to make general or random searches of City property, including but not limited to lockers, closets, desks, and vehicles for alcohol, prohibited drugs, drug paraphernalia, or any other prohibited item that might be in the employee's possession. Any materials brought into the workplace, such as personal effects, briefcases, vehicles, and so on, are subject to search at any time. The City also reserves the right to examine the contents of an employee's City-provided cell phone, pager—or other electronic device without notice. The City may monitor all Internet activities and may review any electronic messages coming in or going out of City-provided computers or on City owned networks.

6.18 HAZARDOUS WEATHER CONDITIONS

6.18.01 In the event of hazardous weather conditions, safety is paramount but all employees are expected to make a reasonable effort to make it to work. Should an employee feel that they cannot safely make it to work, they should stay home and must notify their Supervisor by phone prior to their scheduled work time. If the City Manager does not close city offices, any employee who chooses not to report to work during hazardous weather conditions must use accrued vacation leave for time missed. Each Department Director will designate emergency service personnel who are required to be on the job regardless of weather conditions. This includes sworn fire and police personnel, communications personnel and certain public works and parks personnel.

~~Employees are expected to arrive at work each day prior to commencement of the workday, regardless of weather conditions. If the weather conditions or roads are unsatisfactory in the employee's residential area, the supervisor must be notified by phone prior to the employee's scheduled work time. An employee who fails to report to work for scheduled work hours during hazardous weather conditions, such as icy roads, must use vacation leave for the time missed.~~

~~Each Director will designate emergency service personnel who are required to be on the job regardless of weather conditions. This includes sworn fire and police personnel, communications personnel and certain public works and parks personnel. Unless your supervisor or director notifies you to stay at home, or our recorded phone message says the offices are closed, you are expected to report for work.~~

7.03 Disciplinary Action

7.03.01 In general, and depending on the specific violation(s), the City follows a progressive discipline system whenever necessary to correct employees. In making a decision as to what type of discipline should be imposed, a Department Director should consider such factors as the type and severity of the offense(s), the employee's work record, and any mitigating circumstances that may be relevant to the situation. However, because employment with the City of Murphy is on an "at-will" basis, the City reserves the right to terminate at any time without going through the steps of progressive discipline, as outlined below.

7.03.02 The City Manager may take any disciplinary action against a City employee. The City Manager may follow the procedures in Section 7.03.03 but is not required to do so. There is no right to appeal disciplinary action taken by the City Manager.

7.03.03 The following disciplinary actions are not exhaustive and may be initiated against an employee for violations of these Regulations and/or City or departmental rules and regulations. The City reserves the right to formulate disciplinary actions not addressed specifically in this Section.

- A. Oral Reprimand: An oral reprimand is best suited for a minor rule infraction or incident of substandard performance. An oral reprimand should identify violations and indicate areas needing improvement. Two members of management shall always be present during an oral reprimand.
- B. Written Reprimand: A written reprimand is a formal warning of an infraction that may result in suspension, demotion or termination should the instances of misconduct reoccur.
 1. Prior to issuing a written reprimand, the Supervisor or Department Director shall consult with the Human Resources Department.
 2. The employee shall be given the opportunity to respond in written form to the written reprimand within five business days of receipt.
 3. Both the disciplining supervisor and the employee should sign the written reprimand.
 4. Copies of the written reprimand and all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file. These records shall be subject to the Public Information Act.
 5. Included in the written reprimand shall be:

- a. A statement(s) of the specific violation(s) of policy;
 - b. The specific incident(s) causing the action;
 - c. What changes in behavior are expected;
 - d. What range of penalties may be imposed if no changes are made by the employee; and
 - e. The right to appeal as set forth in Section 7.04 – Procedures to Appeal a Written Reprimand.
- C. Suspension: A suspension is to bring about a change in behavior and results in time off without pay. The employee should be encouraged to reflect on his or her behavior during the suspension and to decide whether he or she wishes to correct the offending behavior or terminate his or her employment.
1. Department Directors may suspend an employee without pay for a period of not less than one (1) hour or more than ten (10) working days.
 2. Prior to suspending an employee, the Department Director shall consult with the Human Resources Department. Suspension for more than ten (10) working days requires the approval of the City Manager.
 3. Copies of the suspension and all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file and subject to the Public Information Act.
 4. The Department Director shall give written notice to the employee stating:
 - a. The specific rule(s) or policy(ies) violated;
 - b. The specific incident(s) leading to the suspension;
 - c. Due to the violation(s), a suspension is imposed;
 - d. The employee's right to appeal the suspension to the City Manager in accordance with Section 7.05 – Procedures to Appeal a Demotion, Suspension or Termination; and
 - e. The finality of the action if the employee fails to appeal within the specified time period.
- D. Demotion: A demotion results in the removal of job duties based on a violation of City or department policies. Demotion may result in a reduction in pay, change in job title, removal of job privileges or other actions at the City's sole

discretion.

1. Prior to demoting an employee, the Department Director shall consult with the Human Resources Department.
2. Demotions may be either permanent or for a predetermined specified period of time.
3. Copies of the demotion and all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file and subject to the Public Information Act.
4. The Department Director shall give written notice to the employee stating:
 - a. The specific rule(s) or policy(ies) violated;
 - b. The specific incident(s) leading to the demotion;
 - c. Due to the violation(s), a demotion is imposed;
 - d. The employee's right to appeal the demotion to the City Manager in accordance with Section 7.05 – Procedures to Appeal a Demotion, Suspension or Termination; and
 - e. The finality of the action if the employee fails to appeal within the specified time period.

E. Termination

1. Prior to terminating an employee, the Department Director shall consult with the Human Resources Department.
2. Copies of the termination and all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file and subject to the Public Information Act.
3. A Department Director contemplating a termination shall give written notice to the employee stating:
 - a. The specific rule(s) or policy(ies) violated;
 - b. The specific incident(s) leading to the termination;
 - c. Due to the violation(s), a termination is imposed;
 - d. The employee's right to appeal the termination to the City

Manager in accordance with Section 7.05 – Procedures to Appeal a Demotion, Suspension or Termination; and

e. The finality of the action if the employee fails to appeal within the specified time period.

1. ~~Employee Counseling:~~ Employee counseling is designed to provide constructive feedback to the employee for infractions that need improvement. This type of action is generally of a non-disciplinary nature. A written notation of this session shall be maintained in the department or division file.
2. ~~Documented Oral Reprimand:~~ An oral reprimand is best suited for a minor rule infraction or incident of substandard performance. An oral reprimand should identify violations and indicate areas needing improvement. A written record of this warning shall become a permanent part of the employee's personnel file and is not appealable.
3. ~~Written Reprimand:~~ A written reprimand is a formal warning of an infraction that may result in suspension, demotion or termination should the violation recur. Included in the written reprimand shall be a statement(s) of the specific violation(s) of policy, the specific incident(s) causing the action, what changes in behavior are expected, what penalty shall be imposed if no changes are made by the employee and the right to appeal. The employee shall be given the opportunity to respond in written form to the written reprimand. Both the disciplining Supervisor and the employee should sign the written reprimand. Copies of the written reprimand and all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file.
4. ~~Suspension:~~ A suspension is to bring about a change in behavior and results in time off without pay. The employee should be encouraged to reflect on his or her behavior during the suspension and to decide whether he or she wishes to correct the offending behavior or terminate his or her employment. Department Directors may suspend an employee without pay for a period of not less than one (1) hour or more than ten (10) working days. Prior to suspending an employee, the Department Director shall confer with the Human Resources Department. Suspension for more than ten (10) working days requires the written approval of the City Manager. The Department Director contemplating a suspension shall give written notice to the employee stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(ies) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within a specified time, and (5) the finality of the action if the employee fails to appeal within the specified time period, and (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Director shall make his or her final determination in writing. The suspension documentation shall become a permanent part of the employee's personnel file.
5. ~~Demotion:~~ Department Directors may demote an employee for a disregard or violation of these Regulations and/or any City or departmental rule or regulation, or for repeated refusal or inability to improve performance. Prior to demoting an

~~employee, the Department Director shall confer with the Human Resources Department regarding the proposed demotion. Demotions may be either permanent or for a predetermined specified period of time, and may result in a reduction of salary. The Department Director contemplating a demotion shall give written notice to the employee stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(s) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within the specified time, (5) the finality of the action if the employee fails to appeal within the specified time period, and (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Director shall make his or her final determination in writing. The demotion documents shall become a permanent part of the employee's personnel file.~~

~~6. Termination: Prior to terminating an employee, the Department Director shall confer with the Human Resources Department. A Department Director contemplating a termination shall give written notice to the employee stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(s) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within the specified time, (5) the finality of the action if the employee fails to appeal within the specified time period, and (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Director shall make his or her final determination in writing. The termination documents shall become a permanent part of the employee's personnel file.~~

~~C. The City Manager may take any disciplinary action against a City employee. The City Manager may follow the procedures in Sections 7.03(A) and (B) but is not required to do so. There is no right to appeal disciplinary action taken by the City Manager.~~

8.08 CALCULATION OF SEPARATION PAY

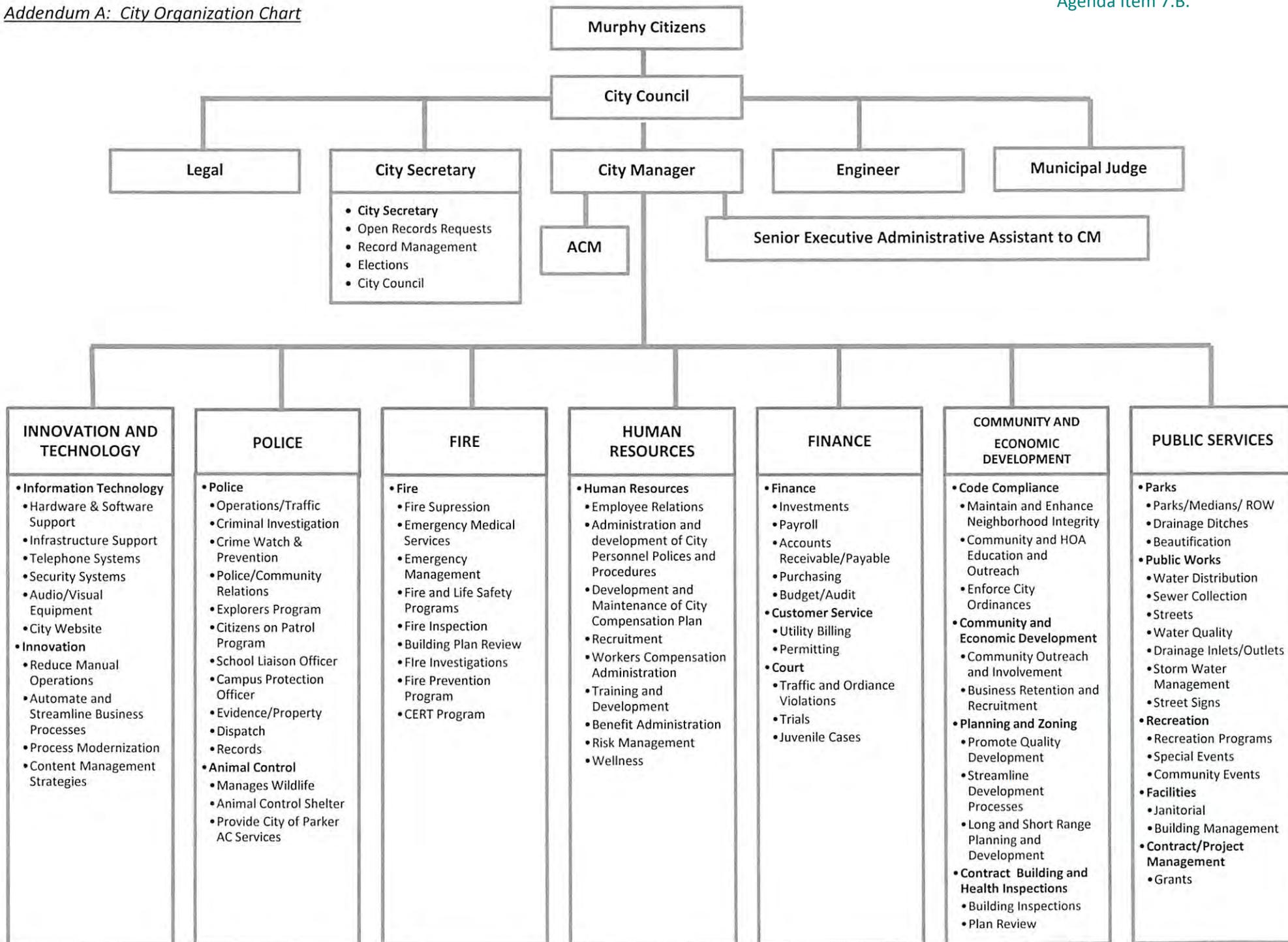
8.08.01 Upon voluntary separation from City employment, a full-time employee who has completed at least six months of continuous employment will be paid for accrued unused vacation leave up to the maximum allowable accumulation limit as provided in Section 4.06. Unused accrued holidays and personal days will be paid out upon separation from the City.

8.08.02 Unused sick leave will be canceled upon separation of employment with the City, except as provided in Section 8.08.03 below. ~~Unused accrued holidays and personal days will be paid out upon separation from the city.~~

8.08.03 Accrued sick leave shall not be paid to any City employee upon separation from employment with the City with the exception of retirement. Employees hired prior to July 1, 2009 may be compensated for any accrued sick leave, not to exceed 400 hours (600 for full-time fire suppression personnel) upon retirement from the City. Employees hired after July 1, 2009 will not receive payout of any accrued sick leave upon retirement. City of Murphy retirement standards mirror what the current TMRS retirement standards are at the employee's date of retirement.

~~If an employee retires from the City, that employee may be compensated for any accrued sick leave, not to exceed 400 hours (600 for full-time fire suppression personnel) Payout is subject to budget allocation and approval of the City Council upon recommendation from the City Manager. Retirement is defined as working for the City of Murphy at least 20 years as a full-time employee, with at least 10 consecutive years as a full-time employee.~~

8.08.04 The employee will receive his or her final paycheck on the next regularly scheduled payday following his or her last day of employment. This final check will be by a paycheck rather than direct deposit which will be hand delivered or mailed to the employee's last known address rather than by direct deposit.



ADDENDUM C PURCHASING POLICY

10.01 PURPOSE

10.01.01 The policies and procedures presented herein are intended to provide for uniformity, economy, and timeliness in the acquisition of goods and services for the City of Murphy in a manner consistent with generally accepted purchasing practices and legally mandated federal, state and local statutes, ordinances and codes.

10.01.02 The Finance Department shall be responsible for coordinating and controlling policies and procedures within its delegated authority.

10.01.03 It is the policy of the City of Murphy to provide at the time and place needed in the proper quantity and of the proper quality, all goods and services required for the organization's operations. Goods and services shall be procured at the lowest possible cost consistent with the prevailing economic conditions while establishing and maintaining a reputation for fairness and integrity. The procurement of goods and services shall be achieved within the mandates of federal, state and local statutes, ordinances and codes.

10.02 ETHICAL CONDUCT

10.02.01 The City of Murphy believes that the following ethical principles should govern the conduct of every person who represents the municipality in any capacity, especially in regard to procurement of goods and services:

- A. Believes in the dignity and worth of the services rendered by the organization and the social responsibilities assumed as a trusted public servant.
- B. Is governed by the highest ideals of honor and integrity in order to merit the respect and inspire the confidence of the organization and the public being served.
- C. Believes that personal profit obtained through misuse of public relationships is dishonest.
- D. Identifies and eliminates participation of any individual in operational situations where a conflict of interest may be involved.
- E. Believes that no elected official or employee of the City should accept, directly or indirectly, any gift, favor, privilege or employment from any corporation or individual enjoying a grant of any franchise, privilege or easement from the City,

during such employment of such employee, except as may be authorized by law or ordinance, as defined by Section 14.08 of the City Charter.

F. Seeks or dispenses no personal favors.

10.02.02 *The City has adopted a Code of Ethics policy that all employees are required to review and must comply with the provisions of the policy.*

10.03 CITY CHARTER

10.03.01 The City Council may by ordinance give the City Manager general authority to contract for expenditures without further approval of the City Council for all budgeted items not exceeding limits set by the City Council within the ordinance. All contracts for expenditures or purchases involving more than the limits must be expressly approved in advance by the City Council and awarded by the City Council in accordance with state law. Emergency contracts as authorized by law and the City Charter may be negotiated by the City Council or City Manager if given authority by the City Council, without competitive bidding, and in accordance with state law. Such emergency contracts must be approved by the City Council.

10.04 STATE STATUTES ON PURCHASING FOR MUNICIPALITIES

10.04.01 Section 252.021 of the Local Government Code states, before a municipality may enter into a contract that represents an expenditure of more than \$50,000 from one or more municipal funds, the municipality must comply with the procedure prescribed for competitive sealed bidding or competitive sealed proposals. Exceptions to the \$50,000 bid threshold maybe found in Section 252.022 – General Exemption. Below is a partial list of exemptions:

- A. Purchase of land or right-of-way;
- B. Professional, personal or planning services;
- C. Sole source procurements where there is no competitive product; product is available only from a natural or regulated monopoly; product is a component of an existing system only available from that supplier.

~~Section 252.021 of the Local Government Code states, before a municipality may enter into a contract that represents an expenditure of more than \$50,000 from one or more municipal funds, the municipality must comply with the procedure prescribed for competitive sealed bidding or competitive sealed proposals. Exceptions to the \$50,000 bid threshold include:~~

- ~~1. Purchase of land or right-of-way;~~

- ~~2. Insurance;~~
- ~~3. Professional (uses a skill that is predominately mental or intellectual, rather than physical or manual), personal (labor performed by the person himself or herself) or planning services;~~
- ~~4. Sole source procurements where there is no competitive produce; product is available only from a natural or regulated monopoly; product is a component of an existing system only available from that supplier;~~
- ~~5. Other exemptions as outlined in the Texas Local Government Code Chapter 252.~~

10.04.02 Section 252.0215 requires expenditures of more than \$3,000 but less than \$50,000 to contact at least two (2) historically underutilized businesses (HUB) on a rotating basis. An attempt must be made to contact two (2) historically underutilized businesses in a written request for quote. The list of historically underutilized businesses can be found on the State Comptroller's website at: <http://www.window.state.tx.us/procurement/prog/hub/>. If the list fails to identify a HUB in Collin County, the City is exempt from Section 252.0215.

10.05 PRICE QUOTATIONS

10.05.01 If competitive sealed bids are not used, price quotations should be solicited from a minimum of three (3) vendors to ensure competition for expenditures of more than \$3,000. A vendor currently under a State contract or an inter-local agreement with the City may be utilized. A formal quote should include specifications and purchase terms and conditions to vendors with a specific date and time to return the bid. Any requisition in the amount of \$3,000 or more is subject to requirements for contacting historically underutilized businesses. To protect the integrity of the process, all solicitations of quotes should comply with the following:

- A. Vendors should be informed that only price quotes are being solicited at this time;
- B. Vendors should not be privileged to quotes from other vendors or to City budget information;
- C. Vendors should be rotated to ensure competition;
- D. Justification for any sole source should be documented on the requisition;
- E. Quotes should be submitted with a requisition to the Finance Department;
- F. The lowest price should always be accepted, all other factors being equal;
- G. All purchases over \$1,000 must be made by purchase order;

- H. All purchases of \$2,500 or more must be approved by the Finance Director before an order is placed;
- I. All purchases of \$5,000 or more must be approved by the City Manager before an order is placed:
- J. All contracts paid annually or monthly must have a purchase order.

10.06 REQUISITIONS AND PURCHASE ORDERS

10.06.01 Departments will submit an electronic requisition for any purchase except those that must be submitted by check request or paid by credit card. These requisitions will be reviewed for available funds and approval by the proper authority.

10.06.02 Requisitions shall be specific and include purchase description, vendor and price. Price quotes submitted for a purchase should be included with the requisition. If the total annual expenditure throughout the City is above the statutory bid requirement, the formal sealed bid/proposal process must be followed. If the total annual expenditure throughout the City is below the statutory bid requirement, a source with fair and reasonable pricing must be sought. For expenditures of more than \$3,000 but less than \$50,000, at least two (2) historically underutilized businesses must be contacted if they can be located in Collin County. Results should be forwarded to the Finance Department with the requisition. All purchases over \$1,000 must be made by purchase order. All purchases of \$2,500 or more must be approved by the Finance Director before an order is placed. All purchases of \$5,000 or more must be approved by the City Manager before an order is placed. All contracts paid annually or monthly must have a purchase order and approved by the City Manager.

10.07 RECEIPT OF ORDER AND INVOICES

10.07.01 Departments will receive item(s) ordered and inspect delivery prior to acceptance. Upon receipt of invoice, items should be checked against purchase order for discrepancy. Any discrepancy will be addressed immediately with the vendor and the corrected invoice sent to the Finance Department. All invoices will be forwarded within three (3) days of receipt to the Finance Department for prompt payment.

10.08 ADVANCE PAYMENT REQUESTS

10.08.01 Certain payments, in which the use of a purchase order would not be practical, are allowed to be submitted to the Finance Department by a check request. The Finance Director or his or her designee must approve all requests. Check requests may be utilized for the following items:

- A. Travel, training, meals or registration;
- B. Miscellaneous one time payments (easements, right of way, land purchases).
- ~~C. Reimbursement and refunds with prior Department Head approval;~~
- ~~D. Dues and memberships;~~
- ~~E. Utilities;~~
- ~~F. Food;~~

10.09 CREDIT CARD USAGE

10.09.01 Payment for certain types of transactions are allowed by credit card. Credit cards should not be used when a purchase order would be accepted or payment could be made through a check request. The following are examples of transactions that may be paid by credit card:

- A. Approved expenses associated with travel such as hotel an airlines;
- B. Registration;
- C. Items purchased for city use online;
- D. Emergency expenses.

10.09.02 All credit card receipts must be listed and coded on the credit card log as provided by Finance. The log must be signed and date by the authorized approver. The log must be completed and returned to Finance within five days of receipt of the credit card statement. If the log with receipts is not turned in to Finance when due, the user may lose his or her credit card privileges. Department Directors are responsible for credit card expenditures by employees within their department.

~~A credit card transaction log and receipt for purchase must be submitted to the Finance Department within three (3) days of purchase or within five (5) days of travel. The transaction log must be signed by the authorized approver. If transaction logs and receipts are not submitted within three (3) days of purchase, the user may lose his or her credit card privileges. Department Heads are responsible for credit card expenditures by employees within their department.~~

10.10 CITY COUNCIL APPROVAL

10.10.01 The City Council shall consider and award bids and contracts that require expenditure of at least \$50,000.

10.11 CITY MANAGER AND DEPARTMENT DIRECTOR APPROVAL

10.11.01 The Department Director shall approve all expenditures. All purchases of \$2,500 or more must be approved by the Finance Director **before** an order is placed. All purchases over \$5,000 must be made by purchase order after approval by City Manager. The City Manager and Finance Director must approve all emergency purchases. Whenever possible, approval should be obtained in advance of the purchase. If prior approval is not possible, written approval must be obtained within forty-eight (48) hours thereafter, and submitted to the Finance Department with the requisition.

10.12 BID PROCESS AND REQUESTS FOR PROPOSALS

10.12.01 The Department shall initiate the bid process with bid requirements and specifications. The Finance Director shall review the bid for available funding approval prior to publication.

10.12.02 Bids/proposals will be advertised at least twice in the local newspaper. The first notice shall be published at least fourteen (14) days prior to the opening date. The bid opening date, place and time must be specified in the advertising and bid request. Bids/proposals will be date and time stamped when received by the City. Bids/proposals received after the due date and time will be rejected as non-responsive. Bid/proposal openings are open to the public. The Finance Department will prepare a tabulation of the bid responses and will communicate with the initiating department to determine the lowest bidder who met specifications. The initiating department shall prepare an agenda item request with staff recommendation for Council consideration and award. Upon approval of the City Council, the initiating department will submit a purchase requisition to the Finance Department for processing.

10.13 PURCHASE ORDER

10.13.01 All purchases over \$5,000 must be made by purchase requisition after approval by City Manager. Departments shall prepare the purchase requisition and submit to the Finance Department. The Finance Department shall process the purchase requisition and forward to the City Manager for approval. Once approved, the Finance Department shall forward the purchase order back to the requesting department.

ADDENDUM D CITY OF MURPHY TRAVEL POLICY

11.01 PURPOSE

11.01.01 To provide a standard and uniform method of reimbursing employees for reasonable expenses incurred while traveling on authorized official trips.

11.01.02 These policies are applicable to all travel by City employees and other official representatives of the City while conducting City business or attending approved training programs outside of the City limits of Murphy involving reimbursable expenses.

11.02 TRAVEL AUTHORIZATION

11.02.01 Only travel and/or training which has been approved is authorized. The City Manager must approve travel or training for City employees that requires an overnight stay. **Advanced approval must be obtained for all overnight travel at least ten (10) days prior to the trip.** The Department Director may approve travel out of the city for daily business purposes in accordance with this policy.

11.02.02 A travel request form must be used to request and authorize all overnight travel. An approved and completed form must be submitted to the Department, Finance Director and City Manager at least ten (10) days prior to the trip for verification of availability of funds and processing of payments. Advanced checks may be issued according to the executed "Travel Request and Authorization" form.

11.02.03 No employee or official will be reimbursed for any travel expenses or be advanced any funds for travel if a prior advance is outstanding.

11.03 TRAVEL EXPENSE REPORT

11.03.01 This form must be completed and submitted to the Finance Department for audit within five (5) working days after completion of the travel. All expenses must be coded to the appropriate account number. This form is also used to request any reimbursable expenses with itemized receipts attached. Travel expense reimbursements will be made only to the extent that such expenses are incurred in accordance with the policy set forth in these travel regulations. If any portion of the travel advance is unused, the amount to be returned to the City must accompany the Travel Expense Report. Expenses that are reimbursed by another agency must be shown as such on the Travel Expense Report.

11.03.02 If an individual fails to comply with the reporting requirement, he or she may lose the privilege to travel on behalf of the City. The City may actively seek all legal means to require the liquidation of any travel advance.

11.04 REIMBURSEABLE EXPENSES

11.04.01 The employee will be expected to select the mode of transportation which will be most economical to the City considering cost and time consumed.

- A. Air Travel: The cost of public transportation is allowed at the lowest refundable rate plus applicable taxes. Airline ticket copies must be submitted as itemized receipts for this expense. The City will pay for two checked baggage fees and any other related necessary airline expense. However, the City will not pay for passenger upgrade fees or pre-board fees.
- B. Private Automobile: An authorized person traveling by private vehicle shall be reimbursed at the rate per mile equal to the current mileage rate as authorized by the IRS based on the shortest route between the points which shall be determined as follows:
 - 1. Mileage within and outside of the State of Texas will be computed from the latest official IRS Guide. Please see the Finance office for this information.
 - a. When two or more persons travel in a single private vehicle, only one shall receive a transportation reimbursement. This provision shall not preclude each traveler from receiving compensation for other allowable expenses. When two or more persons are required to make the same trip every effort shall be made to utilize one vehicle unless the lowest cost of transportation is air travel.
 - b. Reimbursement for mileage will not be made for an amount in excess of the cost of the lowest refundable round trip airfare, without prior approval by the City Manager.
 - c. Travel within the City must be documented in order to be considered for reimbursement.
 - d. City employees receiving a car allowance are eligible for mileage reimbursement subject to the following conditions:
 - i. Reimbursable travel is outside a 50 20-mile radius of the City of Murphy.

- ii. The employee shall be given the option of using a City-owned vehicle or the employee may use their own private vehicle and receive reimbursement based on the latest IRS Guideline for Standard Mileage Rates.

2. Alternate Routes and Modes of Transportation: The traveler may desire to select an alternate route or mode of transportation for convenience in conducting personal affairs. The City will reimburse only for the travel expenses that are necessary in order to conduct City business. All additional costs resulting from the use of an alternate route must be borne by the traveler. Employees may be charged vacation time for any additional time resulting from using an alternate route or mode of transportation. Excess time will be computed as that time which exceeded the time required to fly or drive to and from the destination.

11.04.02 The City will reimburse for actual lodging expenses incurred only at a single room rate. Itemized receipts must be submitted for lodging expenses that furnish a detail breakdown of day-to-day charges.

11.04.03 For travel that includes overnight stays, the City of Murphy will follow IRS guidelines for per diem amounts for meals and incidental expenses based on the destination city. ~~For expenses above the IRS guidelines, receipts must be submitted and will be approved by the City Manager and Finance Director. Itemized receipts are not required for meals reimbursed at the per diem rate. Any reimbursement for expenses for meals and other incidental expenses exceeding the allowable per diem amount must have a receipt and be approved by the City Manager. Additionally, when a complimentary meal is made available by the destination event/conference, that meal must be deducted from the requested per diem rate. If the employee chooses to purchase that meal elsewhere for any reason, the employee shall pay for the meal at their own expense. the per diem reimbursement request for that specific meal purchase must have a receipt and be reviewed for payment by the City Manager.~~

11.04.04 An employee who is traveling on official City business for a continuous period of a minimum of four hours but less than twenty-four hours, which does not involve an overnight stay, will be reimbursed based on the per diem breakdown. No partial meal allowance will be paid for an official business trip of less than four hours unless the business meeting includes a meal.

11.04.05 Registration Fees charged for registration are reimbursable or eligible for pre-payment. A receipt or proof of the fee shall be provided for payment or reimbursement. If an employee is signing a guest up for entertainment such as tours, luncheons, etc., a check for the reimbursement of these fees must accompany the registration form.

11.04.06 Telephone and other communication expenses will be allowed only for necessary business purposes.

11.04.07 Parking, car rentals, taxis, tolls, tips for services and other miscellaneous expenses will be allowed for reimbursement if reasonable, ordinary and necessary for business travel. All such charges must be supported by a receipt.

11.04.08 All any unusual expenditures must be justified in writing and approved by the City Manager.

11.05 MAJOR CREDIT CARDS

11.05.01 The Finance Department can make available a ~~corporate~~ *city-issued* credit card to be used for plane tickets and hotel bills. The City of Murphy will follow IRS guidelines for per diem amounts for meals and incidental expenses based on the destination city. The traveler shall request an Advance Payment Request to be used as a per diem to pay for meals. (See Section 3.03) This may not eliminate the need for a cash advance but will reduce the amount of cash advance needed for travel. The user must submit itemized receipts coded to the appropriate account number within *five (5)* ~~ten~~ business days of travel to reconcile the monthly statement. These cards are strictly for official City business and must not be used to purchase personal items.

11.05.02 All credit card receipts must be listed and coded on the credit card log as provided by Finance. The log must be signed and date by the authorized approver. The log must be completed and returned to Finance within five days of receipt of the credit card statement. If the log with receipts is not turned in to Finance when due, the user may lose his or her credit card privileges. Department Directors are responsible for credit card expenditures by employees within their department.

11.06 UNAPPROVED EXPENSES

11.06.01 The following expenses will not be approved for reimbursement:

- A. Alcoholic beverages will not be reimbursed under any circumstance.
- B. The expense of any City employee not specifically traveling on City business will not be reimbursed.
- C. When business trips or conferences are not attended due to the decision of the employee, related fees fares paid by the City for individuals shall be reimbursed to the City.

- D. Charges related to changes of airline tickets and hotel reservations will be paid by the individual unless the change is required due to unforeseeable and urgent business purposes. The City Manager must approve all changes.

ADDENDUM E CREDIT CARD PROGRAM

12.01 PURPOSE AND PROCEDURES

12.01.01 The City of Murphy entered into an agreement with Wells Fargo Bank to provide designated City employees with credit cards for purchases involving approved City expenditures. Credit cards are not intended to replace any existing process or procedures or circumvent chain of command for approval thresholds. The credit card program is intended to reduce paperwork, streamline payment processing, consolidate vendor payments and facilitate emergency field operations. Existing procedures for purchase requisitions, petty cash reimbursement and payment authorizations are still in effect.

12.01.02 City issued credit cards could typically be used for the following types of expenditures:

- A. Office & Meeting Supplies
- B. Subscriptions & Publications
- C. Computer Software
- D. Emergency Repair and Materials
- E. Travel Reservations & Accommodations
- F. Emergency Management Operations

12.01.03 Your city issued credit card **must not** be used for personal expenditures. An oversight error is certainly understandable; however, improper use of the card may result in a Corporate Security investigation which may lead to disciplinary action, up to and including prosecution and termination of employment.

12.01.04 Whenever the city issued credit card is used, **original receipts or a legible copy** must be retained and returned to department representatives within 5 business days ~~as soon as possible~~ for reconciliation purposes. If original receipts are not returned promptly, the credit purchasing card could be cancelled.

12.01.05 All credit card receipts must be listed and coded on the credit card log as provided by Finance. The log must be signed and date by the authorized approver. The log must be completed and returned to Finance within five days of receipt of the credit card statement. If the log with receipts is not turned in to Finance when due, the user may lose his or her credit card privileges. Department Directors are responsible for credit card expenditures by employees within their department.

~~A report of all transaction activity is sent to the designated department representative monthly. The department representative matches the receipts to the transaction activity report and assigns line item expenditure for each transaction. A hard copy of the report with receipts attached must be approved by the department director (or assigned~~

representative) and forward to the Finance department for final processing and statement reconciliation.

12.01.06 Any changes to the single transaction and/or monthly limit of an existing cardholder or other special handling changes must be approved by the Department Director. Once approved, those requests may be submitted via e-mail to the Finance Director.

City of Murphy Credit Card Agreement

AGREEMENT TO ACCEPT CITY OF MURPHY, TEXAS CORPORATE CREDIT CARD

The CITY OF MURPHY, TEXAS is pleased to offer you a corporate credit card. It represents the CITY OF MURPHY, TEXAS's trust in you and your empowerment as a responsible agent to safeguard CITY OF MURPHY, TEXAS assets.

I, _____ hereby acknowledge receipt of The CITY OF MURPHY, TEXAS Corporate Credit Card Program Policies and Procedures document and confirm that I have read and understand its terms. As a Cardholder, I agree to comply with said document and understand that The CITY OF MURPHY, TEXAS is liable to MasterCard for all The CITY OF MURPHY, TEXAS approved purchases.

I agree to use the Corporate Credit Card for CITY OF MURPHY, TEXAS approved purchases only and agree not to use the card for personal purchases. I understand that The CITY OF MURPHY, TEXAS will audit the use of the card and report any discrepancies. I further understand that improper use of the card may result in a Corporate Security investigation which may lead to disciplinary action, up to and including prosecution and termination of employment.

In the event that the Corporate Credit Card is not used as herein stated, I hereby authorize The CITY OF MURPHY, TEXAS to release my last known address and any information relating to my use of the card to Cardmember Services, Wells Fargo Bank.

I understand that The CITY OF MURPHY, TEXAS may terminate my right to use the card at any time for any reason. I also agree to return the card to The CITY OF MURPHY, TEXAS immediately upon request or upon termination of employment.

CARDHOLDER:

Signature: _____

Printed Name: _____

Date: _____

Monthly Credit Limit: _____

CITY MANAGER/FINANCE DIRECTOR:

I acknowledge that the above Cardholder has been issued a CITY OF MURPHY, TEXAS corporate credit card.

Card Number: _____

Signature: _____

Date: _____

City Council Meeting
March 15, 2016

Issue

Consider and/or act upon approving the acting city manager or Council's designee to take action on an agreed order from Texas Commission on Environmental Quality (TCEQ) regarding Storm Water Management Enforcement Action.

Staff Resource/Department

Bernie Parker, Director of Public Services

Summary

The City of Murphy has received a proposed Agreed Order from the TCEQ dated February 16, 2016 for alleged violations to their Texas Pollutant Discharge Elimination System (TPDES) General Permit Nos. TXR040357 and TXR040540 discovered during an investigation on this matter conducted by the TCEQ on October 29, 2015. The allegations include:

1. Failed to maintain an authorization to discharge storm water under a TPDES General Permit for small MS4's.
2. Failed to submit a concise annual report to the Executive Director within 90 days of the end of each reporting year. (2013, 2014)
3. Failed to meet a measurable goal identified in the SWMP for Minimum Control Measures No.1 Public Education, Outreach and Involvement.

The proposed agreed order assesses an administrative penalty of \$8,250. TCEQ has offered a deferment of \$1,650 if the City complies with all of the provisions of the proposed agreed order within the time frames listed, reducing the penalty to \$6,600. A copy of the Proposed Agreed Order is enclosed.

Action Requested

Staff recommends approving the acting city manager or Council's designee to take action on an agreed order from Texas Commission on Environmental Quality regarding Storm Water Management Enforcement Action including notification of payment towards TCEQ's Pre-Approved Supplemental Environmental Project – 2011 -07 North Central Texas Clean School Bus Program.

Attachments

- Mr. Fisher's letter to the Mayor and City Council dated February 29, 2016
- Letter from Texas Commission on Environmental Quality
- Proposed Agreed Order with Work Sheets
- Compliance History Report



James Fisher
 City Manager
jfisher@murphytx.org
 972-468-4007

206 North Murphy Road
 Murphy, TX 75094
www.murphytx.org

Date: February 29, 2016

To: Mayor Eric Barna and the Murphy City Council

From James Fisher, City Manager

CC: Bernie Parker, Director of Public Services and Gary Hendricks, P.E., City Engineer

Re: TCEQ Proposed Agreed Order - Storm Water Management

TCEQ Proposed Agreed Order

The City of Murphy has received a proposed Agreed Order from the TCEQ dated February 16, 2016 for alleged violations to their Texas Pollutant Discharge Elimination System (TPDES) General Permit Nos. TXR040357 and TXR040540 discovered during an investigation on this matter conducted by the TCEQ on October 29, 2015. The allegations include:

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2. Failed to submit a concise annual report to the Executive Director within 90 days of the end of each reporting year.
3. Failed to meet a measurable goal identified in the SWMP for Minimum Control Measures No. 1 Public Education, Outreach and Involvement.

The proposed agreed order assess an administrative penalty of \$8,250. TCEQ has offered a deferment of \$1,650 if the City complies with all of the provisions of the proposed agreed order within the time frames listed, reducing the penalty to \$6,600. A copy of the Proposed Agreed Order is enclosed.

Background

The City of Murphy prepared and adopted a Storm Water Management Program (SWMP) in February of 2008 as required by the Texas Pollutant Discharge Elimination System (TPDES) General Permit TXR040000 and were issued Permit Number TXR040357; and updated the SWMP in 2014 and were issued Permit No. TXR040540. The general permit requires that regulated Phase II Municipal Separate Storm Sewer Systems (MS4's) submit annual reports to the Texas Commission of Environmental Quality (TCEQ). These reports are required to be submitted within 90 days after the end of each permit year. Annual reports have been submitted by the City through the 2012 permit year. The annual reports for the 2013 and 2014 permit

include the allocation of time, money and resources throughout the year to maintain compliance with the SWMP.

Recommendations to Avoid Future TCEQ Compliance Violations

1. Establish a staff position for a SWMP Manager responsible for implementation of the SWMP BMP's and annual TCEQ reporting.
2. During the City's annual budget cycle, have the SWMP manager review the BMP's required by the SWMP for the next fiscal year and establish a reasonable annual line item budget item for implementation of the required BMP's.
3. Review the storm water utility district fees and annual revenue. Establish a protocol for those fees to fund the SWMP and required BMP's. The storm water utility district could also be used to fund other system wide drainage improvement projects and part of certain City staff members salaries dedicated to storm water district matters.

I am recommending that the City accept the Agreed Order, pay the administrative penalty and comply with the specific technical requirements itemized above that are necessary to resolve the violations. I have asked the City Engineer to assist the City by providing guidance in preparation of the annual reports and submittals to the TCEQ; and discuss a review of a storm water utility district program and structure.

Enclosure

TCEQ Proposed Agreed Order, Feb. 16, 2016

RECEIVED

FEB 18 2016

City Manager's Office

Bryan W. Shaw, Ph.D., P.E., *Chairman*
 Toby Baker, *Commissioner*
 Jon Niermann, *Commissioner*
 Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 16, 2016

The Honorable Eric Barna
 Mayor of Murphy
 206 North Murphy Road
 Murphy, Texas 75094-3512

Re: Proposed Agreed Order
 City of Murphy; RN105603526
 TPDES General Permit No. TXRo40540
 Docket No. 2016-0106-WQ-E; Enforcement Case No. 51775
FOR SETTLEMENT PURPOSES ONLY

Dear Mayor Barna:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against the City of Murphy for violations of the Texas Water Code and Commission Rules. These violations were discovered during an investigation conducted on October 29, 2015, and documented in a letter dated January 8, 2016, from the TCEQ Dallas/Fort Worth Regional Office.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of Eight Thousand Two Hundred Fifty Dollars (\$8,250). We are proposing a one-time offer to defer One Thousand Six Hundred Fifty Dollars (\$1,650) of the administrative penalty if you satisfactorily comply with all the ordering provisions within the time frames listed. Therefore, the administrative penalty to be paid is Six Thousand Six Hundred Dollars (\$6,600). The order also identifies the violations that we are addressing and identifies specific technical requirements necessary to resolve them.

If you have any questions regarding this matter, we are available to discuss them in a conference in Austin or over the telephone. If we reach agreement in a timely manner, the TCEQ will then proceed with the remaining procedural steps to settle this matter. These steps include publishing notice of the proposed order in the *Texas Register*, and scheduling the matter for approval by the Commission. We believe that handling this matter expeditiously could save the City of Murphy and the TCEQ a significant amount of time, as well as the expense associated with litigation.

Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order **and** the penalty payment (check payable to "TCEQ" and referencing City of Murphy, Docket No. 2016-0106-WQ-E) to:

The Honorable Eric Barna
Page 2
February 16, 2016

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

Should you believe you are unable to pay the proposed administrative penalty, you may claim financial inability to pay part or all of the penalty amount. Please contact us immediately to obtain a list of financial disclosure documents that must be submitted within 30 days of the receipt of this letter. These documents, once properly completed and submitted, will be thoroughly reviewed to determine if we agree with the claim of financial inability. Please be aware that if financial inability is proven to the satisfaction of staff, discussions pertaining to the penalty amount adjustment will focus only on deferral and not on waiver of the penalty amount.

You may be able to perform or contribute to a Supplemental Environmental Project ("SEP"), which is a project that benefits the environment, to offset a portion of your penalty. **If you are interested in performing a SEP, you must agree to the penalty amount and submit a SEP proposal within 30 days of receipt of this proposed order.** If you are a local government you may have additional SEP options available to assist you with coming into compliance or remediating the harm caused by the violations. A local government is defined as a school district, county, municipality, junior college district, river authority, water district or other special district or other political subdivision created under the constitution or a statute of this state.

For additional information about the types of SEPs available and eligibility criteria, please go to the TCEQ's web site link at <http://www.tceq.texas.gov/legal/sep/> or contact the Enforcement Coordinator listed below.

Please note that any agreements we reach are subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 TEX. ADMIN. CODE ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 60 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer, including the penalty deferral, will no longer be available. The enforcement process described in 30 TEX. ADMIN. CODE ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission. If you would like to obtain a copy of 30 TEX. ADMIN. CODE ch. 70, or any other TCEQ rules, the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI-032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from the Central Office Publications Ordering Team at (512) 239-0028.

The Honorable Eric Barna
Page 3
February 16, 2016

For any questions or comments about this matter or to arrange a meeting, please contact Mr. Austin Henck of my staff at (512) 239-6155.

Sincerely,



Sandy Van Cleave, Manager
Enforcement Division
Texas Commission on Environmental Quality

SV/ah

Enclosures: Proposed Agreed Order, Penalty Calculation Worksheet, Site Compliance History, Return Envelope

cc: Mr. Joseph T. Grajewski, Birkhoff, Hendricks & Carter, L.L.P., 11910 Greenville Avenue, Suite 600, Dallas, Texas 75243

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF MURPHY
RN105603526**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2016-0106-WQ-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Murphy ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a small municipal separate storm sewer system ("MS4") located within the City of Murphy limits that is located within the Dallas urbanized area in Collin County, Texas (the "Site").
2. The Site adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 13, 2016.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand Two Hundred Fifty Dollars (\$8,250) is assessed by the Commission in settlement of the violations alleged in Section

- II ("Allegations"). The Respondent has paid Six Thousand Six Hundred Dollars (\$6,600) of the administrative penalty and One Thousand Six Hundred Fifty Dollars (\$1,650) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
 8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
 9. The Executive Director recognizes that on December 11, 2014, the Respondent obtained authorization to discharge stormwater under Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXR040540.
 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Site, the Respondent is alleged to have:

1. Failed to maintain authorization to discharge stormwater under a TPDES General Permit for small MS4s, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(a)(9)(i)(A), as documented during an investigation conducted on October 29, 2015. Specifically, TPDES General Permit No. TXR040357 expired on August 13, 2012, and a Notice of Intent and revised Stormwater Management Program ("SWMP") were not submitted by the application deadline date of June 11, 2014.
2. Failed to submit a concise annual report to the Executive Director within 90 days of the end of each reporting year, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES General Permit Nos. TXR040357 and TXR040540, Part IV, Section B(2), as documented during an investigation conducted on October 29, 2015. Specifically, the Respondent

failed to submit annual reports for the 2013 and 2014 reporting years to the TCEQ by November 10, 2013 and March 31, 2015, respectively.

3. Failed to meet a measurable goal identified in the SWMP for Minimum Control Measures No. 1, Public Education, Outreach, and Involvement, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES General Permit No. TXR040540, Part III, Section B(1), as documented during an investigation conducted on October 29, 2015. Specifically, the Respondent failed to issue a public service announcement through emails or the City website, as required by the measurable goal for Best Management Practice 1.5 of the SWMP for year 2014.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Murphy, Docket No. 2016-0106-WQ-E" to:

Financial Administration Division, Revenue Operations Section
 Attention: Cashier's Office, MC 214
 Texas Commission on Environmental Quality
 P.O. Box 13088
 Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Update the Site's standard operating procedures and conduct employee training to ensure that reporting requirements are properly accomplished, including the timely submittal of concise annual reports, and to ensure that measurable goals identified in the SWMP are properly completed, in accordance with TPDES General Permit No. TXR040540.
 - ii. Submit the completed concise annual reports for the 2013 and 2014 reporting years to the Executive Director, in accordance with the requirements of TPDES General Permit Nos. TXR040357 and TXR040540.

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
 Enforcement Division, MC 149A
 Texas Commission on Environmental Quality
 P.O. Box 13087
 Austin, Texas 78711-3087

with a copy to:

Water Section Manager
 Dallas/Fort Worth Regional Office
 Texas Commission on Environmental Quality
 2309 Gravel Drive
 Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director.

The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

 For the Commission

 Date

 For the Executive Director

 Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

 Signature

 Date

 Name (Printed or typed)
 Authorized Representative of
 City of Murphy

 Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	11-Jan-2016	Screening	11-Jan-2016	EPA Due	
	PCW	25-Jan-2016				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Murphy		
Reg. Ent. Ref. No.	RN105603526		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	51775	No. of Violations	3
Docket No.	2016-0106-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Austin Henck
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$11,250
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$1,125
Notes	Reduction for High Performer classification.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	-\$1,875
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
<small>Total EB Amounts</small>	\$289	<small>*Capped at the Total EB \$ Amount</small>	
<small>Estimated Cost of Compliance</small>	\$2,400		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$8,250
OTHER FACTORS AS JUSTICE MAY REQUIRE		0.0% Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes			
Final Penalty Amount			\$8,250
STATUTORY LIMIT ADJUSTMENT			Final Assessed Penalty
			\$8,250
DEFERRAL		20.0% Reduction Adjustment	-\$1,650
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$6,600

Screening Date 11-Jan-2016
Respondent City of Murphy
Case ID No. 51775
Reg. Ent. Reference No. RN105603526
Media [Statute] Water Quality
Enf. Coordinator Austin Henck

Docket No. 2016-0106-WQ-E

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> **Compliance History Summary**

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% -10%

Screening Date 11-Jan-2016	Docket No. 2016-0106-WQ-E	PCW	<i>Policy Revision 4 (April 2014)</i>	
Respondent City of Murphy			<i>PCW Revision March 26, 2014</i>	
Case ID No. 51775				
Reg. Ent. Reference No. RN105603526				
Media [Statute] Water Quality				
Enf. Coordinator Austin Henck				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(a)(9)(i)(A)"/>			
Violation Description	<input ("noi")="" ("swmp")="" 11,="" 13,="" 2012,="" 2014."="" 2015.="" 29,="" a="" an="" and="" application="" as="" august="" by="" conducted="" date="" deadline="" documented="" during="" expired="" for="" general="" intent="" investigation="" june="" management="" municipal="" no.="" not="" notice="" october="" of="" on="" permit="" program="" revised="" separate="" sewer="" small="" specifically,="" storm="" stormwater="" submitted="" systems,="" the="" tpdes="" tpdes")="" txr040357="" type="text" value="Failed to maintain authorization to discharge stormwater under a Texas Pollutant Discharge Elimination System (" were=""/>			
	Base Penalty	<input type="text" value="\$25,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	X	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="5.0%"/>
Matrix Notes	<input type="text" value="100% of the rule requirements were not met."/>			
	Adjustment	<input type="text" value="\$23,750"/>		
				<input type="text" value="\$1,250"/>
Violation Events				
	Number of Violation Events	<input type="text" value="6"/>	<input type="text" value="183"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	X		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
				Violation Base Penalty <input type="text" value="\$7,500"/>
	<input type="text" value="Six monthly events are recommended from the permit application deadline of June 11, 2014 to the permit authorization date of December 11, 2014."/>			
Good Faith Efforts to Comply		<input type="text" value="25.0%"/>	Reduction	<input type="text" value="\$1,875"/>
	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	X	<input type="text"/>		
N/A	<input type="text"/>	(mark with x)		
Notes	<input type="text" value="The Respondent obtained authorization on December 11, 2014."/>			
				Violation Subtotal <input type="text" value="\$5,625"/>
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$50"/>	Violation Final Penalty Total	<input type="text" value="\$4,875"/>	
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$4,875"/>	

Economic Benefit Worksheet

Respondent City of Murphy
Case ID No. 51775
Reg. Ent. Reference No. RN105603526
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$2,000	11-Jun-2014	11-Dec-2014	0.50	\$50	n/a	\$50
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit an NOI and a revised SWMP, and to obtain authorization to discharge stormwater. The date required is the permit application deadline date and the final date is the permit authorization date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$2,000	TOTAL	\$50
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Screening Date 11-Jan-2016	Docket No. 2016-0106-WQ-E	PCW
Respondent City of Murphy		<small>Policy Revision 4 (April 2014)</small>
Case ID No. 51775		<small>PCW Revision March 26, 2014</small>
Reg. Ent. Reference No. RN105603526		
Media [Statute] Water Quality		
Enf. Coordinator Austin Henck		
Violation Number	2	
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES General Permit Nos. TXR040357 and TXR040540, Part IV, Section B(2)	
Violation Description	Failed to submit a concise annual report to the Executive Director within 90 days of the end of each reporting year, as documented during an investigation conducted on October 29, 2015. Specifically, the Respondent failed to submit annual reports for the 2013 and 2014 reporting years to the TCEQ by November 10, 2013 and March 31, 2015, respectively.	
	Base Penalty	\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm	
		Major Moderate Minor	
	Actual		
	Potential		
			Percent 0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		X			Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$23,750

Violation Events

Number of Violation Events 2 792 Number of violation days

<small>mark only one with an x</small>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,500

Two single events are recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	<small>Before NOE/NOV</small>	<small>NOE/NOV to EDPRP/Settlement Offer</small>
Extraordinary		
Ordinary		
N/A	X	<small>(mark with x)</small>

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$19	Violation Final Penalty Total \$2,250
This violation Final Assessed Penalty (adjusted for limits) \$2,250	

Economic Benefit Worksheet

Respondent City of Murphy
Case ID No. 51775
Reg. Ent. Reference No. RN105603526
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**

Item Description No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	29-Oct-2015	7-Oct-2016	0.94	\$5	n/a	\$5
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	10-Nov-2013	7-Oct-2016	2.91	\$15	n/a	\$15

Notes for DELAYED costs

The estimated cost to update standard operating procedures and conduct employee training to ensure reporting requirements are properly accomplished, including the timely submittal of concise annual reports, and to ensure that measurable goals identified in the SWMP are properly completed. The date required is the investigation date and the final date is the estimated date of compliance.

The other delayed cost includes the estimated amount to prepare and submit the annual reports (\$50 per report x 2 reports) to the Executive Director. The date required is the due date of the earliest annual report and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$19

Screening Date 11-Jan-2016	Docket No. 2016-0106-WQ-E	PCW			
Respondent City of Murphy		<i>Policy Revision 4 (April 2014)</i>			
Case ID No. 51775		<i>PCW Revision March 26, 2014</i>			
Reg. Ent. Reference No. RN105603526					
Media [Statute] Water Quality					
Enf. Coordinator Austin Henck					
Violation Number <input type="text" value="3"/>					
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES General Permit No. TXR040540, Part III, Section B(1)				
Violation Description	Failed to meet a measurable goal identified in the SWMP for Minimum Control Measures No. 1, Public Education, Outreach, and Involvement. Specifically, the Respondent failed to issue a public service announcement through emails or the City website, as required by the measurable goal for Best Management Practice 1.5 of the SWMP for year 2014.				
	Base Penalty	<input type="text" value="\$25,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major Moderate Minor			
	Actual	<input type="text"/>	Percent <input type="text" value="0.0%"/>		
	Potential	<input type="text"/>			
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	X	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5.0%"/>
Matrix Notes	100% of the rule requirements were not met.				
	Adjustment	<input type="text" value="\$23,750"/>			
					<input type="text" value="\$1,250"/>
Violation Events					
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="376"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>		Violation Base Penalty <input type="text" value="\$1,250"/>	
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
single event	<input checked="" type="checkbox"/>	X			
One single event is recommended.					
Good Faith Efforts to Comply					
	0.0%				Reduction <input type="text" value="\$0"/>
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary	<input type="text"/>	<input type="text"/>		
	Ordinary	<input type="text"/>	<input type="text"/>		
	N/A	X	(mark with x)		
	Notes	The Respondent does not meet the good faith criteria for this violation.			
					Violation Subtotal <input type="text" value="\$1,250"/>
Economic Benefit (EB) for this violation					
Statutory Limit Test					
	Estimated EB Amount	<input type="text" value="\$219"/>	Violation Final Penalty Total	<input type="text" value="\$1,125"/>	
					This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,125"/>

Economic Benefit Worksheet

Respondent City of Murphy
Case ID No. 51775
Reg. Ent. Reference No. RN105603526
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/Construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to update the Facility's standard operating procedures and conduct employee training are captured in the Economic Benefit Worksheet for Violation No. 2.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal			0.00	\$0	\$0	\$0	
Personnel			0.00	\$0	\$0	\$0	
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0	
Supplies/Equipment			0.00	\$0	\$0	\$0	
Financial Assurance [2]			0.00	\$0	\$0	\$0	
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0	
Other (as needed)	\$200	31-Dec-2014	11-Jan-2016	1.95	\$19	\$200	\$219

Notes for AVOIDED costs

Estimated avoided cost to issue a public service announcement through emails or the City website. The date required is the due date and the final date is the screening date.

Approx. Cost of Compliance

\$200

TOTAL

\$219

The TCEQ is committed to accessibility.
 To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600697247, RN105603526, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN600697247, City of Murphy	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN105603526, City of Murphy MS4	Classification: HIGH	Rating: 0.00
Complexity Points:	5	Repeat Violator: NO	
CH Group:	14 - Other		
Location:	AREA WITHIN THE CITY OF MURPHY LIMITS THAT IS LOCATED WITHIN THE DALLAS URBANIZED AREA IN COLLIN, COLLIN COUNTY, TEXAS		
TCEQ Region:	REGION 04 - DFW METROPLEX		
ID Number(s):	STORMWATER PERMIT TXR040540		
Compliance History Period:	September 01, 2010 to August 31, 2015	Rating Year: 2015	Rating Date: 09/01/2015
Date Compliance History Report Prepared:	January 19, 2016		
Agency Decision Requiring Compliance History:	Enforcement		
Component Period Selected:	January 19, 2011 to January 19, 2016		
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.			
Name:	Austin Henck		
Phone:	(512) 239-6155		

Site and Owner/Operator History:

- | | |
|----------------------------------------------------------------------------------------------------|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

- A. Final Orders, court judgments, and consent decrees:**
N/A
- B. Criminal convictions:**
N/A
- C. Chronic excessive emissions events:**
N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.):**
N/A
- E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**
 A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
 N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A