

**AMENDED MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
TUESDAY, JUNE 05, 2012 AT 6:00 PM
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094**

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on 06/05/2012 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1 CALL TO ORDER

2 INVOCATION & PLEDGE OF ALLEGIANCE

3 ROLL CALL & CERTIFICATION OF A QUORUM

4 PUBLIC COMMENTS

5 PROCLAMATIONS & PRESENTATIONS

- Explorer Presentation
- Keep Murphy Beautiful Presentation, Sumi Srikanth

6 CONSENT ITEMS

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

6.1 Approval of the Minutes from the April 17, April 24, April 30, May 1, and May 15, 2012 City Council Meetings.

6.2 Consider and/or act on the approval of Ordinance No, 12-06-914 regarding the Planned Development District for McCreary Marketplace.

7 ORDINANCE APPROVAL

7.1 Consider and/or act upon an ordinance amending the Code of Ordinances, Chapter 28 Development Standards, Section 28-10, Political Signs.

8 CONTRACT APPROVAL

8.1 Consider and/or act upon a change order for Wall Enterprise to construct park improvements recommended by the Parks and Recreation Board and funded by Murphy Community Development Corporation.

9 OTHER CONSIDERATION ITEMS

9.1 Consider and/or act upon awarding bid contract and establish project budget to perform demolition and removal of the house, construct berms, and repair/pave Bunny Run Road to the low bidder, Wall Enterprise.

9.2 Consider and/or act upon award of a bid and establish a project budget for the McCreary Road widening project to the low bidder, McMahan Contracting, Inc.

10 CITY MANAGERS REPORT

- Jun 19 - Next Chamber Luncheon
- Jun 19 - Next City Council Meeting/Presentation of the FY 2013 Budget

11 EXECUTIVE SESSION

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

- 11.1 § 551.087 Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- 11.2 § 551.071. Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: to receive legal advice regarding planning and zoning issues regarding city development regulations, standards and conditions, city zoning regulations, contractual issues involving public improvements and related issues.

12 RECONVENE INTO REGULAR SESSION

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

- 12.1 § 551.087 Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- 12.2 § 551.071. Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act: to receive legal advice regarding planning and zoning issues regarding city development regulations, standards and conditions, city zoning regulations, contractual issues involving public improvements and related issues.

13 ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on June 1, 2012 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Aimee Nemer, TRMC, MMC
City Secretary

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

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

**Tuesday, April 17, 2012
6:00 PM**

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. ROLL CALL & CERTIFICATION OF A QUORUM

The following Councilmembers were present:

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

4. PUBLIC COMMENTS

No public comments were submitted.

5. CONSENT ITEMS

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

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

VOTING

Motion by: John Daugherty to approve.

Second by: Bernard Grant

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

6. CONTRACT APPROVAL

6.1. Consider and/or act upon approval of change order for Liberty Ridge Park for parallel parking and added sidewalk near pond.

Discussion

City Manager Fisher explained that staff would like clarification on what Council is agreeing to fund since the sidewalk in Liberty Ridge Park was denied at the last meeting.

There was some discussion regarding the amount of space, parking, and creating a safe walking buffer from the street traffic.

Motion

Councilmember Brandon moved to approve a change order to Liberty Ridge Park to install two concrete islands with grass as landscaping and four inch road buttons not to exceed \$6,000. Councilmember Daugherty seconded the motion.

Amendment #1

Councilmember Richmond moved to amend the main motion to replace the grass with low growing shrubbery. Councilmember Halbert seconded the motion. A vote was taken and the amendment passed, 7-0.

Amendment #2

Mayor Baldwin moved to amend the amended motion to approve three landscaped islands. Councilmember Richmond seconded the motion. A vote was taken and the amendment passed, 6-1 with Councilmember Grant voting in opposition.

Amendment #3

Councilmember Brandon moved to amend the main motion as amended, to install three concrete islands, landscaped with low growing shrubbery, not to exceed \$8,500. Councilmember Halbert seconded the motion. A vote was taken and the amendment passed, 6-1 with Councilmember Grant voting in opposition.

Amended Main Motion

A vote was taken on the amended main motion to approve a change order to Liberty Ridge Park to install three concrete islands with low growing shrubbery not to exceed \$8,500. The motion passed, 6-1 with Councilmember Grant voting in opposition.

7. OTHER CONSIDERATION ITEMS

7.1. Consider and/or act upon authorizing HOK to proceed with bidding demolition/removal of the house, construction berms, and repairing/paving Bunny Run Road.

Staff Comments

City Manager Fisher recommended moving forward with the demolition of the house and preparing construction documents for the road, but delaying the overlay of the road until ownership issues are clarified.

Council Discussion

Councilmember Brandon commented that if the City overlays the road, then it becomes a public road.

Councilmember Halbert asked if the City has met with any owners. City Manager Fisher replied that meetings would be scheduled.

Councilmember Bradley stated he did not want to purchase property in order to maintain the road. He also asked for clarification on the funding of the demolition of the house and questioned whether the funding should come from the General fund as the City’s obligation or the Park Project Bond funding. City Manager Fisher explained that the funding would come from the bonds.

Councilmember Grant asked whether or not the demolition costs could be transferred to a future property owner. City Manager Fisher stated that the City would be responsible because the house is part of the City park property.

VOTING

Motion by: Colleen Halbert to approve.
Second by: Dennis Richmond

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

7.2. Consider and/or act upon approval of revised concept plans for Timbers Nature Preserve Park.

Council Discussion

Councilmember Brandon clarified that the concept plan in the packet is different than what is being presented.

Councilmember Halbert asked how much money is in the trails fund beyond the \$600,000. Councilmember Daugherty stated there was \$930,000.

Councilmember Daugherty expressed a concern that the trail funding would be used up on prep work for the trail and the final product would not actually be funded.

VOTING

Motion by: Colleen Halbert to approve as presented at the Council meeting.
Second by: Scott Bradley

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

7.3. Consider and/or act on the application of Landcore Development Company requesting approval of a re-plat and site plan for a dialysis clinic with additional retail rental space on the property zoned Planned Development for Retail Uses, located at the northwest corner of FM 544 and Maxwell Creek. (Tract 1, Block C, Lot 3, Murphy Marketplace)

Executive Session

Prior to this item, Council convened into Executive Session at 6:52 p.m. under section 551.071 –Consultation with City Attorney (2) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. Council reconvened into Regular Session at 7:11 p.m. No action was taken as a result of the Executive Session.

Motion

Councilmember Halbert moved to postpone the Site Plan so that Council can study whether or not this is an appropriate use for this space and this center and also to direct staff to bring back the Planned Development for Council to review. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

Motion

Councilmember Halbert moved to approve the re-plat as presented. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

8. **CITY MANAGERS REPORT**
Moonlight Movies
April 24 -Possible Work Session
April 30 -Joint Mtg with Richardson
June 5 - Present Budget

9. **WORK SESSION**
2012 Objectives for Boards and Commissions

Council determined to appoint a councilmember to work with specific boards through the staff liaison and board chairs to establish a scope for the board to be approved by Council in August. Councilmembers volunteered as follows:

Mayor Baldwin – Building and Fire Code Appeals Board
Councilmember Grant - Murphy Community Development Board
Councilmember Bradley – Park and Recreation Board
Councilmember Halbert – Planning and Zoning Commission
Councilmember Richmond – Board of Adjustment
Councilmember Brandon – Animal Shelter Advisory Committee

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

Council convened into Executive Session at 7:19 p.m.

- 10.1. **§ 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.** to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

11. **RECONVENE INTO REGULAR SESSION**
The City Council will reconvene into Regular Session, pursuant to the provision of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

Council reconvened into Regular Session at 7:53 p.m. No action was taken as a result of the Executive Session.

- 11.1. **§ 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.** to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

12. **ADJOURNMENT**

With no further business, the meeting was adjourned at 7:58 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

MINUTES
SPECIAL CITY COUNCIL WORK SESSION
MURPHY COMMUNITY CENTER, HOMER/MARIE ADAMS ROOM
205 NORTH MURPHY ROAD
MURPHY, TEXAS 75094
APRIL 24, 2012
6:00 P.M.

1 CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:06 p.m.

2 ROLL CALL & CERTIFICATION OF A QUORUM

The following Councilmembers were present:

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

The following Councilmembers were absent:
Councilmember Dave Brandon

3 OTHER CONSIDERATION ITEMS

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

With guidance from facilitator Joe Gonzalez, Council discussed the following goals for each Strategic Focus Area:

Focus Area: Community Character

Goal: Protect the City's open spaces and natural amenities.

Staff direction:

- 1) Develop Land Inventory to include inventory of open space, natural amenities, land availability and options, and tools available for protecting the identified land.
- 2) Review non-residential development standards and uses and determine if they are appropriate.
- 3) FY 2013 Budget – consider funding update of Comprehensive Plan.

Goal: Preserve the integrity of neighborhoods and commercial development.

Staff direction:

- 4) Continue code compliance and review development/re-development standards; guard against over-development.

Goal: Community Events –focus on what we have and make them the best they can be.

Staff direction:

- 5) Maintain current events; formalize funding in budget; and add event that will focus on arts and cultural diversity.

Goal: Public Relations – tell our story; help instill community pride.

Staff direction:

- 6) Develop Murphy “App” that defines, delivers, and manages a consistent and standardized Murphy message.
- 7) FY 2013 Budget – consider funding Public Information Officer

Focus Area: Mobility

Goal: Trails –develop connected trails throughout the City with connections to neighboring city trails.

Staff direction:

- 8) Identify and prioritize trail gaps.
- 9) Review funding opportunities and options.
- 10) Complete sidewalk inventory.

Goal: Traffic Management

Staff direction:

- 11) Establish partnerships to facilitate traffic management planning and resolutions.
- 12) Develop Southeast Collin County Traffic Management Coalition.

Focus Area: Finances

Goal: Economic Development –proactive, involved, and aggressive.

Staff direction:

- 13) Attract and retain appropriate, sales tax generating businesses.

Goal: Tax Rate (This discussion was postponed to budget work session.)

Focus Area: Employee Development

Goal: Employee Development –greatest City resource.

Staff direction:

- 14) Develop a succession plan; review pay/benefits plan; provide tools for training and development; and determine acceptable level of service and define future operational needs.

Focus Area: Public Safety

Goal: Level of Service – what are the expectations of the community and what will it take to meet them?

Staff direction:

- 15) Define current level of service and cost for the Police and Fire department; determine what is needed to improve level of service if desired, including cost.

Goal: Programming

Staff direction:

- 16) Assess current level of programming and cost; determine if additional programming should be created and funded.
 - a) Feasibility of Murphy Leadership Program (Not under Public Safety)

Goal: Public Facilities and Infrastructure –all public buildings should be safe and efficient.

Staff direction:

17) Assess public facilities and infrastructure; determine routine maintenance repair items versus capital replacement items.

Focus Area: Infrastructure

Goal: Roads –should have the proper maintenance to ensure safety and accessibility for the residents and public safety.

Staff direction:

18) Develop a comprehensive road improvement plan and maintain/improve 20% of City roads each year.

Goal: Infrastructure – ensure the investment is adequate for current and future use.

Staff direction:

19) Inventory and maintenance schedule of City’s water/wastewater system.

20) Review Animal Control Facility Needs Assessment.

21) Provide a plan on how to maintain and maximize use of City buildings.

22) Identify, define, and prioritize maintenance and repairs of City facilities.

23) Determine staffing level of parks to include maintenance and expertise.

Each councilmember expressed satisfaction with the work that was completed during the Strategic Planning Session in February and the follow-up Work Sessions resulting in these goals and direction.

In closing, Mayor Baldwin commented on metrics and benchmarking and asked how the City is measuring and communicating progress. City Manager Fisher stated that the departments have been doing annual reports to establish a starting point for comparison.

3.2 Take any action necessary regarding the Strategic Planning Session.

There was no action taken.

4 ADJOURNMENT

With no further business, the meeting was adjourned at 8:35 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

**JOINT CITY COUNCIL MEETING
MURPHY CITY COUNCIL AND RICHARDSON CITY COUNCIL
RICHARDSON ROOM, RICHARDSON CITY HALL/CIVIC CENTER
411 W. ARAPAHO ROAD, RICHARDSON, TX 75080
MONDAY, APRIL 30, 2012 AT 6:00 PM**

1. CALL TO ORDER

Mayor Townsend, City of Richardson, called the meeting to order at 6:03 p.m.

2. ROLL CALL & CERTIFICATION OF A QUORUM

City of Murphy and City of Richardson officials introduced themselves. The following members were present from Murphy:

City Council

Mayor Bret Baldwin

Mayor Pro Tem John Daugherty (arrived at 7:15 p.m.)

Councilmember Dennis Richmond

Councilmember Scott Bradley

Councilmember Bernard Grant

City Staff

City Manager James Fisher

Parks and Public Works Director Kim Lenoir

City Secretary Aimee Nemer

One citizen from the City of Richardson addressed Richardson City Council with comments regarding City Manager Bill Keffler's impending retirement and invited the City Council to attend National Day of Prayer activities.

3. Review and discuss the Feasibility Study for a Multi-Agency Recreation Center in Breckinridge Park.

Richardson City Manager Bill Keffler gave welcoming remarks. Assistant City Manager David Morgan, City of Richardson, briefed both councils on the MARC project and introduced representatives from BRS Architects and Ballard King and Associates who reviewed Phase One of the MARC project.

4. ADJOURNMENT

With no further business, the meeting was adjourned at 7:29 p.m. by Mayor Townsend, City of Richardson.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas
Tuesday, May 01, 2012
6:00 PM

1. CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:01 p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. ROLL CALL & CERTIFICATION OF A QUORUM

The following Councilmembers were present:

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

4. PUBLIC COMMENTS

Casey Zandt, representing CWD, addressed Council regarding the City's solid waste contract and handed out an information packet from CWD.

5. PRESENTATIONS & PROCLAMATIONS

5.1. Proclamation for Asian Pacific American Heritage Month

Mayor Baldwin presented a proclamation for Asian Pacific American Heritage Month to representatives from the Dallas-Fort Worth Asian Americans Citizens Council.

5.2. Proclamation for Public Service Recognition Week

Mayor Baldwin presented a proclamation to City Manager James Fisher on behalf of all City of Murphy Employees for Public Service Recognition Week. Mr. Fisher also presented the following awards.

Ten Years

Heather Smith
Jimmy Ybarbo
Dawnelle Rounsavall
Jason Smith

Five Years

David Gensler
Jim Hermes
David Holt
Linda Truitt
Lance Watson
Danny Mayberry
Craig Goudie
Drex Dorman

One Year

Perry Elliott
Angela Reed
Aaron McCarty
Michael Palko

Murphy Monitor Best Councilmember – John Daugherty
Murphy Monitor Best Municipal Employee – Kim Lenoir
Murphy Monitor Best Police Officer – GM Cox
Murphy Monitor Best Firefighter – Mark Lee
Murphy Monitor Best Annual Event – Murphy Maize Days
Murphy Monitor Best Entertainment Value – Picnic by the Pond
City Manager's Award – David Gensler

6. CONSENT ITEMS

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

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

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

VOTING

Motion by: John Daugherty to approve as presented.

Second by: Bernard Grant

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)		x		
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

After the vote, Councilmember Brandon commented that he had an issue with the bylaws in Section 2.8 – Appointment of the Executive Director.

7. OTHER CONSIDERATION ITEMS

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

Council Discussion

Councilmember Halbert stated she was not comfortable using the recycle rebate fund for funding training and said that she would rather use funding from training or Council contingency. She explained that she would like to see the recycle rebate funds used to educate citizens about recycling and make improvements to the program.

There was further discussion on how to fund the training and whether or not to send five members of the Keep Murphy Beautiful team this year and send the remaining five next year.

VOTING

Motion by: Colleen Halbert to approve sending five members to the Keep Texas Beautiful Conference.

Second by: John Daugherty

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

8. RESOLUTION APPROVAL

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

Council Discussion

Councilmember Bradley asked if this was a matching grant. Kim Lenoir, Parks and Public Works Director, stated that it was matching and the funds would come from the 2008 Bond program.

Councilmember Halbert asked if this funding would allow for the completion of the trail. Ms. Lenoir responded that it would.

Mayor Baldwin inquired if there would be opportunities to work with surrounding cities for the grant award. Ms. Lenoir stated that surrounding city cooperation would be part of the grant application.

VOTING

Motion by: Colleen Halbert to approve a resolution authorizing the City Manager to initiate the grant application.
Second by: Scott Bradley

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

9. PUBLIC HEARINGS

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

Public Hearing

Mayor Baldwin opened the public hearing at 6:39 p.m. With no comments submitted, Mayor Baldwin closed the public hearing at 6:39 p.m.

Council Discussion

Councilmember Brandon inquired about the City Manager’s report on this item. Chief Cox replied that the annual report and agenda information is considered the City Manager’s report. Mr. Brandon noted that the numbers are trending up.

Councilmember Halbert noted that there are no second or further offenses and commented that the curfew regulations in place must be effective.

VOTING

Motion by: John Daugherty to approve an ordinance continuing the juvenile curfew regulations currently in effect.
Second by: Colleen Halbert

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

10. ORDINANCE APPROVAL

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

Staff Comments

Chief Cox summarized the issue, the current ordinance in place, and the two proposed versions.

Public Comments

Public comments were submitted by Doug Krause in favor of version 2 of the proposed ordinance; and Don Kiertscher, also in favor of version 2 of the proposed ordinance. Both expressed support of adding that operators should be licensed drivers with liability insurance. Additionally, Mr. Kiertscher stated that some type of vehicle identification should be required.

Council Discussion

There was considerable discussion on the various options of each version of the ordinance. The discussion centered on definitions and descriptions of the types of vehicles, age of operators, safety equipment, liability insurance, speed of vehicles, registration of vehicles, and where the vehicles can travel.

VOTING

Motion by: John Daugherty to approve the ordinance as amended with the following:

- Neighborhood Electric Vehicles –Electric Only
- Licensed operator
- 25 MPH or less; no crossing main thoroughfares
- Liability insurance required
- No towing ability
- All safety equipment as required by State Law

Second by: Bernard Grant

The motion failed 3-4. There was some discussion as to whether the ordinance could be amended and brought back for consideration. Council determined to leave the current ordinance in place as is.

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)		x		
Bradley, Scott (Council)		x		
Brandon, Dave (Council)		x		
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)		x		

11. DISCUSSION ITEMS

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

Council Discussion

Regarding the Planned Development for Murphy Marketplace, Council discussed the following issues for staff to address:

- Permitted uses should be limited
- Does it make sense to have medical uses in this development?
- Definitions on breakout items such as cafeteria, restaurant –why broken out?
- Tax generating businesses should be priority; all other uses should be by Special Use Permit

City Manager Fisher explained that staff has been communicating to the developer.

12. CITY MANAGERS REPORT

City Manager Fisher reported on the following:

- North Murphy Road construction –starting at Maxwell Creek and going south towards FM 544; but have also heard that construction will move north from creek first
- North Murphy Road railroad tracks –TXDOT will be leveling the tracks
- City staff will be making all efforts to manage traffic impact to the neighborhoods

13. ADJOURNMENT

With no further business, the meeting was adjourned at 7:34 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas
Tuesday, May 15, 2012
6:00 PM

1. CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:01 p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. ROLL CALL & CERTIFICATION OF A QUORUM

The following Councilmembers were present:

Mayor Bret Baldwin
Mayor Pro Tem John Daugherty
Deputy Mayor Pro Tem Colleen Halbert (arrived at 6:04)
Councilmember Dennis Richmond
Councilmember Scott Bradley
Councilmember Bernard Grant
Councilmember Dave Brandon

4. PROCLAMATIONS / PRESENTATIONS

4.1 Proclamation for Motorcycle Safety Awareness Week

Mayor Baldwin presented a proclamation recognizing May as Motorcycle Safety and Awareness Month to representatives from the Southern Cruisers Riding Club and Finance Director Linda Truitt.

4.2 Proclamation for EMS Week

Mayor Baldwin presented a proclamation designating Emergency Medical Services recognition week to Fire Chief Mark Lee.

4.3 Presentation to C.E.R.T. Program Participants

Mayor Baldwin and Chief Lee presented graduation certificates to C.E.R.T. program participants.

4.4 Presentation from Exchange Club of Murphy

Members of the Exchange Club of Murphy presented three scholarships to students.

5. PUBLIC COMMENTS

No public comments were submitted.

6. CONSENT ITEMS

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

6.1. Consider and/or act upon approval of a resolution denying Atmos Mid-Tex's proposed rate increase.

VOTING

Motion by: John Daugherty to approve the resolution denying Atmos Mid-Tex's proposed rate increase.

Second by: Dennis Richmond

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

7. PUBLIC HEARINGS

7.1. Hold a Public Hearing and Consider and/or act on the application of HELEN PICKARD/ CVS PHARMACY requesting a change in zoning of approximately 10.844 acres from SFR (Single Family Residential) to a PD (Planned Development) District for Retail Uses with conditions on property located at SWC FM 544 and McCreary Road. (ZF 2012-01)

Prior to this item, Council convened into Executive Session at 6:21 p.m. under Sections 551.071, 551.087, 551.072 as noted specifically in Items 11.1 – 11.5 of this agenda.

Council reconvened into Regular Session at 8:07 p.m. No action was taken as a result of the Executive Sessions.

Public Hearing

Mayor Baldwin opened the public hearing on Item 7.1 at 8:08 p.m. Three comments were submitted; one in favor, and two opposed as noted below.

Mr. Barry Knight, representing Orange Development and CVS spoke in favor of the development.

Mr. Kelly Smith spoke in opposition to the development noting property dispute issues, inconsistencies with the City’s comprehensive plan, and the height of the retaining wall.

Mr. Keith Patton spoke in opposition to the development stating it is piecemeal development.

With no further comments, Mayor Baldwin closed the public hearing at 8:23 p.m.

Council Discussion

Council discussed the following items regarding the proposed development.

- 15 ft. landscape buffer and middle median landscaping to be constructed in Phase 1
- Screening and landscape screening for loading dock
- Concerns about approving site plan without knowing remaining development for property
- Complete sidewalk for entire property in Phase 1
- Signage – provide three dimensional signage for entire development, not just Phase 1
- No electronic signage
- No split-face CMU for building materials

Mr. Knight, representing the applicant, committed to the middle median landscaping. Regarding the retaining wall to address citizen comments, Mr. Knight explained that they do not know the height of the retaining wall because a study has not been completed. Mr. Knight stated that the applicant was encouraged to submit a complete concept plan for the property and that the plan depicts the footprint of a major grocery store. Mr. Knight stated it is the intent that the developers of CVS will also develop the remaining property.

Motion

Councilmember Halbert moved to approve the application of HELEN PICKARD/ CVS PHARMACY requesting a change in zoning of approximately 10.844 acres from SFR (Single Family Residential) to a

PD (Planned Development) District for Retail Uses with conditions on property located at SWC FM 544 and McCreary Road (ZF 2012-01) with the following changes:

- 1) remove split-face CMU from Section F. 2. e.;
- 2) include verbiage in Section J that electronic signs are prohibited;
- 3) In Section VI. A. Permitted Uses to remove:
 - 6. Bank or Credit Union (with Drive-thru) (one free standing only) (SUP)
 - 7. Barber/Beauty Shop
 - 8. Barber/Beauty Shop College (SUP)
 - 16. Financial Services (Advice/Invest) (SUP)
 - 21. Health Club (Indoors) (SUP)
 - 23. Insurance Agency Offices (SUP)
 - 24. Laundry/Dry Cleaning (Drop Off/Pick Up Only)
 - 26. Offices (Brokerage Services) (SUP)
 - 27. Offices (Health Services) (SUP)
 - 28. Offices (Legal Services) (SUP)
 - 29. Offices (Professional) (SUP)
 - 34. Real Estate Offices (SUP)
 - 36. Restaurant (Drive-In/Drive-Thru) (SUP)
 - 40. Travel Agency (SUP);
- 4) modify 18. Food or Grocery Store, and 22. Home Improvement Center to be approved by SUP only;
- 5) add Sporting Goods, Clothing, and Home Goods as permitted uses;
- 6) move the open space/amenity area along the southern boundary into Phase 1 and landscape the drive-thru area traffic island;
- 7) clarify that the vegetative landscaping along the loading dock is to be as tall as the screening wall;
- 8) to develop a signature sign to resemble the sign at the northeast corner of FM 544 and Murphy Road, to be completed in Phase 1, not to include electronic signage, and to be approved by the City Manager;
- 9) and subject to plat approval by staff within 90 days.

Councilmember Brandon seconded the motion. Councilmember Brandon moved to amend the motion to remove 31. Pharmacy (with Drive-thru) from Section VI. A. Permitted Uses. Councilmember Bradley seconded the motion. A vote was taken on the amended motion and failed 1-6 with Councilmember Brandon casting the only vote in favor.

A vote was taken on the main motion and passed, 7-0.

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

8. OTHER CONSIDERATION ITEMS

8.1. Consider and/or act on the application of Landcore Development Company requesting approval of a site plan for a dialysis clinic with additional retail rental space on the property zoned Planned Development for Retail Uses, located at the northwest corner of FM 544 and Maxwell Creek. (Tract 1, Block C, Lot 3, Murphy Marketplace)

Staff Comments

City Manager Fisher stated that staff is still reviewing this application and recommends postponing to the August 21 City Council Meeting.

Public Comments

Mr. Drew Krisman, Krisman Kelly Attorneys, representing Landcore Development, addressed Council stating that postponing approval is compromising his client’s obligations and creating a breach of contract with financial damages. He stated the use is permitted and the site plan is fully compliant. Mr. Krisman explained that the client is only requesting a parking variance. He stated that his client has vested rights. Mr. Krisman explained that they were not anticipating a postponement until the end of summer and that a postponement would force them to figure out how to protect their client from damages.

City Attorney Andy Messer stated that there are outstanding engineering issues per the letter from the City Engineer.

Mr. Krisman stated they were not aware of any outstanding engineering issues and would be happy to discuss them.

Councilmember Halbert commented that she regrets not being more specific in her original motion for this item at the April 17th meeting regarding postponement so that Council could review the Planned Development.

VOTING

Motion by: Colleen Halbert to postpone this item to the August 21 City Council agenda so that it can go through the Planning and Zoning process and then back to Council.

Second by: John Daugherty

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

8.2. Consider and/or act upon ratification of the City Council Focus Areas from the 2012 Strategic Planning Session.

VOTING

Motion by: Colleen Halbert to approve with change to Focus Area of Public Relations by adding “to define our story”

Second by: John Daugherty

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

8.3 Discussion regarding the proposed Multi-Agency Recreation Center joint project with the City of Richardson.

Item 9.1 and City Manager reports were discussed prior to this item but will be noted in order for the purpose of the Minutes.

Councilmember Halbert excused herself from the discussion of Item 8.3 as she has Conflict of Interest form on file. (9:21p.m.)

Council Discussion

Council had a lengthy discussion regarding the pros and cons of moving forward with the MARC project.

Mayor Baldwin began the discussion by stating that this type of facility fits into the City's Comprehensive Park Master Plan with amenities such as a large indoor pool and a large recreation center. He stated that these are facilities that the City could not fund alone and he sees this as a great opportunity to partner with the City of Richardson.

Councilmember Bradley discussed the options of partnering to build the facility and using the facility as non-residents. He discussed proposed funding and tax increases and stated he did not see the benefit. Mr. Bradley also noted other priorities for the City parks program such as Bunny Run and Central Park.

Councilmember Grant stated that he did not think this project was a good idea. He explained that he would rather see a 'tax' imposed on those that want to use the facility rather than imposing a tax increase on everyone.

Councilmember Daugherty stated that he would like to move forward to obtain all of the information and present it to the voters to decide. He also commented that the City needs to let the City of Richardson know sooner rather than later. Mayor Baldwin agreed that the City needs to let Richardson know if Murphy wants to proceed.

Councilmember Richmond agreed that he would like to get more information and ultimately, let the citizens decide. He also stated that he would rather spend money on projects in Murphy.

Councilmember Brandon stated that there is no way the City will ever be able to provide this type of amenity and explained that he is not sure the City needs to provide every type of amenity for everyone. He stated he would rather spend the money in Murphy to make parks such as the Timbers Preserve and Central Park unique.

Public Comments

Two citizens addressed Council on this item.

Mr. Keith Patton stated that the City of Richardson is looking for the parameters that Murphy needs to move forward with the overall concept. He suggested providing a list of constraints and requirements necessary for Murphy to continue with the project.

Mr. Don Kiertscher spoke in regards to the maintenance and operation costs and stated that if the City is willing to go to the next step to find out additional information, then maintenance and operation costs have to be a consideration and communicated to the voters.

City Manager Fisher requested Council to clarify a direction to be communicated to the City of Richardson. Council directed Mr. Fisher to clarify where the project is within Phase 1 and more information on the percentage of funding and operational costs for the City of Murphy.

9. DISCUSSION ITEMS

9.1. Update on site plan, landscape plan and elevations for 121 E FM544 (Pad 7 – Einstein's / Chipotle)

Staff provided a brief update on the development explaining that there was an issue with a proposed tenant in one of the lots.

Council Discussion

Councilmember Halbert inquired how the tenant was able to get so far in the process without knowing the contractual stipulations. She stated that she loved the patio but questioned what happens if the future tenant is a retail store instead of a restaurant.

Mr. Tom Day, representing the development, addressed Council explaining that the original tenant changed their business model during the process, eliminating them from being a viable tenant. He stated that three grease traps are being installed with anticipation of a restaurant for that lot. He commented that they are ready to begin dirt work on Monday.

Councilmember Halbert told Mr. Day to speak with Kristen Roberts, EDC Director, if any assistance is needed with the proposed tenant.

There was no action on this item.

10. CITY MANAGERS REPORT

March Financial Reports

Stage 2 Water Restrictions –NTMWD approved –watering twice a week. Flyers will go out.

Primary Election - City Hall Voting

May 22 - Possible Work Session

May 28 - City offices closed

CLC Thursday

Movie Night this Friday

Political Signs –Code will be removing; checking Code of Ordinances regarding location for signs

City Manager Fisher reported on the above items.

11. EXECUTIVE SESSION

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

As previously noted, Council convened into Executive Session at 6:21 p.m.

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

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

11.3. 551.087 Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

11.4. § 551.071. Consultation with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

11.5. § 551.072. Deliberation regarding real property; closed meeting; to deliberate the purchase, exchange, lease, or value of real property.

12. RECONVENE INTO REGULAR SESSION

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

As previously noted, Council reconvened into Regular Session at 8:07 p.m. No action was taken as a result of the Executive Session.

- 12.1. **551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.**
- 12.2. **551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682.**
- 12.3. **551.087 Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).**
- 12.4. **§ 551.071. Consultation with attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.**
- 12.5. **§ 551.072. Deliberation regarding real property; closed meeting; to deliberate the purchase, exchange, lease, or value of real property.**

13. ADJOURNMENT

With no further business, the meeting was adjourned at 10:23 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary

Issue

Consider and/or act on the approval of Ordinance No, 12-06-914 regarding the Planned Development District for McCreary Marketplace.

Staff Resource/Department

Kristen Roberts, Director of Economic and Community Development

Summary

On May 15, 2012, the City Council approved the McCreary Marketplace Planned Development District Conditions on the full property, approximately 11 acres on the property located at the SWC FM544 and McCreary Road. However, an ordinance must be approved to affirm the Planned Development District.

Background/History

On May 15, 2012, the zoning on the subject property was changed from Single Family Residential District to a PD (Planned Development) District for Retail Uses with conditions.

Other Considerations

In regards to Exhibit F, Signage Plan, the signature entrance/ development sign must be 2 or 3 dimensional and conceptually similar to the signature sign located on the northwest corner of FM 544 and North Murphy Road in Murphy. The developer shall submit the signature signage plans to the City for approval prior to construction. No electronic signs are allowed in this Planned Development District. Exhibit F of this Planned Development District is being revised by the developer and will be resubmitted prior to construction.

Staff Recommendation Motion to approve Ordinance No, 12-06-914 regarding the Planned Development District for McCreary Marketplace.

Attachments

McCreary Marketplace Planned Development District Ordinance
Exhibit A -Legal Description
Exhibit B - Planned Development District Conditions
Exhibit C - Concept Plan
Exhibit D - Landscape Plan
Exhibit E - Exterior Elevation pages 1-3

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86, OF THE CITY OF MURPHY CODE OF ORDINANCES, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 11 ACRES OF LAND SITUATED IN THE HENRY MAXWELL SURVEY, ABSTRACT NO. 579, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, FROM ITS PRESENT CLASSIFICATION BEING SINGLE FAMILY RESIDENTIAL DISTRICT TO PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES; APPROVING PLANNED DEVELOPMENT CONDITIONS AND STANDARDS ATTACHED HERETO AS EXHIBIT "B", APPROVING A CONCEPT PLAN ATTACHED HERETO AS EXHIBIT "C", APPROVING A LANDSCAPE PLAN ATTACHED HERETO AS EXHIBIT "D", APPROVING AN EXTERIOR ELEVATION PLAN ATTACHED HERETO AS EXHIBIT "E", AND APPROVING A SIGNAGE PLAN ATTACHED HERETO AS EXHIBIT "F"; PROVIDING A CUMULATIVE/ REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, A SAVINGS CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the landowners of approximately 11 acres of land situated in the Henry Maxwell Survey, Abstract No. 579, located in the City of Murphy, Collin County, Texas, have requested a change in the zoning for the property described in this ordinance from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses with the intent to provide high quality retail development consistent with the Comprehensive Plan and for the purpose of developing the property for retail uses as outlined in the Development Conditions and Standards for this planned development district; 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 to a planned development district, 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, AS FOLLOWS:

Section 1. That all the above premises 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 change the zoning (designation) from SFR (Single Family Residential) to PD (Planned Development) District for Retail Uses for the property, being an approximately 11 acre tract of land situated in the Henry Maxwell Survey, Abstract No. 579, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A", attached hereto and incorporated herein by reference.

Section 3. That the Development Conditions and Standards for this planned development district are attached hereto as Exhibit "B" and incorporated herein by reference, and the same are hereby approved by the City Council for said planned development district as required by Section 86-603, of the City of Murphy, Texas, Code of Ordinances.

Section 4. That the Concept Plan, Landscape Plan, Exterior Elevation Plan, and Signage Plan for this planned development district are attached hereto as Exhibits "C", "D", "E", and "F"

respectively, and the same are hereby incorporated herein by reference and approved for said planned development district as required by Section 86-604, of the City of Murphy, Texas, Code of Ordinances.

Section 5. 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, 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 other 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 86 of the City of Murphy Code of Ordinances, 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. Savings Clause. That an offence committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offise was committed and the foremer law is continued in effect for this purpose.

Section 10. 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 _____ day of _____, 2012.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney
City of Murphy

Exhibit A
Legal Description

OWNERS CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS, We, CVS Pharmacy, Inc. and Hellen R. Pickard, are the sole owners of a tract of land situated in the HENRY MAXWELL SURVEY, ABSTRACT No. 579, City of Murphy, Collin County, Texas, and being a portion of the tract of land described in deed to Hellen Pickard as recorded in County Clerk's file No. 96-0043722, Land Records, Collin County, Texas, and also being all of a tract of land described in deed to CVS Pharmacy, Inc. as recorded in County Clerk's Instrument No. 20111227001390000, Real Property Records, Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner, at the intersection of the south line of a right-of-way dedication, as described under Cause No. 001-1218-99, styled Collin County VS. Helen Pickard, Ricky L. Pickard and Great Western Mortgage Corporation and the west line of a right-of-way dedication as described in Document No. 20080801000933770, Real Property Records, Collin County, Texas, said 1/2 inch iron rod also being the intersection of the south right-of-way line of F.M. 544 (Kirby Street, 120' right-of-way at this point) and the west right-of-way line of McCreary Road (100' right-of-way);

THENCE South 00 deg 38 min 00 sec West, departing the south right-of-way line of said F.M. 544 and along the west right-of-way line of McCreary Road (as described in Document No. 20080801000933770), a distance of 19.97 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner and the beginning of a curve to the left having a radius of 878.00 feet, a central angle of 10 deg 21 min 08 sec and a chord bearing and distance of South 04 deg 34 min 47 sec East, 158.42 feet;

THENCE continuing along said right-of-way line and said curve to the left, an arc distance of 158.64 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner and the beginning of a curve to the right, having a radius of 790.00 feet, a central angle of 10 deg 22 min 13 sec and a chord bearing and distance of South 04 deg 34 min 14 sec East, 142.79 feet;

THENCE continuing along said right-of-way line and said curve to the right, an arc distance of 142.99 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner at the end of the aforementioned right-of-way dedication;

THENCE South 00 deg 36 min 53 sec West, along the west right-of-way line of said McCreary Road, a distance of 659.28 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner;

THENCE North 89 deg 08 min 21 sec West, departing the west right-of-way line of said McCreary Road, a distance of 490.01 feet to a 3/8 inch iron rod found for corner, and being the southwest corner of said Hellen Pickard tract;

THENCE North 01 deg 12 min 36 sec East, a distance of 342.63 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner;

THENCE North 00 deg 23 min 41 sec East, a distance of 633.85 feet to a 1/2 inch iron rod with plastic cap stamped "WAI" set for corner in the south right-of-way line of FM Highway 544 (120' right-of-way at this point);

THENCE South 89 deg 28 min 10 sec East, along the south right-of-way line of said FM Highway 544, a distance of 461.64 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 472,365 square feet or 10.844 acres of land, more or less. Bearings contained herein are based upon an on the ground survey performed in the field on the 5th day of July, 2011 utilizing a GPS (WGS 84) bearing of North 89 deg 08 min 21 sec West (Deed South 89 deg 45 min 14 sec East) along the south line of a tract of land described in deed to Hellen Pickard recorded in Document No. 96-0043722, Real Property Records, Collin County, Texas.

Exhibit B

Development Conditions and Standards

EXHIBIT B

ZONING FILE NO. 2012-_____

McCreary Marketplace
SW Corner of FM 544 and McCreary Road

PLANNED DEVELOPMENT CONDITIONS

- I. **Statement of Intent:** The intent of this Planned Development District is to provide high quality retail development that is generally consistent with the Comprehensive Plan.
- II. **Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the area designated by this Planned Development encourage the following uses.
 - Larger anchor uses
 - Grocery Store
 - Family, sit-down restaurants
 - Upscale retail shops
 - Individual pad site uses
 - Other retail uses as outlined herein
- III. **Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 04-05-610, as amended, except as specifically provided herein.
- IV. **General Regulations:** All regulations of the R (Retail) District set forth in Section 29 of the Comprehensive Zoning Ordinance are included by reference and shall apply except as otherwise specified by this ordinance.
- V. **Development Plans:**
 - A. Concept Plan: Development shall be in general conformance with the approved concept plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail.
 - B. Landscape Plan: Development shall be in general conformance with the approved landscape plan set forth in Exhibit D; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.
 - C. Exterior Elevation Plan: Development shall be in general conformance with the approved exterior elevations as set forth in Exhibit E; however, in the event of conflict between the exterior elevations and the conditions, the conditions shall prevail.
 - D. Signage Plan: Development shall be in general conformance with the approved signage plan as set forth in Exhibit F; however, in the event of conflict between the signage plan and the conditions, the conditions shall prevail.
 - E. Concept Plan, Landscape Plan, Exterior Elevation Plan, and Signage Plan approval shall be for a period of one year from the date of City Council action on the plan. If within that one-year period a site plan has been submitted and approved for a portion of the development, then the Concept Plan shall be deemed

Planned Development Conditions

Zoning File 2012-_____

Page 2

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: A Site Plan shall be submitted in accordance with the Requirements set forth in Chapter 86, Article II, and Division 7 of the City of Murphy Code of Ordinances. The Site Plan may be for all or any part of the land within the Planned Development District.

VI. Specific Regulations:

A. Permitted Uses

1. Amusement Services (Indoors) (SUP)
2. Antique Shop
3. Art Dealer/Gallery
4. Artist Studio (SUP)
5. Bakery (Retail)
6. Book Store
7. Cafeteria
8. Computer Sales
9. Confectionery Store (Retail)
10. Department Store
11. Dinner Theatre (SUP Only)
12. Electronics (Retail)
13. Florist
14. Food or Grocery Store (SUP)
15. Furniture Sales (Indoor)
16. Hardware Store
17. Home Improvement Center (SUP)
18. Motion Picture Theatre
19. Pet Shop/Supplies
20. Pharmacy(with Drive-thru)
21. Photo Studio
22. Photocopying /Duplicating
23. Real Estate Offices (SUP)
24. Restaurant
25. Retail Store
26. Tailor Shop
27. Theatre (Live Drama)
28. Sporting Goods
29. Clothing / Home Goods

B. Area and Yard Regulations

1. Minimum Size of Lot/Tract: There shall be no minimum lot/tract area required.
2. Minimum Lot/Tract Width: Minimum frontage requirements for lots adjacent to either FM 544 or McCreary Road shall be 100'.
3. Minimum Lot/Tract Depth: There shall be no minimum lot/tract depth required.

Planned Development Conditions

Zoning File 2012-_____

Page 3

4. Pad Sites: The maximum number of pad sites allowed along FM 544 shall be two (2).

C. Parking, Driveways and Sidewalks:

1. Parking areas shall not be permitted within any landscape buffer strip.
2. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
3. The number of required parking spaces shall be dependent upon the use and shall meet the requirements of the City of Murphy Comprehensive Zoning Ordinance.
4. No required parking space may be occupied by signs, merchandise, or display items at any time except by specific 30 day permit.
5. A special "signature" paving treatment shall be established as shown on the approved concept plan (Exhibit C). Appropriate locations for the special paving treatment shall include street intersections, pedestrian crosswalks and driveway openings.
6. Sidewalks along FM 544 and McCreary Road shall be 8 feet in width.

D. Loading and Unloading

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

E. Building Height

1. All structures shall have a maximum building height of thirty-five (35) feet except that the maximum height may be increased to forty-five (45) feet to allow for architectural elements.

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

Planned Development Conditions

Zoning File 2012-_____

Page 4

1. All structures, including all building elevations, shall be constructed utilizing a unified design that is substantially consistent with the approved Exterior Elevation Plan (Exhibit E).
2. All exterior elevations shall utilize a unified design as shown on the approved Exterior Elevation Plan (Exhibit E). 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. Scored & Textured concrete tilt wall
 - d. EIFS and Stucco (limited to no more than 12% total)
 - e. Stone/simulated stone – per elevation
4. The use of primary or garish colors shall not be predominately used on the exterior façade of any structure. Corporate identities shall be allowed with owner review and approval.
5. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any immediately adjacent public dedicated street by an architecturally sound method.
6. Each commercial building, complex of buildings or separate commercial business enterprise shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired there on by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
7. In all cases, mechanical equipment on roofs and outcroppings shall be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.

G. Landscape Standards

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

1. Landscaping shall generally be as shown on the approved Landscape Plan (Exhibit D). Landscaping shall be required on all developments within the Planned Development District and shall be complete prior to the issuance of any certificate of occupancy for the specific development. An automatic underground irrigation system including freeze and rainwater sensor shall be installed and maintained for all required landscaping and shall be in place and operable at time of planting.
2. A landscape buffer shall be provided twenty-five (25) feet in depth adjacent to the right-of-way of FM 544, twenty-five (25) feet in depth adjacent to McCreary Road. No parking may be placed within any landscape buffer. Pedestrian easements and sidewalks may be located within a landscape buffer.

3. Parking Lots

a. A minimum percentage of the parking area shall be landscaped according to the following requirements. Such landscaping shall be distributed within the parking area, occurring within medians, islands, or peninsulas. All such landscape areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to landscaped areas. Bumper overhang shall not be included as part of required landscaping. A permeable area no less than six (6) feet by six (6) feet shall be provided surrounding each tree located in a surface parking area. Landscape islands within the parking lot shall be a minimum of 64 square feet.

1. The traffic island shown on Phase One development shall be landscaped.

2. Phase One construction is to include Open Space as noted in Phase Two.

3. A total of seven (7) percent of the interior of the entire parking lot regardless of location, shall be landscaped. One large tree or three (3) ornamental trees from the Plant List, shall be provided for each twelve (12) parking spaces, and planted within the seven (7) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed twenty (20) spaces in length.

4. An additional 8% open space shall be provided. This 8% will be for the entire development and not necessarily on a lot by lot basis. The 8% area will consist of two or more of the following amenities:

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

H. Screening

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

1. All screening at the rear (South & West) of the property will be a live screen where required. Plant materials shall conform to the standards of the approved plant list in Section 50 and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen.

2. All truck docks/loading areas for anchor stores with a footprint greater than 30,000 square feet shall be screened from view through the use of 12-foot all masonry walls (which are the same colors and materials as main building). All other screening of the rear of the site shall be living screens (eight foot height and at least 75 percent density within four years of planting unless such areas are screened from public views by a building).

Planned Development Conditions

Zoning File 2012-_____

Page 6

3. Outside seasonal displays shall be permitted within the Planned Development District for no more than 30 days. Outside storage shall not be permitted with the Planned Development District.

I. Site Lighting:

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

1. Site lighting fixtures used along entrance driveways and parking areas shall be uniform and a consistent design within the development. Lighting standards for illuminating these areas shall be no taller than 30 ft. high. However, the height of all light standards shall be subject to review of the lighting plan during the Site Plan review.

J. Signage and Graphics

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

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

1. General

- a. All signage for the Planned Development District shall be allowed as shown on the approved Signage Plan (Exhibit F).
- b. Shared Tenant Monument Signs-Two (2) monument signs shall be allowed located on Lot 2 and Lot 3 (One per Lot) and shall be limited to a maximum sign area of 40 square feet.
- c. Shopping center signs-One (1) shopping center sign shall be permitted as shown on the approved Signage Plan (Exhibit F). The shopping center sign shall be limited to a maximum sign area of 240 square feet.
- d. All signs must be surrounded by landscaping.
- e. No signs shall be phased.

2. Shared Tenant Monument Signs

- a. Monument signs shall identify individual tenants or uses within the shopping center. Monument signs shall be a maximum of eight (8) feet tall.

Planned Development Conditions

Zoning File 2012-_____

Page 7

- b. All shared tenant monument signs shall be double-sided, internally illuminated sign panels within a masonry structure. Shared tenant monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.
- c. Monument signs shall be located at a setback distance of not less than five (5) feet from the right-of-way line of any adjacent street and maybe incorporated within the landscaping area or buffer.
- d. Construction of monument signs shall include a base of material similar to the material used for buildings.

3. Shopping Center Sign

- a. The shopping center sign shall be constructed at a height not to exceed thirty-five (35) feet upon approval of a building permit of an anchor tenant.
- b. The base of the shopping center sign shall be located at a setback distance of not less than eight (8) feet from the right-of-way line of any adjacent street and may be incorporated within the landscaping area or buffer.
- c. The shopping center sign shall be double-sided, internally illuminated sign panels within a masonry structure. Pylon signs may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.
- d. Construction of shopping center signs shall include a base of material similar to the material used for buildings.

4. Temporary Marketing Signage

- a. One (1) quality temporary marketing sign shall be permitted on the development on McCreary Road and on FM 544. Temporary signs must be approved by the City Manager or designee and are valid for 180 days.
- b. The maximum signage area will be 64 square feet. The maximum height shall be 8 feet.
- c. All other temporary signage specifically referred to in the Signage Criteria package or in this section shall comply with the City of Murphy standards.
- d. Temporary signs are not required to be constructed of the material used for buildings.

K. Open Space

- 1. All open space amenities shall use a unified design as shown on the approved Amenities Plan. Development with the Planned Development District should make a positive impact to the City by providing defined public spaces and activity centers so that varied activities are encouraged

within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Tract at the pedestrian level. All pedestrian areas and open space must be located away from vehicular traffic areas as reflected on the concept plan attached.

- a. Outdoor Seating. Any establishment serving food for consumption on-premises is encouraged to provide an outdoor seating area and shall be approved with the site plan.
- b. An additional 8% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 8% may be located adjacent to the required setbacks or landscaping at the ROW and property lines or in front or in some cases to the side of the structure. The additional open space percentage may not include the building footprint or vehicular parking lot. This area and associated amenities shall be approved on the site plan. At least one of the following amenities shall be located within the additional 5% open space area and count towards the required percentage.
 1. Water feature, such as a fountain or detention pond with constant water level.
 2. Plaza or courtyard with art sculpture piece.
 3. Outdoor patio or gazebo with seating area.
 4. Other areas for pedestrian congregation, and may be approved on the site plan.

VII. Special Regulations:

- A. Right Turn Deceleration Lanes: A right turn deceleration lane shall be required for the driveway on FM 544 at the time construction begins on any pad site along FM 544 and paid for by the developer and/or property owner. A right turn deceleration lane shall be required for the middle driveway on McCreary Road at the time construction begins on the anchor tenant.
- B. Utility Power Lines: Utility distribution and service lines for individual business establishments, buildings, and signs and for any other site development features shall be placed underground.
- C. Cross-Access Requirement: A joint access (i.e.-ingress, egress) easement shall be provided to minimize the number of driveway openings along FM 544 and McCreary Road. The location(s) of access easement(s) shall be shown on the site plan and shall comply with the Texas Department of Transportation (TxDOT) Access Management Standards. Access shall be provided for property to the West of this site for future connectivity.
- D. Outside storage shall not be permitted with the Planned Development District.

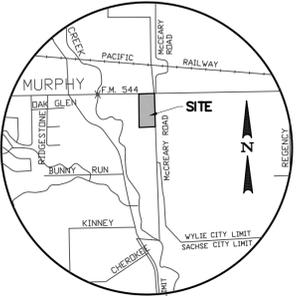
Planned Development Conditions

Zoning File 2012-_____

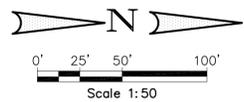
Page 9

- E. Outside display of merchandise and temporary seasonal items: Outside display of merchandise and temporary seasonal items, such as Christmas trees, pumpkins, etc., shall be limited to the following:
1. Shall not be placed/located more than 30 feet from the main building.
 2. Shall not occupy any of the parking spaces that are required by this chapter for the primary use of the property, except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year.
 3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on site or off site, in any way.
 4. Shall not extend into public right-of-way or onto adjacent property.
 5. All outside display items shall be removed at the end of business each day, except for large seasonal items such as Christmas trees.
 6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- F. Maintenance: The developer and/or property owner of any part of the Planned Development District shall maintain the property in terms of quality landscape maintenance, trash removal, interior and exterior sign conditions, trash receptacles and other amenities to ensure a consistent high quality development.

Exhibit C
Concept Plan



- NOTES:**
1. LOTS 1 & 3 SHALL PROVIDE UNDERGROUND DETENTION UPON DEVELOPMENT.
 2. LOT 2 SHALL PROVIDE ABOVE AND/OR UNDERGROUND DETENTION UPON DEVELOPMENT.



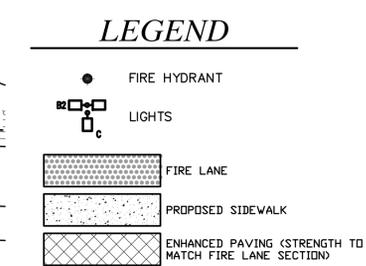
NO.	DATE	REVISION	APPROV.
1	03/01/12	CITY COMMENTS	M.T.D.
2	03/14/12	CITY COMMENTS	M.T.D.

Winkmann & Associates, Inc.
 CONSULTING CIVIL ENGINEERS & SURVEYORS
 6750 HILLCREST PLAZA DRIVE, SUITE 329
 DALLAS, TEXAS 75230
 (972) 490-7090
 Texas Surveyors Registration No. 100866-01
 Civil Engineers Registration No. 25724
 Winkmann & Associates, Inc.

SITE DATA

EXISTING ZONING: SINGLE FAMILY
 LOW DENSITY (SF-1)
 PROPOSED ZONING: PD- RETAIL

LOT No.	1	2	3	TOTAL
SITE AREA	1,657 Ac.	8,173 Ac.	1,014 Ac.	10,844 Ac.
USE	RETAIL	RETAIL	RETAIL	
BLDG. AREA	12,900 sf	69,800 sf	3,500 sf	86,200 sf
COVERAGE	18%	20%	8%	18%
PKG. SPCS. REQ'D.	12,900 sf /200= 65	69,800 sf /200= 349	3,500 sf /200= 18	432 spcs.
PKG. SPCS. PROV.	71	357	29	457
BLDG. HT.	28'	43'	20'	45' MAX.
F.A.R.	0.18:1	0.20:1	0.08:1	0.18:1
IMP. SURF. REQUIRED	51,496 sf	281,451 sf	34,623 sf	367,570 sf
INT. L.S. REQUIRED	14,385 sf	71,203 sf	8,837 sf	94,473 sf
INT. L.S. PROPOSED	20,221 sf	74,563 sf	9,561 sf	104,345 sf



**DEVELOPMENT SITE PLAN
 McCREARY MARKETPLACE
 LOTS 1, 2 & 3, BLOCK A
 10.844 ACRES OUT OF THE
 HENRY MAXWELL SURVEY,
 ABSTRACT NO. 579
 CITY OF MURPHY
 COLLIN COUNTY, TEXAS**

DEVELOPER: ORANGE DEVELOPMENT, INC.
 1200 CORPORATE DRIVE, SUITE G-50
 BIRMINGHAM, ALABAMA 35242

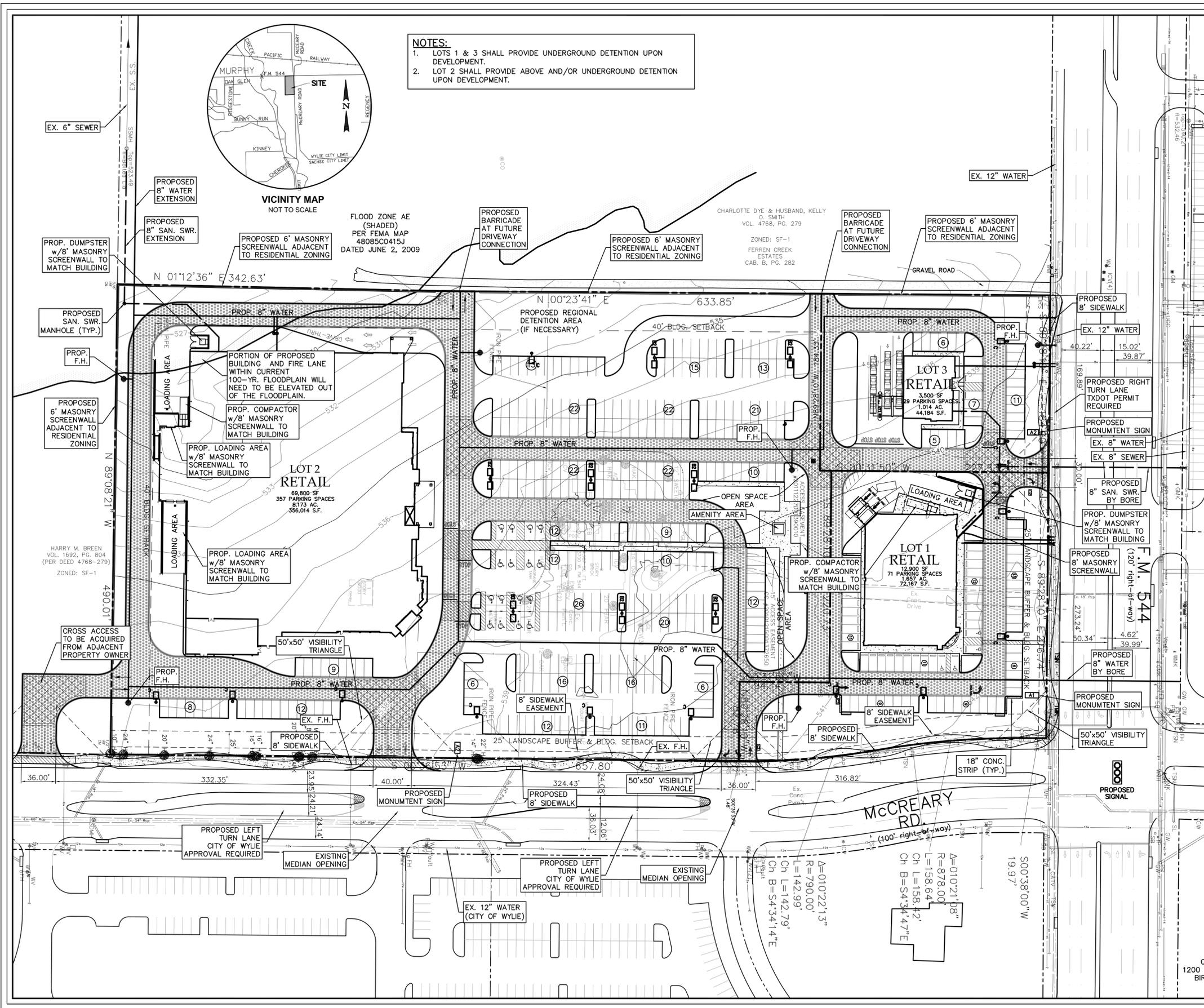
SURVEYOR: WINKLMANN & ASSOCIATES INC.
 6750 HILLCREST PLAZA DR., #325
 DALLAS, TEXAS 75230
 (972) 490-7090

HENRY MAXWELL SURVEY, ABSTRACT NO. 579
 CITY OF MURPHY
 COLLIN COUNTY, TEXAS
 ORANGE DEVELOPMENT, INC.
 1200 CORPORATE DRIVE, SUITE G-50
 BIRMINGHAM, ALABAMA 35242

**DEVELOPMENT SITE PLAN
 McCREARY MARKETPLACE
 MURPHY, TEXAS**

Scale: 1" = 50'
 Date: JANUARY 30, 2012
 File: 70102dsp.dwg
 Project No.: 70102.01(10)

SHEET



C:\70102\02_ENGINEERING\Zoning Plans\70102dsp.dwg

Exhibit D
Landscape Plan

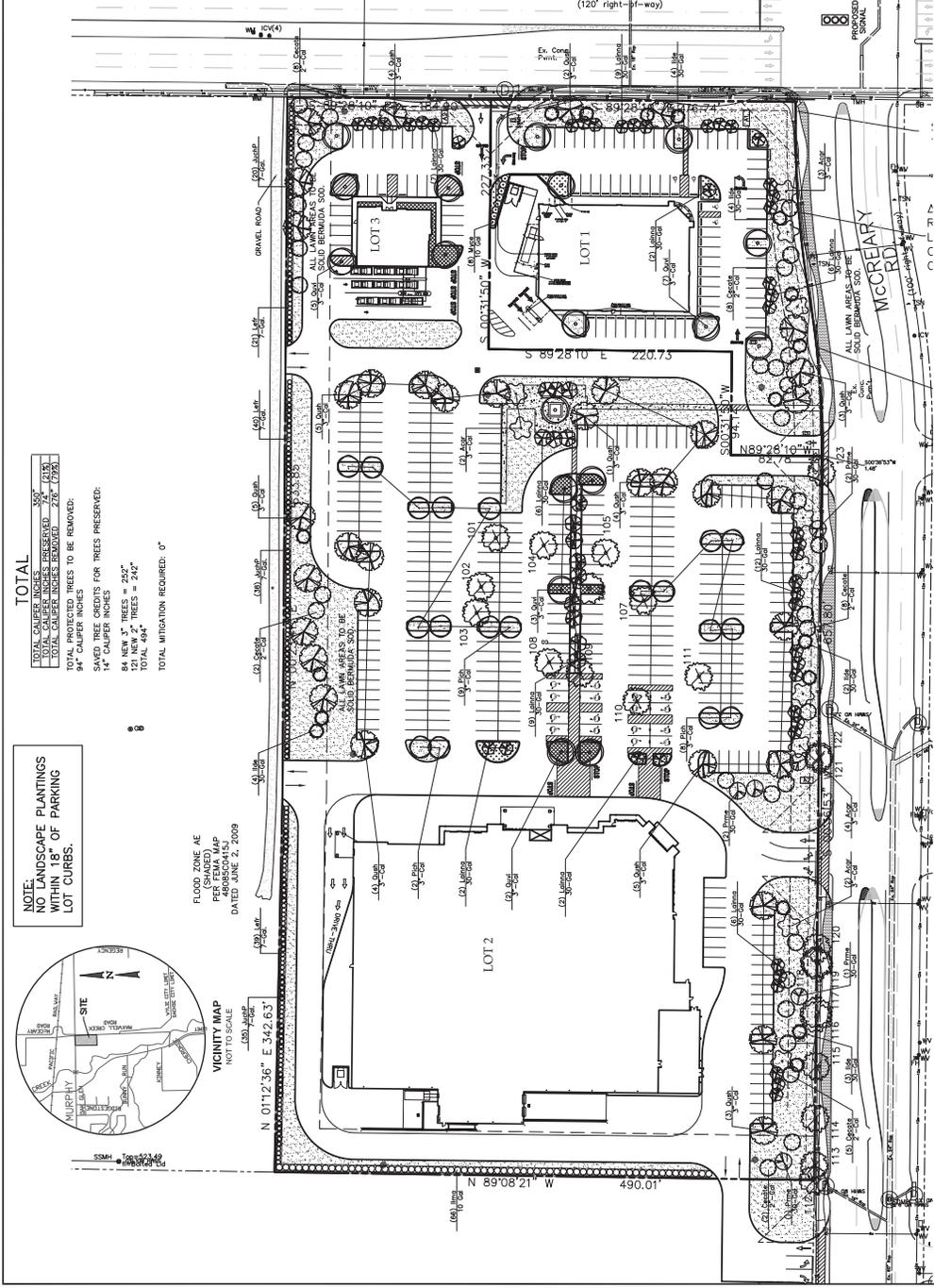
NO.	DATE	REVISION	APPROV.

Winckelmann & Associates, Inc.
 CONSULTING CIVIL ENGINEERS • SURVEYORS
 1000 Lakeside Drive, Suite 200
 Birmingham, Alabama 35242
 Phone: (205) 988-8888
 Fax: (205) 988-8889
 Email: info@winckelmann.com
 Copyright © 2012, Winckelmann & Associates, Inc.

HENRY MAXWELL SURVEY, ABSTRACT NO. 579
 CITY OF MURPHY
 COLLIN COUNTY, TEXAS
 GRANGE DEVELOPMENT, INC.
 1200 CORPORATE DRIVE, SUITE 40-50
 BIRMINGHAM, ALABAMA 35242

Project No: 7010201(10)
 Date: JANUARY 30, 2012
 Scale: 1" = 50'
 SHEET 1-1

LANDSCAPE PLAN
 MCCREARY MARKETPLACE
 MURPHY, TEXAS



TOTAL

TOTAL CALIPER INCHES	350"
TOTAL CALIPER INCHES PROPOSED	74"
TOTAL CALIPER INCHES TO BE REMOVED	276"

TOTAL PROTECTED TREES TO BE REMOVED:
 84" CALIPER INCHES
 14" CALIPER INCHES

SAVED TREE CREDITS FOR TREES PRESERVED:
 84 NEW 3" TREES = 252"
 14" CALIPER INCHES TREES = 242"
 TOTAL 494"

TOTAL MITIGATION REQUIRED: 0"

NOTE:
 NO LANDSCAPE PLANTINGS
 WITHIN 18" OF PARKING
 LOT CURBS.



FLOOD ZONE AE
 CHECK FEMA MAP
 PER FEMA MAP
 48-0850(1)S
 DATED JUNE 2, 2009

LEGEND

- 1656 DENOTES TREE TO BE PRESERVED
- 1657 DENOTES TREE TO BE REMOVED
- LOCATION OF PROTECTIVE FENCE

TEMPORARY IRRIGATION WILL BE REQUIRED TO ESTABLISH TURF IN ALL DISTURBED AREAS WITHOUT A PERMANENT IRRIGATION SYSTEM. SOD TURF IN ALL DISTURBED AREAS AS IDENTIFIED ON GRADING AND EROSION CONTROL PLANS.

ALL LAWN AREAS TO BE SOLID BERBERMA 300.

THIS ELECTRONIC DRAWING FILE IS RELEASED UNDER THE AUTHORITY OF JOHN B. LAMM, REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT, STATE OF TEXAS. THIS ELECTRONIC DRAWING FILE MAY BE USED AS A BACKGROUND FOR ANY FUTURE PROJECTS. THE USER OF THIS ELECTRONIC DRAWING FILE AGREES TO ASSUME ALL RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN AND TO COMPLY WITH THE REQUIREMENTS OF THE RULES AND REGULATIONS OF THE TEXAS BOARD OF LANDSCAPE ARCHITECTURE. THE USER OF THIS ELECTRONIC DRAWING FILE WAIVES ANY AND ALL RIGHTS, INCLUDING THE RIGHT TO INDEMNIFICATION, AGAINST THE LANDSCAPE ARCHITECT'S EXPRESS WRITTEN PERMISSION.



LANDSCAPE PLAN
 MCCREARY MARKETPLACE
 LOTS 1, 2 & 3, BLOCK A

REF LEGEND SHEET L2

Exhibit E

Exterior Elevation Plan

McCreary Marketplace

Orange Development Inc.
1200 Corporate Drive
Suite G-60
BIRMINGHAM, AL 35242
TEL: (205)408-3443
FAX: (205)408-1850

JACOBS
777 Main St.
Fort Worth, Tx. 76102

Proposed Conceptual Retail 1

West Elevation			South Elevation		
Material	s.f.	%	Material	s.f.	%
Stone	416	16%	Stone	707	19%
Cast stone	97	4%	Cast stone	210	6%
Brick red	1520	59%	Brick red	2092	60%
Brick pink	447	18%	Brick pink	637	17%
Metal			Metal		
Windows	13	1%	Windows	13	1%
Doors	57	2%	Doors	86	2%
Total	2559		Total	2705	

East Elevation			North Elevation		
Material	s.f.	%	Material	s.f.	%
Stone	546	20%	Stone	655	17%
Cast stone	137	5%	Cast stone	193	5%
Brick red	905	34%	Brick red	1731	44%
Brick pink	731	27%	Brick pink	923	23%
Metal			Metal		
Windows	387	14%	Windows	387	10%
Doors			Doors	58	1%
Total	2707		Total	3947	

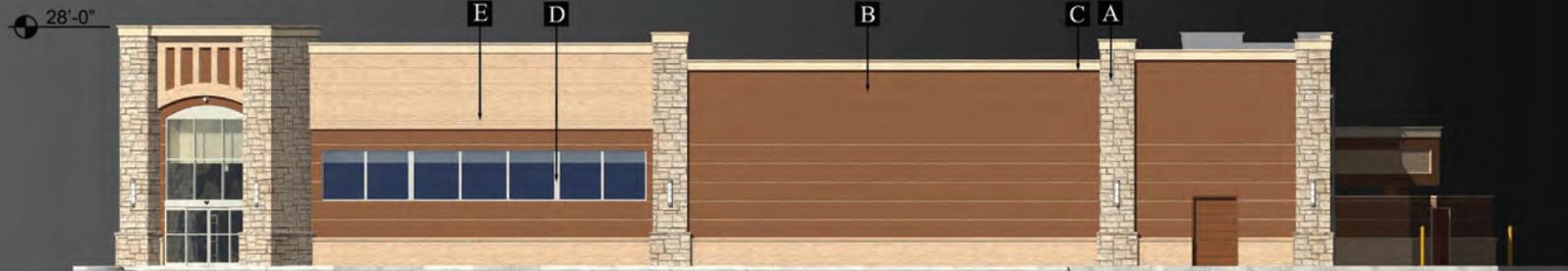
Notes:
-This Facade Plan is for conceptual purposes only. All building plans require review and approval of the Building Inspection Department.
-All mechanical units shall be screened from public view.
-When permitted, exposed utility boxes and conduits shall be painted to match the building.
-All signage areas and locations are subject to approval by the Building Inspection Department.
-Roof access shall be provided internally, unless otherwise permitted by the Building Official.

Key Plan
Graphic Scale
0 10 20

Subdivision: McCreary Marketplace
Block:
Lot number: 1
Preparation Date: March 06 2012



Front Elevation



Right Elevation



Left Elevation



Right Elevation



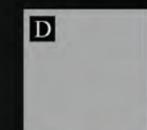
LUEDERS LIMESTONE



ACME BRICK "Crimson"



CLASSIC CAST STONE



ANODIZED ALUMINUM



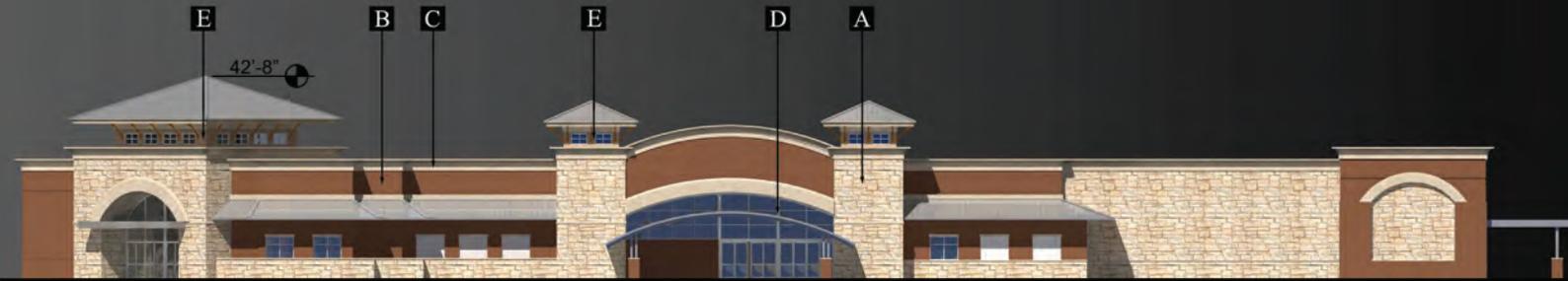
ACME BRICK "Rockefeller Plaza"

*Signage to be provided separately by sign vendor

McCreary Marketplace

Orange Development Inc.
1200 Corporate Drive
Suite G-50
BIRMINGHAM, AL 35242
TEL: (205)408-3443
FAX: (205)408-1850

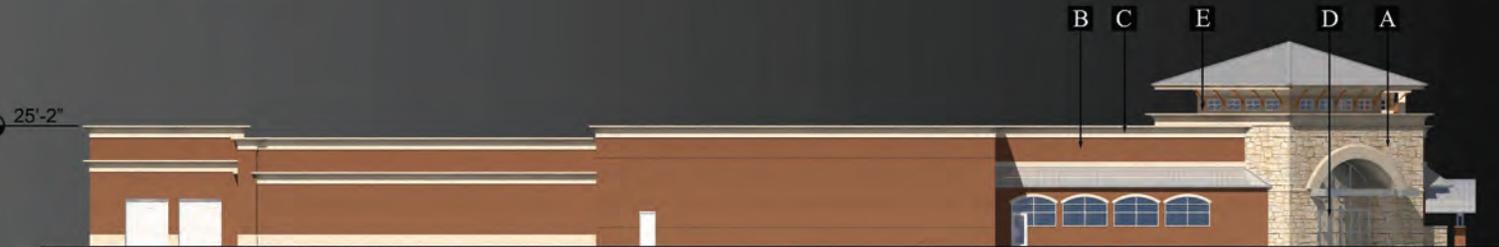
JACOBS
777 Main St.
Fort Worth, Tx. 76102



North (front) Elevation



South Elevation



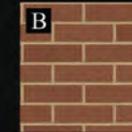
East Elevation



West Elevation



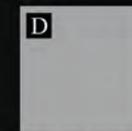
A
LUEDERS
LIMESTONE



B
ACME BRICK
"Crimson"



C
CLASSIC
CAST STONE



D
ANODIZED
ALUMINUM



E
ACME BRICK
"Rockefeller Plaza"

Proposed Conceptual Retail 2

North Elevation			East Elevation		
Material	s.f.	%	Material	s.f.	%
Stone	2103	30%	Stone	1300	22%
Cast stone	1900	70%	Cast stone	4733	75%
Brick red			Brick red		
Brick pink			Brick pink		
Metal			Metal	20	1%
Windows			Windows	113	2%
Doors			Doors		
Total	7212		Total	6228	

South Elevation			West Elevation		
Material	s.f.	%	Material	s.f.	%
Stone	3705	35%	Stone	960	9%
Cast stone	1454	17%	Cast stone	1505	20%
Brick red	2152	25%	Brick red	4109	55%
Brick pink	123	1%	Brick pink	85	1%
Metal	977	11%	Metal	538	7%
Windows	885	10%	Windows	434	8%
Doors	113	1%	Doors	204	3%
Total	8735		Total	7435	

Notes:
- This Facade Plan is for conceptual purposes only. All building plans require review and approval of the Building Inspection Department.
- All mechanical units shall be screened from public view.
- When permitted, exposed utility lines and conduits shall be painted to match the building.
- All signage sizes and locations are subject to approval by the Building Inspection Department.
- Roof access shall be provided internally, unless otherwise permitted by the Building Officer.



Graphic Scale
0 15 30

Subdivision: McCreary Marketplace

Block:

Lot number: 3

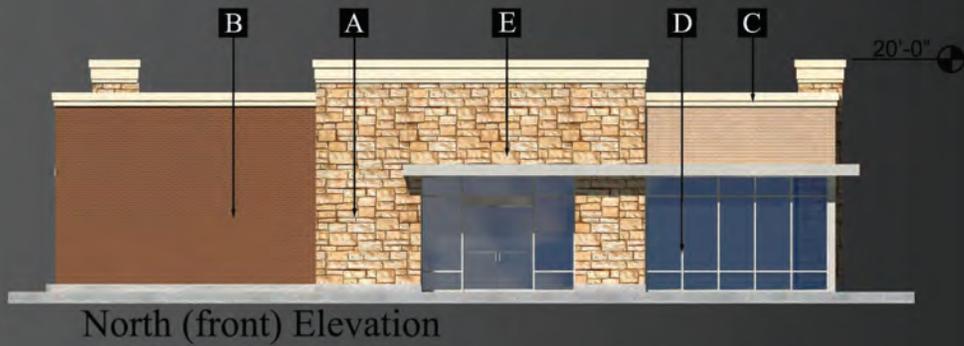
Preparation Date: Jan. 26 2012

*Signage to be provided separately by sign vendor

McCreary Marketplace

Orange Development Inc.
 1200 Corporate Drive
 Suite G-50
 BIRMINGHAM, AL 35242
 TEL: (205)408-3443
 FAX: (205)408-1850

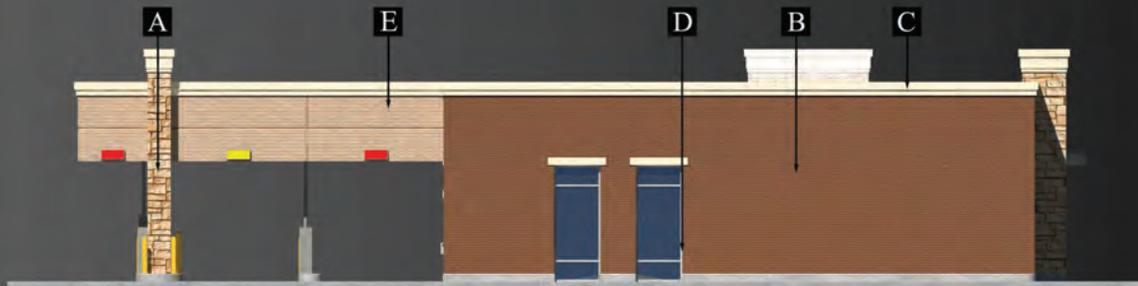
JACOBS
 777 Main St.
 Fort Worth, Tx. 76102



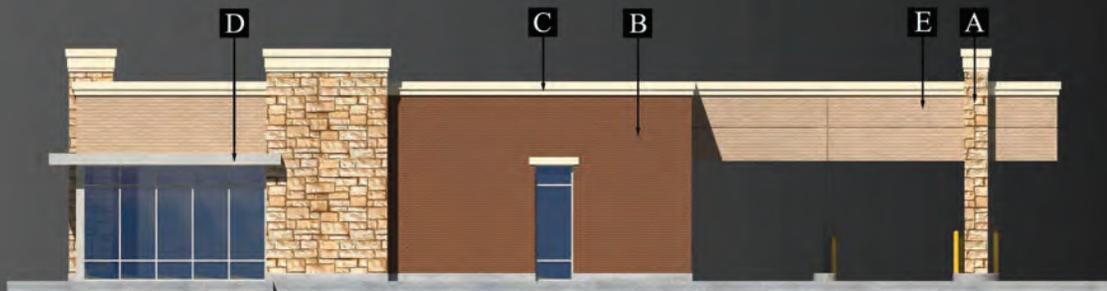
North (front) Elevation



South Elevation



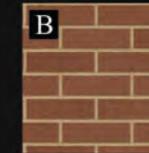
West Elevation



East Elevation



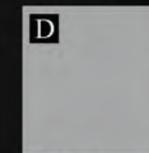
A
 LUEDERS
 LIMESTONE



B
 ACME BRICK
 "Crimson"



C
 CLASSIC
 CAST STONE



D
 ANODIZED
 ALUMINUM



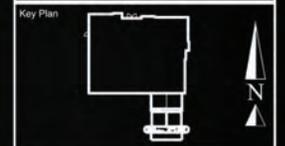
E
 ACME BRICK
 "Rockefeller Plaza"

Proposed Conceptual Retail 3

South Elevation			West Elevation		
Material	s.f.	%	Material	s.f.	%
Stone	157	14%	Stone	226	12%
Cast stone	104	9%	Cast stone	123	17%
Brick red	541	57%	Brick red	368	31%
Brick pink	113	10%	Brick pink	249	21%
Metal	2	1%	Metal	20	2%
Windows	84	7%	Windows	197	17%
Doors	24	2%	Doors		
Total	1125		Total	1183	

North Elevation			East Elevation		
Material	s.f.	%	Material	s.f.	%
Stone	356	29%	Stone	82	7%
Cast stone	112	9%	Cast stone	114	10%
Brick red	345	28%	Brick red	699	60%
Brick pink	82	7%	Brick pink	167	15%
Metal	39	3%	Metal	2	1%
Windows	297	24%	Windows	60	7%
Doors			Doors		
Total	1233		Total	1145	

Notes:
 - This Facade Plan is for conceptual purposes only. All building plans require review and approval of the Building Inspection Department.
 - All mechanical units shall be screened from public view.
 - When permitted, exposed utility boxes and conduits shall be painted to match the building.
 - All signage areas and locations are subject to approval by the Building Inspection Department.
 - Roof access shall be provided internally, unless otherwise permitted by the Building Officer.



Subdivision: **McCreary Marketplace**
 Block:
 Lot number: **2**
 Preparation Date: **Jan. 26 2012**

*Signage to be provided separately by sign vendor

Exhibit F
Signage Plan

Issue

Consider and/or act upon an ordinance amending the Code of Ordinances, Chapter 28 Development Standards, Section 28-10, Political Signs.

Staff Resource/Department

Kristen Roberts, Director of Economic and Development Services

Key Focus Area

Community Character

Summary

During the process of Chapter 28 – Development Standards review and discussion, Section 28-10, Political Signs was also discussed. Recommended amendments to this section are proposed. Staff continues to identify areas in the overall Zoning Ordinance that need amending and/or updating. It is recommended that staff return in August 2012 with proposed final amendments to Chapter 28 and section amendments in other chapters affected by those amendments.

Background/History

On May 18, 2009, City Council adopted an ordinance revising existing development standards that were previously located in the Comprehensive Zoning Ordinance and creating a new chapter (Chapter 28) in the Code of Ordinances. The following development standards were then moved to Chapter 28 of the Code of Ordinances:

- Sign Regulations
- Lighting Regulations
- Landscape/Tree Preservation Regulations
- Exterior Construction and Design Regulations
- Fence/Screening Regulations
- Performance Standards
- Noise Regulations
- Multi-Family Development Standards
- Hotel/Motel Standards (newly created at the time)
- Senior/Assisted Living Standards (newly created at the time)

On October 18, 2010, the City Council initially directed staff to review Chapter 28 with the main emphasis of potential change to sign regulations, fencing, walls and screening regulations and exterior construction standards.

On June 21, 2011, City Council reviewed new recommendations to Chapter 28 and offered feedback for staff and Planning & Zoning Commission consideration.

At the July 25, 2011 Planning & Zoning meeting, the Commission made suggested changes to the Development Standards. These changes were incorporated and included for approval at the August 22, 2011, Planning & Zoning meeting. At that meeting, following discussion and

receiving no comments from the public, the Commission approved the recommendations with slight edits to the verbiage in the fence permitting section and vehicular sign definition.

On September 6, 2011, City Council held a public hearing and considered an ordinance amending Chapter 28, Development Standards, of the Code of Ordinances. Council discussed numerous additional edits and clarifications. There was no Council action on the item.

Other Considerations

Proposed additions to Section 28-10 noted in **bold**.

Section 28-10. Political signs.

Political signs regarding an issue or candidate in an election may be erected on private property without limit as to number; provided, that such signs comply with other applicable requirements of this chapter, and provided further, that the owner or occupant of the property on which sign is displayed shall comply with the following regulations:

- (1) Political signs must comply with state law and are prohibited from:
 - a. Having a surface area greater than 36 square feet;
 - b. Being more than eight feet in height;
 - c. Being illuminated; or
 - d. Having moving elements.
 - e. **Being located in center medians or within 15 feet of any stop sign / traffic light.**
 - f. **Being placed on private property without the permission of the property owner.**
 - g. **Being placed on City of Murphy owned property except:**
 - 1) **Along the south entrance of the Municipal Complex. Signs may be placed on the south side of this driveway beginning 10 days prior to early voting. The sign placement area shall be between the Customer Service Utility Payment Drive area and the right of way at Murphy Road.**
 - 2) **The total sign area of a candidate on City of Murphy owned property may not exceed 16 square feet.**
 - 3) **On Election Day, candidates and/or supporters may place campaign signs in the east lawn across from the City Hall south**

parking lot, as long as they are outside the mandated election boundary lines.

4) All candidate signs must be removed within 2 days after the conclusion of the election.

(2) The City may remove any sign that is not in compliance with any of the above regulations.

(3) Political signs must comply with all laws and regulations regulating the placement, location, and site visibility triangle which relates to all signage.

Action Requested

Motion to approve an ordinance amending Section 28-10, Election Signs of Chapter 28 Development Standards.

Attachments

Proposed Ordinance

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING SECTION 28-10 OF CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

WHEREAS, the City Council adopted an ordinance on May 18, 2009, revising existing development standards that were previously located in the Comprehensive Zoning Ordinance and creating a new chapter (Chapter 28) in the Code of Ordinances.

WHEREAS, the City Council the City Council initially directed staff on October 18, 2010, to review Chapter 28 with the main emphasis of potential change to sign regulations, fencing, walls and screening regulations and exterior construction standards.

WHEREAS, the City Council of the City of Murphy finds and determines that modification of Chapter 28 – Development Standards, Section 28-10. Political Signs 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 28-10 of Chapter 28 of the Code of Ordinances of the City of Murphy, Texas, is hereby amended, which shall now read as follows:

Section 28-10. Political signs.

Political signs regarding an issue or candidate in an election may be erected on private property without limit as to number; provided, that such signs comply with other applicable requirements of this chapter, and provided further, that the owner or occupant of the property on which sign is displayed shall comply with the following regulations:

- (1) Political signs must comply with state law and are prohibited from:
 - a. Having a surface area greater than 36 square feet;
 - b. Being more than eight feet in height;
 - c. Being illuminated; or

- d. Having moving elements.
- e. Being located in center medians or within 15 feet of any stop sign / traffic light.
- f. Being placed on private property without the permission of the property owner.
- g. Being placed on City of Murphy owned property except:
 - 1) Along the south entrance of the Municipal Complex. Signs may be placed on the south side of this driveway beginning 10 days prior to early voting. The sign placement area shall be between the Customer Service Utility Payment Drive area and the right of way at Murphy Road.
 - 2) The total sign area of a candidate on City of Murphy owned property may not exceed 16 square feet.
 - 3) On election day, candidates and/or supporters may place campaign signs in the east lawn across from the City Hall south parking lot, as long as they are outside the mandated election boundary lines.
 - 4) All candidate signs must be removed within 2 days after the conclusion of the election.

(2) The City may remove any sign that is not in compliance with any of the above regulations.

(3) Political signs must comply with all laws and regulations regulating the placement, location, and site visibility triangle which relates to all signage.

...

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, Tuesday the 5th day of June, 2012.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

Issue

Consider and/or act upon a change order for Wall Enterprise to construct park improvements recommended by the Parks and Recreation Board and funded by Murphy Community Development Corporation.

Staff Resource / Department

Kristen Roberts, Director of Economic and Community Development
Kim Lenoir, Director of Parks and Public Works

Key Focus Area

Community Character

Summary

Wall Enterprise built Aviary Park, North Hill Park, and Brentwood Park in 2010. They are currently completing the construction of Liberty Ridge Park. The Parks and Recreation Board recommended to the Murphy Community Development Corporation (MCDC) some upgrades/additions to those parks and to The Preserve on Maxwell Creek Trails in 2011. The Murphy Community Development Corporation budgeted for those projects in the FY2012 budget.

Background/History

After the Annual Park Tour in November 2010, several members suggested some improvements to the parks. A list of park improvements was presented to Murphy Community Development Corporation (MCDC). MCDC set aside funds in the FY 2012 budget and identified specific projects as presented by the Parks Board for funding.

The Parks and Recreation Board recommended in January 2012 the projects below and quotes received from Wall Enterprise to make the following park improvements:

1. Aviary Park – add rock around the BBQ grill and 37 linear feet of a seat wall in the pavilion
2. North Hill Park – includes adding a BBQ grill and rocking it in and add 96 linear feet of a seat wall
3. The Preserve – add a BBQ grill and rock it in, 48 linear feet of seat wall, and 8 stone columns to the pavilion
4. Brentwood Park – install the rock ‘n cross play equipment purchased in 2011 by MCDC, add 160 linear foot of playground border, 1000 square foot of concrete sidewalk and ADA ramp, drain system, and the playground fall surface of gravel and engineered wood chip fiber.

Financial Considerations

MCDC has set aside in FY 2012 \$115,000.00 to fund park improvements and approved the reallocation of park improvement funds to the specific projects as detailed at their May 2012 meeting.

Due to the total expense exceeding \$50,000, the City of Murphy Purchasing Policy requires that this project be completed by a change order to the existing Liberty Ridge Park construction contract for Wall Enterprise.

Action Requested

Motion authorizing the City Manager to execute a change order to Wall Enterprise and issue a purchase order to complete the miscellaneous park improvements at Aviary Park, North Hill Park, Brentwood Park and The Preserve as recommended and approved by MCDC for \$101,661.00 allocated from the MCDC FY2012 budget.

Attachments

Quote from Wall Enterprise

PROPOSAL

Wall Enterprises

5425 CR 309

Cleburne, TX 76031

Phone (972)298-4800

Wallenterprisestx@msn.com

Cell (682) 556-0238

Submitted By: Dustin Wall

Proposal Date:	February 7, 2012	Proposal No.:	015-105
Project:	The Preserve Aviary Park North Hill Park Brentwood Park	Location:	Murphy, Texas
Description:	Install misc. work in four parks throughout the City of Murphy.		
Item	Description	Quantity	Total
1	The Preserve: This price includes one rocked-in grill, 48 LF of seating wall, and 8 stone columns on the pavilion		\$28,429.00
2	Aviary Park: This price includes one rocked-in grill and 37 LF of seating wall.		\$12,359.00
3	North Hill Park: This price includes one rocked-in grill and 96 LF seating wall.		\$20,979.00
4	Brentwood Park: This price includes 160 LF of concrete playground border, 1000 SF of new concrete sidewalk and ADA ramp, drain system, including gravel and wood fiber, and installation of the play equipment provided by the city.		\$39,894.00
Note:	There is no sod included in these prices. All seating walls will be placed on existing concrete. No new footing will be poured for seating walls.	SUBTOTAL:	\$101,661.00
		SALES TAX:	\$0.00
		TOTAL:	\$101,661.00

Thank you,
Dustin Wall

Issue

Consider and/or act upon awarding bid contract and establish project budget to perform demolition and removal of the house, construct berms, and repair/pave Bunny Run Road to the low bidder, Wall Enterprise.

Staff Resource / Department

Kim Lenoir, Director of Parks and Public Works and Wade Peterson, HOK Park Planner

Key Focus Area

Infrastructure Community Character " h

Summary

This bid packet was prepared to address and alleviate the neighborhood concerns about the city work on the Bunny Run property and city trucks/contractors driving on the shared Bunny Run Road. One bid was received and opened on May 15, 2012.

Background/History

April 17, 2012, City Council authorized HOK Park Planners, to prepare a bid package to perform demolition/removal of the house, constructing berms, and repairing/paving Bunny Run Road. The Timbers Nature Preserve Park (TNPP) is a 2008 funded project now in the design/permitting phase. The east portion of the project includes a 16 acre city-owned Bunny Run tract that shares a private road with numerous homeowners to the north of the property. The Bunny Run tract includes an abandoned house that needs to be removed for the TNPP Project. Plans for the TNPP project require additional fill dirt to be added for numerous berms, the city requested that Wall Construction haul the Liberty Ridge Park excess rubble to Bunny Run tract for the future berm features on the south side of the park.

The bid contract includes Haz-Mat asbestos removal/supervision/testing required in the house, demolition/removal of the house, overlay to road with 2 inches of asphalt, installation of culvert crossings, shaping and seeding of the rubble pile on the south side of Bunny Run, and to build new berms between the park and Bunny Run Road. The selected contractor would proceed with removal of all fences, wooden decks, asphalt, and concrete on the northwest end of the Bunny Run property. The plan is that once the demolition and removal of all the items on the northwest end of the property are completed and the berms are constructed on the north side of the park, the road can be repaired and paved. The City or park contractors will no longer need to access the park site from Bunny Run Road. The Bunny Run Road will have the quality of what is considered a "rural low traffic" construction quality and will not stand-up to heavy construction truck traffic.

If authorized, the contractor will begin work in 30 days.

Financial Considerations

HOK estimates the construction cost for the proposed bid packet was \$111,000, but after review by the City Engineer, the road specifications were upgraded and the estimate increased to \$123,485. The bid award is \$122,900.

The Bunny Run Road improvements, including the culvert crossings, total \$61,531. The house demolition project, including the asbestos abatement and monitoring, will total \$30,084. The other park items and improvements total \$31,285.

Staff recommends a designated budget of \$65,000 from Timbers Park 2008 bonds and \$65,000 from Street 2008 bond funds.

Action Requested

Motion to award bid to Wall Enterprise for \$122,900 and to designate a project budget of \$65,000 from 2008 Street Bond Funds and \$65,000 from Park Bond Funds to complete the project.

Attachments

Award Recommendation by HOK



May 16, 2012

Kim Lenoir, Director
206 North Murphy Road
Murphy, TX 75094

Dear Kim,

Following the bidding for the Bunny Run Property Demolition and Site Improvements, I am writing to recommend an award. The City received (1) total bid.

The acceptable bidder is Wall Enterprises. They have acceptable references for Parks and Recreation work going back more than 20 years and have a good existing relationship with Murphy today. Below is a summary of their bid compared to the Architect's estimate:

Original estimate for the construction work by the Architect was \$107,000. The City Engineer requested two revisions to the plans that cost additional monies not originally estimated. Estimate following revisions totaled \$123,485.

<u>Cost Item</u>	<u>Wall Enterprises</u>	<u>Architects Estimate</u>
Base Bid	\$122,900	\$123,485

The recommended bid is slightly below the estimate. Based on the value of the bid, HOK recommends the award of the bid.

Money allocations are to come from multiple sources. Based on your request, the following allocations of costs have been provided by Wall Enterprises as a part of their bid:

Road Improvements w/ Culvert Crossings:	\$ 61,531
House Demolition w/ Asbestos Abatement & Monitoring:	\$ 30,084
<u>Misc. Park Demo, Berm, Seeding, SWPPP :</u>	<u>\$ 31,285</u>
Total Bid:	\$122,900

Thank you for your consideration.

Wade C. Peterson, ASLA
Hellmuth, Obata & Kassabaum, L.P.
Sr. Landscape Architect

Issue

Consider and/or act upon award of a bid and establish a project budget for the McCreary Road widening project to the low bidder, McMahon Contracting, Inc.

Staff Resource / Department

Kim Lenoir, Director of Parks and Public Works and Gary Hendricks, City Engineer

Key Focus Area

Infrastructure Improvements and 2008 Street Bond Issue

Summary

The City of Murphy bid the 2008 street bond widening of McCreary Road from McMillen Road to McWhirter Road, and received and opened bids on May 17, 2012.

Background/History

The City of Murphy and the City of Wylie signed an interlocal agreement to address drainage, right-of-way, landscaping and cost share issues related to the 2008 street bond widening of McCreary Road, which bounds the two cities.

In 2010, Collin County and the City of Parker completed the improvements of McCreary Road south of Murphy's city limits. The County has allocated approximately \$591,000 from a county voter-approved bond for the completion of McCreary to McMillen Road in Murphy. The cost to improve McCreary Road from McMillen to McWhirter Road is estimated at \$1,950,000: \$1,625,000 in Murphy and \$325,000 in Wylie. In 2011, the County authorized the release of \$591,000 road bonds for the Murphy portion of the project, the balance coming from the City's 2008 Bond Initiative for street improvements.

On May 3, 2010, the City Council authorized Birkhoff, Hendricks & Carter, LLP, to prepare construction documents for the McCreary Road Paving and Drainage Improvements. The McCreary Road widening, paving, and drainage improvement plans have been completed by Birkhoff, Hendricks & Carter, LLP. They have also prepared plans to replace a failed drainage culvert on North Maxwell Creek Road.

On May 3, 2011, City Council authorized the City Engineer to solicit bids for the McCreary Road expansion project, to include culvert repairs on North Maxwell Creek Road; however, the bids were not sent out due to right-of-way acquisition issues and drainage issues into Wylie.

Due to drainage issues affecting the City of Wylie, an interlocal agreement was required to address these issues. The Agreement was approved by Murphy on March 20, 2012 and by Wylie on March 27, 2012.

Financial Considerations

The cost to improve McCreary Road from McMillen to McWhirter Road was estimated at \$1.625 million in 2010 and revised to \$1.9 to address the drainage issues. In 2011, the

County authorized the release of \$591,000 in road bonds in for the Murphy portion of the project, the balance coming from the City's 2008 Bond Initiative for street improvements, and the City of Wylie.

The low bid is \$1,907,133.47. The County will reimburse the city \$591,000 and the City of Wylie will reimburse Murphy for 68% of the storm drain line E, approximately \$325,000, leaving a balance due of \$991,133.47 for the City of Murphy from the 2008 street bond fund.

Action Requested

Motion to award bid to McMahon Contracting, Inc. at \$1,907,133.47 and authorize the budget for this project to be \$2 million.

Attachments

City Engineer Recommendation

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

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Fax (214) 461-8390

Phone (214) 361-7900

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

May 23, 2012

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

Re: McCreary Road Paving and Drainage Improvements project
Bid Award Recommendation

Dear Mr. Fisher:

We have checked the bids received Thursday, May 17, 2012 at 2:00 p.m. for the McCreary Road Paving and Drainage Improvements Project. Six contractors submitted bids on this project. We are enclosing six (6) copies of the Bid Tabulation and Bid Summary for your review and use.

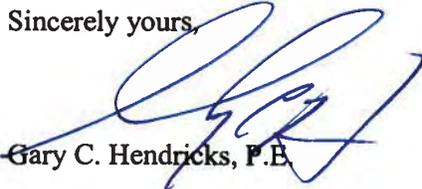
McMahon Contracting L.P. of Irving, Texas submitted the low bid in the amount of \$1,907,133.47. McMahon Contracting L.P.'s bid contained no irregularities, no bid exceptions and no errors.

McMahon Contracting L.P. meets the qualification requirements of the bid documents and has a record of satisfactorily completing similar projects throughout north Texas. We have successfully worked with this contractor on projects in the past with the most recent being currently under construction in the City of Wylie, Texas. It is our opinion this contractor has the experience, equipment and financial capabilities to properly pursue a project of this type.

Accordingly, we recommend the City accept the bid from McMahon Contracting L.P. and award them a contract in the amount of \$1,907,133.47.

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

Sincerely yours,


Gary C. Hendricks, P.E.

Enclosures

cc: Ms. Kim Lenoir

Texas American Public Works Association 2011 Awardee
Environmental Project of the Year \$2-\$10 Million – Columbian Pump Station Rehabilitation

CITY OF MURPHY, TEXAS
McCreary Road Paving & Drainage Improvements
(McMillen Road to McWhirter Road)

BID SUMMARY

Bids Received at 2:00 p.m., Thursday, May 17, 2012

<u>Contractor</u>	<u>Total Amount Bid</u>
1. McMahon Contracting, L.P. P.O. Box 153086 Irving, Texas 75015-3086	<u>\$ 1,907,133.47</u>
2. Tiseo Paving Co. 419 US Hwy. 80 East Mesquite, Texas 75150	<u>\$ 1,914,689.93</u>
3. Ed Bell Construction Company P. O. Box 540787 Dallas, Texas 75354-0787	<u>\$ 1,979,292.10</u>
4. XIT Paving & Construction, Inc. 3934 S. Hwy. 287 Waxahachie, Texas 75165	<u>\$ 2,054,339.32</u>
5. L. H. Lacy Company, Ltd. 1880 Crown Road Dallas, Texas 75234	<u>\$ 2,164,997.95</u>
6. RKM Utility Services, Inc. 1544 Valwood Parkway, Suite 100 Carrollton, Texas 75006	<u>\$ 2,284,104.25</u>