

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
JUNE 4, 2013 AT 6:00 P.M.
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



Eric Barna
Mayor

Owais Siddiqui
Mayor Pro Tem

Ben St. Clair
Deputy Mayor Pro Tem

Scott Bradley
Councilmember

Betty Spraggins
Councilmember

Bernard Grant
Councilmember

Rob Thomas
Councilmember

James Fisher
City Manager

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 June 4, 2013 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. PRESENTATION ITEMS :

A. Presentation – Proposed Magnolia Park subdivision.

6. CONSENT AGENDA

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

A. Consider and take action, if any, on the May 21, 2013 Regular Meeting minutes.

B. Consider and/or act upon approval of a resolution authorizing signature authority to sign and endorse checks and drafts of the City of Murphy bank accounts.

C. Consider and take action, if any, on the approval of an ordinance approving and adopting rate schedule “RRM – rate review mechanism” for Atmos Energy Corporation, Mid-Tex division to be in force in the city for a period of time as specified in the rate schedule; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; declaring an effective date; and requiring delivery of this ordinance to the company and ACSC legal counsel.

D. Consider and/or act on the application of Helen Pickard and CVS Pharmacy for approval of a Final Plat of **McCreary Marketplace**, located on the SWC of FM544 and McCreary Road.

E. Consider and/or act on the application of Wal-Mart Real Estate Business Trust for approval of a Final Plat of **Wal-Mart Addition**, located on the NW Corner of FM 544 and Murphy Road.

7. INDIVIDUAL CONSIDERATION

- A. Discuss Planned Development District Ordinance No. 03-10-590 (Gables and Ranch), Section H.
- B. Consider and take appropriate action, if any, on professional engineering services for the Betsy Lane Widening and Drainage Improvements project from North Murphy Road to McCreary Road.
- C. Consider and/or act upon authorizing the addition of a 3rd CID position in anticipation of the opening of the new Walmart, which would require hiring an additional police officer.
- D. Consider and take appropriate action, if any, on an ordinance amending the FY 2012-2013 revenue and expenditure budget for the General Fund.
- E. Discussion regarding establishment of the FY 14 Budget schedule and planning sessions.

8. CITY MANAGER/STAFF REPORTS

North Murphy Road Construction Update
McCreary Road Construction Update
Murphy Central Park Construction Update
City Hall Facility Tour – June 8th
Moonlight Movie – June 14th – How to Train Your Dragon
Chamber of Commerce Meeting – June 18th

9. EXECUTIVE SESSION

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

§ 551.076. DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS Discussion regarding a contract for Access Control/Video Surveillance for the Municipal Complex.

§ 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).

10. RECONVENE INTO REGULAR SESSION

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

§ 551.076. DELIBERATION REGARDING SECURITY DEVICES OR SECURITY AUDITS Discussion regarding a contract for Access Control/Video Surveillance for the Municipal Complex.

§ 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).

A. Consider and or act upon any executive session items.

11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on May 31, 2013 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.



Kristi Gilbert, TRMC, CMC, CPM
City Secretary

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

CITY COUNCIL MINUTES
MAY 21, 2013 REGULAR CITY COUNCIL MEETING

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 recitation of the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

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

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

Councilmembers absent:
None

4. CONSENT AGENDA

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

A. Consider and take action, if any, on the May 7, 2013 Regular Meeting minutes.

COUNCIL ACTION (4.A.):

APPROVED

Mayor Pro Tem Grant moved to approve the consent agenda as presented. Deputy Mayor Pro Tem Halbert seconded the motion. For: Baldwin, Grant, Halbert, Richmond, Daugherty, Bradley and Brandon. The motion carried by a vote of 7 to 0.

5. ELECTION PROCEDURES:

A. Consider and act upon approval of an ordinance canvassing and declaring the election results of the May 11, 2013 General and Special Elections.

COUNCIL ACTION (5.A.):

APPROVED

Deputy Mayor Pro Tem Halbert moved to approve an ordinance canvassing and declaring the election results of the May 11, 2013 General and Special Elections. Council Member Bradley seconded the motion. For: Baldwin, Grant, Halbert, Richmond, Daugherty, Bradley and Brandon. For: Baldwin, Grant, Halbert, Richmond, Daugherty, Bradley and Brandon. The motion carried by a vote of 7 to 0.

Barbara Harless, 709 Summer Place – Ms. Harless expressed concerns regarding voting on Election Day at Miller Elementary School. Ms. Harless stated that she blamed the city for not having

detailed information on the home page of the website. Ms. Harless stated that she blamed Collin County Elections, as well, for not having clear ballots.

B. Issuance of Certificate of Election to Mayor and Council Members.

Mayor Baldwin presented Mayor-Elect Eric Barna and Council Members-Elect Owais Siddiqui, Ben St. Clair, Scott Bradley, Betty Spraggins and Rob Thomas with their Certificates of Election.

C. Administer Oath of Office to Mayor and newly elected Council Members.

City Secretary Kristi Gilbert administered the Oaths of Office to Mayor-Elect Eric Barna and Council Members-Elect Owais Siddiqui, Ben St. Clair, Scott Bradley and Rob Thomas. Municipal Judge Natalie Banuelos administered the Oath of Office to Council Member-Elect Betty Nichols Spraggins.

6. NEWLY ELECTED MAYOR AND COUNCIL MEMBERS ARE SEATED

Mayor Barna and the new council took their seats at the dais.

Recess:

Mayor Barna called for a recess at 6:19 p.m. to hold a reception in the Community Room for the outgoing council members.

Reconvene:

Mayor Barna reconvened the meeting into open session at 7:30 p.m.

A. Consider and/or act upon nominations for Mayor Pro Tem.

Mayor Barna called for nominations for Mayor Pro Tem. Council Member Bradley nominated Council Member Siddiqui for Mayor Pro Tem. No other nominations for Mayor Pro Tem were made.

COUNCIL ACTION (ITEM 6.A.):

SIDDIQUI APPOINTED

Mayor Barna called for a vote on the nomination of Owais Siddiqui as Mayor Pro Tem. For: Unanimous. Owais Siddiqui was elected Mayor Pro Tem by a vote of 7 to 0.

B. Consider and/or act upon nominations for Deputy Mayor Pro Tem.

Mayor Barna called for nominations for Deputy Mayor Pro Tem. Mayor Pro Tem Siddiqui nominated Council Member St. Clair for Deputy Mayor Pro Tem. No other nominations for Deputy Mayor Pro Tem were made.

COUNCIL ACTION (ITEM 6.A.):

SIDDIQUI APPOINTED

Mayor Barna called for a vote on the nomination of Ben St. Clair as Deputy Mayor Pro Tem. For: Unanimous. Ben St. Clair was elected Deputy Mayor Pro Tem by a vote of 7 to 0.

7. PUBLIC COMMENTS –

Linda Martin, 142 Moonlight Drive – Ms. Martin welcomed the new council members and stating that she was at the meeting to represent a continue presence regarding the traffic issues on Moonlight Drive.

8. PRESENTATION ITEMS: *None*

9. INDIVIDUAL CONSIDERATION

- A. Hold a Discussion regarding an update from the City Manager regarding pending city projects. City Manager James Fisher provided the Council with an update on Central Park, the Plano Sports Authority, road construction projects, the Maxwell Creek sewer line, the proposed animal shelter, the Timbers Nature Preserve, Moonlight Drive and current development submittals.

Council Member Thomas inquired as to how many gas lines had been hit during the North Murphy Road construction activities and what the cause was. Mr. Fisher responded that there had been approximately four occasions of the gas line being damaged and explained that the cause was most likely due to the limited amount of space in the right-of-way for utility companies to lay their lines.

COUNCIL ACTION (ITEM 9.A.):

NON-ACTION ITEM

The Council took no action on Item 9.A.

- B. Discussion regarding establishment of the FY 14 Budget schedule and planning sessions. Discussion was held with regard to conducting a tour of the city facilities on Saturday, June 8th.

COUNCIL ACTION (ITEM 9.B.):

NON ACTION ITEM

The Council took no action on Item 9.B.

10. CITY MANAGER/STAFF REPORTS

Mr. Fisher provided the Council with an update on the following items:
 Memorial Day – May 27th City Offices will be closed
 Moonlight Movie – June 14th, How to Train Your Dragon

11. ADJOURNMENT

With no further business, the meeting was adjourned at 7:51 p.m.

APPROVED BY:

 Eric Barna, Mayor

ATTEST:

 Kristi Gilbert, City Secretary

City Council Meeting
June 4, 2013

Issue

Consider and/or act upon approval of a resolution authorizing signature authority to sign and endorse checks and drafts of the City of Murphy bank accounts.

Staff Resource/Department

Linda Truitt, Finance Director

Summary

Eric Barna, Mayor, Owais Siddiqui, Mayor Pro Tem and Ben St. Clair, Deputy Mayor Pro Tem will be added as authorized signatures and Bret Baldwin, John Daugherty and Colleen Halbert will be removed as authorized signature.

Background/History

As City staff and elected officers change, this resolution must be updated with current signatures. With the departure of Bret Baldwin, John Daugherty and Colleen Halbert from the City of Murphy City Council, Eric Barna, Mayor, Owais Siddiqui, Mayor Pro Tem and Ben St. Clair, Deputy Mayor Pro Tem will be added as authorized signatures and Bret Baldwin, John Daugherty and Colleen Halbert will be removed as authorized signatures. Current staff authorized signatures includes James Fisher, City Manager, Linda Truitt, Finance Director and Steven Ventura, Assistant Finance Director. The City requires two signatures on all checks. Checks are signed by staff; however, if two staff members are not available, the Mayor, Mayor Pro Tem or Deputy Mayor Pro Tem may be asked to sign checks.

Financial Considerations

N/A

Action Requested

Approval of a resolution authorizing signature authority to sign and endorse checks and drafts of the City of Murphy bank accounts.

Attachments

1) Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AUTHORIZING CERTAIN OFFICERS OF THE CITY TO SIGN AND ENDORSE CHECKS AND DRAFTS OF THE CITY OF MURPHY BANK ACCOUNTS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURPHY:

Section 1. That any two (2) or more of the following officers of the City shall be authorized to endorse and cash checks, drafts and similar documents on behalf of the City of Murphy in connection with any bank account of the City of Murphy:

<u>NAME OF SIGNING OFFICER</u>	<u>TITLE OF SIGNING OFFICER</u>
<u>Eric Barna</u>	<u>Mayor</u>
<u>James Fisher</u>	<u>City Manager</u>
<u>Linda Truitt</u>	<u>Finance Director</u>
<u>Steven Ventura</u>	<u>Assistant Finance Director</u>
<u>Owais Siddiqui</u>	<u>Mayor Pro Tem</u>
<u>Ben St. Clair</u>	<u>Deputy Mayor Pro Tem</u>

Section 2. That any two (2) or more of the signing officers referenced in Section 1 hereof are authorized to receive statements and canceled vouchers of the City of Murphy and to appoint an agent or agents to do the same; furthermore, such officers are authorized to stop payment of checks of the City of Murphy, to revoke stop payment orders, and to open or close banking accounts.

Section 3. That the bank which is now depository for city funds is hereby authorized to honor or accept all drafts, checks and similar documents executed or endorsed on behalf of the City of Murphy in the manner provided in Section 1 hereof for the credit of or in payment of any obligations of or by the payee or any other holder.

Section 4. That a certified copy of this Resolution shall be complete and full evidence of the enactment of this Resolution and of the authority of the respective officers herein named, and said authority shall remain in full force until written notice of revocation thereof shall be received by the bank or a certified copy of a Resolution designating different officers is received by the bank.

Section 5. That any and all resolution, ordinances or other orders of the City Council of the City of Murphy which may be in conflict herewith or any provisions thereof are hereby repealed to the extent of such inconsistency.

Section 6. This resolution shall become effective immediately upon approval.

DULY RESOLVED by the City Council of the City of Murphy, Collin County, Texas,
on this the 4th day of June, 2013.

Eric Barna, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

City Council Meeting
June 4, 2013

Issue

Consider and take action, if any, on the approval of an ordinance approving and adopting rate schedule “RRM – rate review mechanism” for Atmos Energy Corporation, Mid-Tex division to be in force in the city for a period of time as specified in the rate schedule; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; declaring an effective date; and requiring delivery of this ordinance to the company and ACSC legal counsel.

Staff Resource/Department

Linda Truitt, Finance Director

Summary

The Atmos Cities Steering Committee (ACSC) is requesting the City of Murphy’s approve the attached ordinance approving the negotiated Rate Review Mechanism (RRM) for a four year period from 2013 to 2017.

In 2007, ACSC and Atmos Mid-Tex agreed to implement an annual rate review mechanism for Atmos Mid-Tex, known as the Rate Review Mechanism (“RRM”), as a temporary replacement for the statutory mechanism known as GRIP (the “Gas Reliability Infrastructure Program”). This first RRM tariff expired in 2011, and although ACSC and Atmos Mid-Tex met many times to attempt to reach an agreement on a renewed or replacement tariff, they were unable to do so. Atmos Mid-Tex filed a full rate case in 2012. The resulting rates were approved by the Railroad Commission in December 2012 in G.U.D. No. 10170.

ACSC and the Company renewed discussions to develop revisions to the RRM tariff, and have reached a tentative agreement on the form of the RRM tariff to be in effect for a four-year period from 2013 to 2017. If the RRM process is to continue to function as a substitute for the GRIP process, cities that exercise original jurisdiction must adopt a tariff that authorizes the process. For the reasons outlined below, the ACSC Executive Committee and ACSC legal counsel recommend approval of the new RRM tariff by all ACSC member cities.

Background

The City, along with 154 other cities served by Atmos Energy Corporation, Mid-Tex Division (“Atmos Mid-Tex” or “Company”), is a member of the Atmos Cities Steering Committee (“ACSC” or “Steering Committee”). In 2007, ACSC and Atmos Mid-Tex agreed to implement an annual rate review mechanism for Atmos Mid-Tex, known as the Rate Review Mechanism (“RRM”), as a temporary replacement for the statutory mechanism known as GRIP (the “Gas Reliability Infrastructure Program”). This first RRM tariff expired in 2011, and although ACSC and Atmos Mid-Tex met many times to attempt to reach an agreement on a renewed or replacement tariff, they were unable to do so. Atmos Mid-Tex filed a full rate case in 2012. The resulting rates were approved by the Railroad Commission in December 2012 in G.U.D. No. 10170.

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ACSC and the Company renewed discussions to develop revisions to the RRM tariff, and have reached a tentative agreement on the form of the RRM tariff to be in effect for a four-year period from 2013 to 2017. If the RRM process is to continue to function as a substitute for the GRIP process, cities that exercise original jurisdiction must adopt a tariff that authorizes the process. For the reasons outlined below, the ACSC Executive Committee and ACSC legal counsel recommend approval of the new RRM tariff by all ACSC member cities.

RRM Background:

The RRM tariff was originally approved by ACSC member cities as part of the settlement agreement resolving the Atmos Mid-Tex 2007 system-wide rate filing at the Railroad Commission. The RRM process was created collaboratively by ACSC and Atmos Mid-Tex as an alternative to the legislatively-authorized GRIP rate adjustment process. GRIP, like the RRM, is a form of expedited rate relief for gas utilities that avoids the long and costly process of a full rate filing. However, ACSC strongly opposes the GRIP process because it constitutes piecemeal ratemaking, does not allow any review by cities of the reasonableness of capital expenditures, and does not allow participation by cities in the Railroad Commission's review of the annual GRIP filings, or recovery by cities of their rate case expenses. The Railroad Commission undertakes only an administrative review of GRIP filings (instead of a full hearing) and the rate increases go into effect without any material adjustments. In ACSC's view, the GRIP process unfairly raises customers' rates without any real regulatory oversight. In contrast, the RRM process has allowed for a more comprehensive rate review and annual adjustment as a substitute for GRIP filings.

Purpose of the Ordinance:

The purpose of the Ordinance is to approve the RRM tariff ("Attachment A") that reflects the negotiated RRM process. For the RRM process to continue, cities exercising original jurisdiction must approve a tariff that authorizes the process.

Reasons Justifying Approval of the Negotiated RRM Tariff:

In the opinion of ACSC's Executive Committee, the RRM process is a better deal for customers than the GRIP process. Atmos Mid-Tex has stated if it were to file for a rate adjustment in 2013 under the GRIP provisions, it would request approximately \$5 million more in rate relief than it plans to request in a filing under this revised RRM tariff. ACSC assumes that is because the GRIP process only evaluates changes to capital investment. The RRM process looks at revenues (that may be increasing) and expenses (that may be declining), as well as capital investment.

Additionally, the statute authorizing the GRIP rate adjustment process allows the Company to place the entirety of any rate increase in the unavoidable monthly customer charge portion of its rates. If the Company were to file for an increase under the GRIP provisions, the entire amount of the increase would be collected through the fixed portion of the bill, rather than the volumetric charge that varies by a customer's usage. Between 2007 and 2012, ACSC was able

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to negotiate rate design results that constrained residential customer charges to the \$7.00 to \$7.50 range. However, the Railroad Commission has recently raised the residential customer charge to \$17.70.

The Company has agreed that for the first filing under the revised RRM tariff, there will be no increase to the residential customer charge. Thus, some of the primary benefits of the attached RRM tariff are that it moderates the impact of rate adjustments on residential customers by not changing the residential customer charge for the first RRM period. In subsequent years only 40% of the proposed increase in revenues to the residential class will be recovered through the fixed customer charge, and in no event will the residential customer charge increase by more than \$.50 per month. No such constraints exist under the GRIP process.

Additionally, the attached RRM tariff provides a discount as an incentive for cities permitting the Company annual rate relief. The RRM tariff includes an adjustment amount that is a reduction to the Company's requested increase. The adjustment lowers the Company's rate request by at least \$3 million each year. Additional reductions will also be made each year depending on the size of the Company's requested increase. The attached RRM tariff also caps at 55% the percentage of equity that can be used to calculate the Company's capital structure. Railroad Commission policy allows rates to be based on a parent company's actual capital structure, which for Atmos could mean increases in equity above the most recent level of 52%.

Under the RRM tariff, cities are also able to review the Company's annual expenses and capital investments and make adjustments, or disallowances, for any such expenses or investments that are considered to be unreasonable or unnecessary. The cities' costs in reviewing the annual filings, such as fees associated with the hiring of expert consultants and legal counsel, will be reimbursed by the Company on a monthly basis.

If cities do not approve the RRM tariff, the Company has stated that it will reinstitute its annual filings under the GRIP provisions. The anticipated GRIP adjustment for 2013 would be approximately \$5 million higher than the Company anticipates requesting through an RRM filing. Additionally, GRIP rate adjustments would place the entire amount of the Company's requested increase into the customer charge. The ACSC Executive Committee recommends that ACSC city members take action to approve the Ordinance authorizing the RRM tariff.

Financial Considerations

N/A

Staff Recommendation

Approval of the ordinance authorizing approving and adopting rate schedule "RRM – rate review mechanism" for Atmos Energy Corporation, Mid-Tex division

Attachments

- 1) Ordinance
- 2) RRM information sheet comparing to GRIP

City Council Meeting
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3) Final Atmos MidTex RRM

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, (“CITY”) APPROVING AND ADOPTING RATE SCHEDULE “RRM – RATE REVIEW MECHANISM” FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL COUNSEL.

WHEREAS, the City of Murphy, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “the Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of cities, most of whom retain original jurisdiction over the rates and services of Atmos Mid-Tex; and

WHEREAS, in 2007 ACSC member cities and Atmos Mid-Tex collaboratively developed the Rate Review Mechanism (“RRM”) Tariff that allows for an expedited rate review process controlled by cities as a substitute for the legislatively-constructed Gas Reliability Infrastructure Program (“GRIP”); and

WHEREAS, the GRIP mechanism does not permit the City to review rate increases, and constitutes piecemeal ratemaking; and

WHEREAS, the RRM process permits City review of requested rate increases and provides for a holistic review of the true cost of service for Atmos Mid-Tex; and

WHEREAS, the initial RRM tariff expired in 2011; and

WHEREAS, ACSC’s representatives have worked with Atmos Mid-Tex to negotiate a renewal of the RRM process that avoids litigation and Railroad Commission filings; and

WHEREAS, the ACSC’s Executive Committee and ACSC’s legal counsel recommend ACSC members approve the negotiated new RRM tariff; and

WHEREAS, the attached Rate Schedule “RRM – Rate Review Mechanism” (“RRM Tariff”) provides for a reasonable expedited rate review process that is a substitute for, and is superior to, the statutory GRIP process; and

WHEREAS, the expedited rate review process as provided by the RRM Tariff avoids piecemeal ratemaking; and

WHEREAS, the RRM tariff reflects the ratemaking standards and methodologies authorized by the Railroad Commission in the most recent Atmos Mid-Tex rate case, G.U.D. No. 10170; and

WHEREAS, the RRM Tariff provides for an annual reduction in Atmos Mid-Tex’s requested rate increase of at least \$3 million; and

WHEREAS, the RRM Tariff provides for a lower customer charge than if Atmos Mid-Tex pursued GRIP filings; and

WHEREAS, the attached RRM Tariff as a whole is in the public interest;

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That the City Council finds that the RRM Tariff, **which is attached hereto and incorporated herein as Attachment A**, is reasonable and in the public interest, and is hereby in force and effect in the City.

Section 3. That to the extent any resolution or ordinance previously adopted by the City Council is inconsistent with this Ordinance, it is hereby repealed.

Section 4. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. That if any one or more sections or clauses of this Ordinance is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 6. That this Ordinance shall become effective from and after its passage.

Section 7. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of
Christopher Felan
Vice President of Rates and Regulatory Affairs for Atmos Mid-Tex Division
Atmos Energy Corporation
5420 LBJ Freeway, Suite 1600
Dallas, Texas 75240
and to

Geoffrey Gay
General Counsel to ACSC
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900,
Austin, Texas 78701.

PASSED AND APPROVED this 4TH day of JUNE, 2013.

Eric Barna, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

APPROVED AS TO FORM:

City Attorney

The New RRM: How Does It Stack Up?

RRM (2007-2011)

- Negotiated limits to the amount of increase included in customer charge.
- Less money requested from ratepayers, because it considers the Company's entire cost of providing service, including declining expenses.
- Cities can review reasonableness of expenses and negotiate disallowances.
- Reimbursement of Cities' rate case expenses.
- Cities can order reductions to requested increase.
- Better working relationship between Cities and Company.

GRIP

- All increase included in customer charge.
- More costly to ratepayers, because it does not consider the Company's entire cost of providing service, including declining expenses.
- Cities have no input as to reasonableness or recovery of expenses.
- No reimbursement of Cities' rate case expenses.
- No reduction in requested increase.
- Poorer working relationship between Cities and Company.

New RRM Tariff

- Includes limits on percentage of increase to be included in monthly customer charge.
- Shorter turn-around on discovery.
- Technical conference to expedite receipt of information from Company.
- No post-test year adjustments.
- Time limit for O&M known and measurable adjustments.
- Reduction in requested increase of at least \$3 million each year.
- Tracks the methodologies approved by the Railroad Commission in the most recent Mid-Tex rate case.

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

Attachment "A"

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 1 OF 6

I. Applicability

Applicable to Residential, Commercial, Industrial, and Transportation tariff customers in the Mid-Tex Division of Atmos Energy Corporation ("Company") except such customers within the City of Dallas. This Rate Review Mechanism ("RRM") provides for an annual adjustment to the Company's Rate Schedules R, C, I and T ("Applicable Rate Schedules"). Rate calculations and adjustments required by this tariff shall be determined on a System-Wide cost basis.

II. Definitions

"Test Period" is defined as the twelve months ending December 31 of each preceding calendar year.

The "Effective Date" is the date that adjustments required by this tariff are applied to customer bills. The annual Effective Date is June 1. The 2013 filing Effective Date is October 15, 2013.

Unless otherwise noted in this tariff, the term "Final Order" refers the final order issued by the Railroad Commission of Texas in GUD 10170.

The term "System-Wide" means all incorporated and unincorporated areas served by the Company.

"Review Period" is defined as the period from the Filing Date until the Effective Date.

The "Filing Date" is as early as practicable but no later than March 1 of each year with the exception of 2013, which shall have a Filing Date of July 15, 2013. The last annual Effective Date is June 1, 2017.

III. Calculation

The RRM shall calculate an annual, System-Wide cost of service ("COS") that will be used to adjust applicable rate schedules prospectively as of the Effective Date. The annual cost of service will be calculated according to the following formula:

$$\text{COS} = \text{OM} + \text{DEP} + \text{RI} + \text{TAX} + \text{CD} - \text{ADJ}$$

Where:

OM = all reasonable and necessary operation and maintenance expenses from the

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

Attachment "A"

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 2 OF 6

Test Period adjusted for known and measurable items and prepared consistent with the rate making treatments approved in the Final Order. Known and measurable adjustments shall be limited to those changes that have occurred prior to the Filing Date. OM may be adjusted for atypical and non-recurring items. Shared Services allocation factors shall be recalculated each year based on the latest component factors used during the Test Period, but the methodology used will be that approved in the Final Order.

DEP = depreciation expense calculated at depreciation rates approved by the Final Order.

RI = return on investment calculated as the Company's pretax return multiplied by rate base at Test Period end. Rate base is prepared consistent with the rate making treatments approved in the Final Order, except that no post Test Period adjustments will be permitted. Pretax return is the Company's weighted average cost of capital before income taxes. The Company's weighted average cost of capital is calculated using the methodology from the Final Order including the Company's actual capital structure and long term cost of debt as of the Test Period end (adjusted for any known and measurable changes) and the return on equity from the Final Order. However, in no event will the percentage of equity exceed 55%. Regulatory adjustments due to prior regulatory rate base adjustment disallowances will be maintained. Cash working capital will be calculated using the lead/lag days approved in the Final Order. With respect to pension and other postemployment benefits, the Company will record a regulatory asset or liability for these costs until the amounts are included in the next annual rate adjustment implemented under this tariff. Each year, the Company's filing under this Rider RRM will clearly state the level of pension and other postemployment benefits recovered in rates.

TAX = income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date, and prepared consistent with the rate making treatments approved in the Final Order.

CD = interest on customer deposits.

ADJ = Downward adjustment to the overall, System-Wide test year cost of service in the amount of \$3,000,000.00, adjusted by a percentage equal to the total percentage increase in base-rate revenue sought pursuant to this tariff.

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

Attachment "A"

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 3 OF 6

IV. Annual Rate Adjustment

The Company shall provide schedules and work papers supporting the Filing's revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the effective period. The Revenue Requirement will be apportioned to customer classes in the same manner that Company's Revenue Requirement was apportioned in the Final Order. For the Residential Class, 40% of the increase may be recovered in the customer charge. The increase to the Residential customer charge shall not exceed \$0.50 per month in any given year. The remainder of the Residential Class increase not collected in the customer charge will be recovered in the usage charge. The Company will forgo any change in the Residential customer charge with the first proposed rate adjustment pursuant to this tariff. For all other classes, the change in rates will be apportioned between the customer charge and the usage charge, consistent with the Final Order. Test Period billing determinants shall be adjusted and normalized according to the methodology utilized in the Final Order.

V. Filing

The Company shall file schedules annually with the regulatory authority having original jurisdiction over the Company's rates on or before the Filing Date that support the proposed rate adjustments. The schedules shall be in the same general format as the cost of service model and relied-upon files upon which the Final Order was based. A proof of rates and a copy of current and proposed tariffs shall also be included with the filing. The filing shall be made in electronic form where practical. The Company's filing shall conform to Minimum Filing Requirements (to be agreed upon by the parties), which will contain a minimum amount of information that will assist the regulatory authority in its review and analysis of the filing. The Company and regulatory authority will endeavor to hold a technical conference regarding the filing within ten (10) calendar days after the Filing Date.

The 2013 Filing Date will be July 15, 2013.

A sworn statement shall be filed by an Officer of the Company affirming that the filed schedules are in compliance with the provisions of this Rate Review Mechanism and are true and correct to the best of his/her knowledge, information, and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies, allocation of common costs, or atypical or non-recurring items included in the filing.

VI. Evaluation Procedures

ATMOS ENERGY CORPORATION
MID-TEX DIVISION

Attachment "A"

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 4 OF 6

The regulatory authority having original jurisdiction over the Company's rates shall review and render a decision on the Company's proposed rate adjustment prior to the Effective Date. The Company shall provide all supplemental information requested to ensure an opportunity for adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within seven (7) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the proposed rate adjustment into compliance with the provisions of this tariff.

The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall constitute a finding that such net plant investment was prudently incurred. Such finding of prudence shall not be subject to further review in a subsequent RRM or Statement of Intent filing.

During the Review Period, the Company and the regulatory authority will work collaboratively and seek agreement on the level of rate adjustments. If, at the end of the Review Period, the Company and the regulatory authority have not reached agreement, the regulatory authority shall take action to modify or deny the proposed rate adjustments. The Company shall have the right to appeal the regulatory authority's action to the Railroad Commission of Texas. Upon the filing of an appeal of the regulatory authority's order relating to an annual RRM filing with the Railroad Commission of Texas, the regulatory authority having original jurisdiction over the Company's rates shall not oppose the implementation of the Company's proposed rates subject to refund, nor will the regulatory authority advocate for the imposition of a third party surety bond by the Company. Any refund shall be limited to and determined based on the resolution of the disputed adjustment(s) in a final, non-appealable order issued in the appeal filed by the Company at the Railroad Commission of Texas.

In the event that the regulatory authority and Company agree to a rate adjustment(s) that is different from the adjustment(s) requested in the Company's filing, the Company shall file compliance tariffs consistent with the agreement. No action on the part of the regulatory authority shall be required to allow the rate adjustment(s) to become effective on June 1. To the extent that the regulatory authority does not take action on the Company's RRM filing by May 31, the rates proposed in the Company's filing shall be deemed approved effective June 1. (2013 filing RRM rate will be effective October 15, 2013 if no action is taken). Notwithstanding the preceding sentence, a regulatory authority may choose to take affirmative action to approve a rate adjustment under this tariff. In those instances where such approval cannot reasonably occur by May 31, the rates finally approved by the regulatory authority shall be deemed effective as of June 1.

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

Attachment "A"

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 5 OF 6

To defray the cost, if any, of regulatory authorities conducting a review of the Company's annual RRM filing, the Company shall reimburse the regulatory authorities on a monthly basis for their reasonable expenses incurred upon submission of invoices for such review. Any reimbursement contemplated hereunder shall be deemed a reasonable and necessary operating expense of the Company in the year in which the reimbursement is made. A regulatory authority seeking reimbursement under this provision shall submit its request for reimbursement to the Company no later than August 1 of the year in which the RRM filing is made and the Company shall reimburse regulatory authorities in accordance with this provision on or before August 30 of the year the RRM filing is made.

To the extent possible, the provisions of the Final Order shall be applied by the regulatory authority in determining whether to approve or disapprove of Company's proposed rate adjustment.

This Rider RRM does not limit the legal rights and duties of a regulatory authority. Nothing herein shall abrogate the jurisdiction of the regulatory authority to initiate a rate proceeding at any time to review whether rates charged are just and reasonable. Similarly, the Company retains its right to utilize the provisions of Texas Utilities Code, Chapter 104, Subchapter C to request a change in rates. The provisions of this Rider RRM are implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105).

The annual rate adjustment process set forth in this tariff shall remain in effect during the pendency of any Statement of Intent rate filing.

VII. Reconsideration, Appeal and Unresolved Items

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

VIII. Notice

Notice of each annual RRM filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;

**ATMOS ENERGY CORPORATION
MID-TEX DIVISION**

Attachment "A"

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 6 OF 6

- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;
- c) the service area or areas in which the proposed rates would apply;
- d) the date the annual RRM filing was made with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment be obtained.

Issue

Consider and/or act on the application of Helen Pickard and CVS Pharmacy for approval of a Final Plat of **McCreary Marketplace**, located on the SWC of FM544 and McCreary Road.

Staff Resource/Department

Kristen Roberts – Director of Community and Economic Development

Considerations

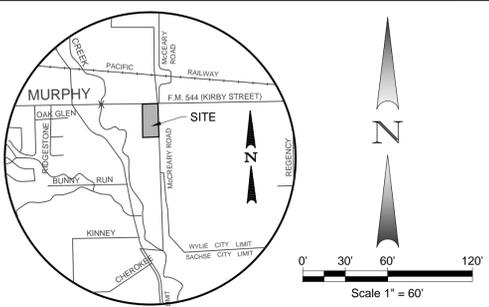
1. This property has one building to date, CVS Pharmacy (Lot 1), and is within a Planned Development District. Future users for the remainder of this approximately 11 acre property (Lot 2 and 3) have not been determined.
2. Following City Council approval, the final plat can be filed with the County.
3. It is also noted on the Final Plat:
 - a. The owner/developer of Lots 2 and/or 3 are financially responsible for any and all public improvements required to develop these lots, including, but not limited to: on and off-site water line extensions, on and off-site sanitary sewer capacity studies, on and off-site sanitary sewer line improvements, on and off-site storm drainage improvements, including storm water detention, if necessary.
 - b. The City of Murphy shall bear no financial responsibility for any on-site or off-site improvements necessary to support development on Lot 2 or Lot 3.
4. Submission of the plat mylars, filing fees and other materials necessary to file the plat at the county shall be submitted to the City within 30 calendar days of the final plat approval by the City Council.

Action Requested

Staff recommends approval of the final plat as submitted.

Attachments

Final Plat



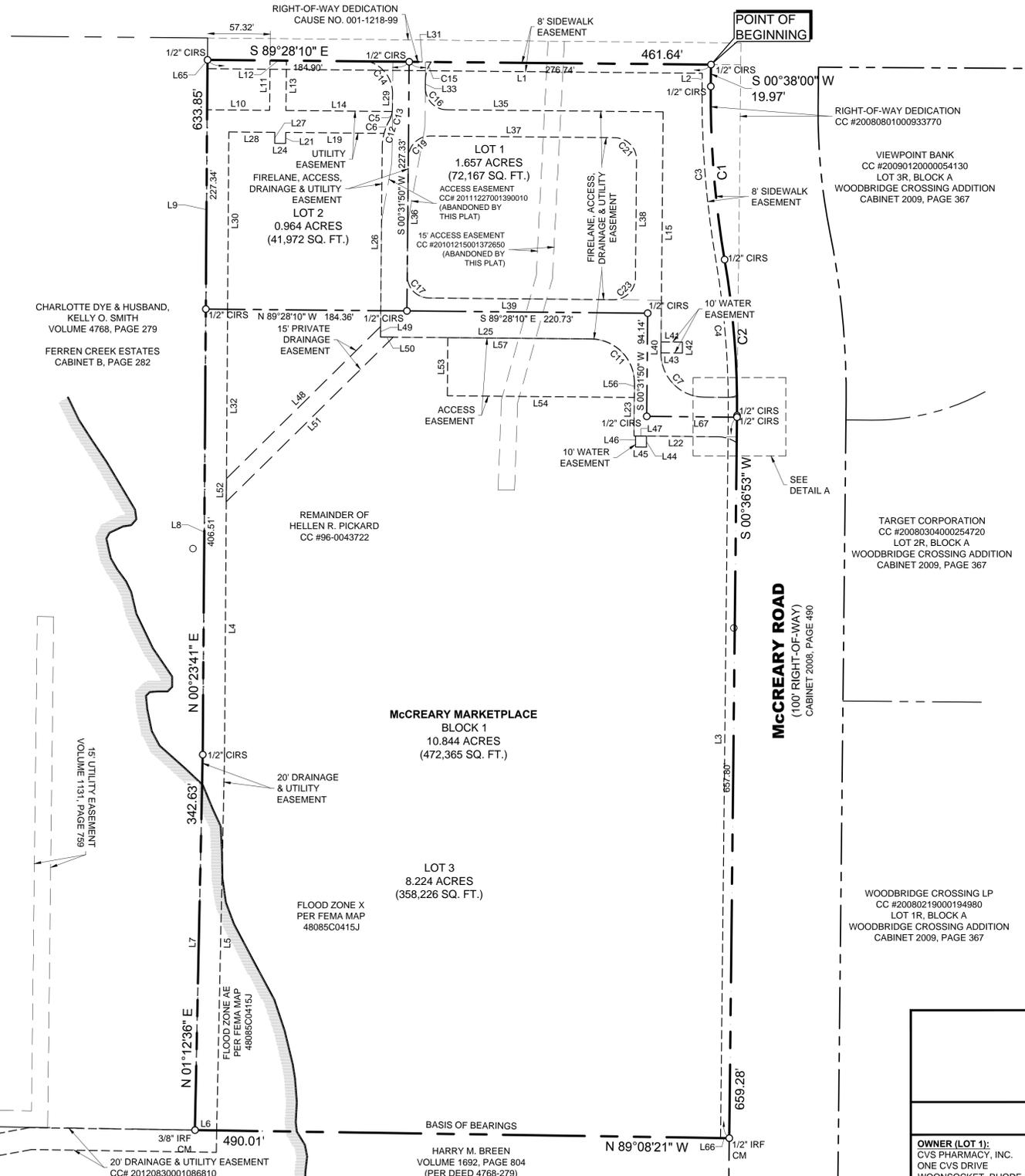
ELEVATE CHURCH OF TEXAS
CC #2010092000996360
LOT 1, BLOCK A, AMERICA'S COUNTRY STORE
CABINET P, PAGE 114

MURPHY FORUM LP
CC #20071101001492720
LOT 2B, THE ONE-PLUS-ONE ADDITION
CABINET P, PAGE 113

MCFLOR INVESTMENTS & FLOCCINI
FAMILY PARTNERSHIPS
VOLUME 5371, PAGE 5262
LOT 1, 7-ELEVEN F.M. 544 ADDITION
CABINET N, PAGE 919

FISCHER J PROPERTIES
CC #20080213000171680
LOT 1R-A, BLOCK 1
McCREARY-FM 544 ADDITION
CABINET 2006, PAGE 672

F.M. 544 (KIRBY STREET)
(120' RIGHT-OF-WAY)
VOLUME 4457, PAGE 2146

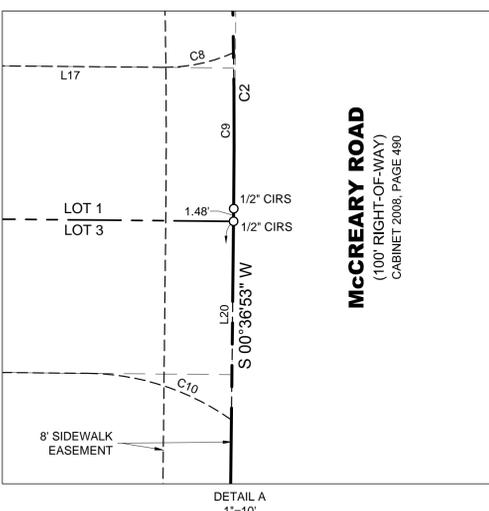


LINE #	BEARING	DISTANCE
L1	S89°28'03"E	453.62'
L2	S00°38'00"W	11.96'
L4	S00°23'41"W	231.00'
L5	S01°12'36"W	342.65'
L6	N89°08'21"W	20.00'
L7	N01°12'36"E	342.63'
L8	N00°23'41"E	406.08'
L9	N00°23'41"E	182.27'
L10	S89°28'10"E	57.21'
L11	N00°31'50"E	45.50'
L12	S89°28'10"E	15.00'
L13	S00°31'50"W	45.50'
L14	S89°28'10"E	97.48'
L15	S00°31'50"W	219.97'
L17	S89°28'10"E	21.80'
L19	N89°28'10"W	90.13'
L20	S00°36'53"W	24.79'
L21	S00°31'50"W	10.00'
L22	N89°28'10"W	77.18'
L23	N00°31'50"E	48.14'
L24	N89°28'10"W	10.00'
L25	N89°28'10"W	193.24'
L26	N00°31'50"E	173.50'
L27	N00°31'50"E	10.00'
L28	N89°28'10"W	42.16'
L29	N00°31'50"E	14.42'
L30	S00°23'41"W	162.22'
L31	S89°28'10"E	57.76'

LINE #	BEARING	DISTANCE
L32	S00°23'41"W	175.22'
L33	S00°31'50"W	6.70'
L35	S89°28'10"E	198.24'
L36	N00°31'50"E	107.83'
L37	S89°28'10"E	169.24'
L38	S00°31'50"W	107.83'
L39	N89°28'10"W	169.24'
L40	N00°31'50"E	10.00'
L41	S89°40'14"E	19.66'
L42	S00°19'46"W	10.00'
L43	N89°40'14"W	19.69'
L44	S00°31'50"W	10.05'
L45	N89°28'10"W	10.00'
L46	N00°31'50"E	10.05'
L47	S89°28'10"E	10.00'
L48	N45°31'50"E	197.98'
L49	S00°31'50"W	9.55'
L50	S89°28'10"E	11.67'
L51	S45°31'50"W	214.41'
L52	N00°23'41"E	21.16'
L53	N00°31'50"E	53.00'
L54	N89°28'10"W	171.43'
L56	S00°31'50"W	12.94'
L57	S89°28'10"E	131.43'
L65	S00°31'57"W	8.00'
L66	N89°23'07"W	8.00'
L67	S89°28'10"E	82.78'

NO.	DELTA	RADIUS	LENGTH	CH. L	CH. B
C1	10°21'08"	878.00	158.64	158.42	S04°34'47"E
C2	10°22'13"	790.00	142.99	142.79	N04°34'14"W
C3	10°21'08"	886.00	160.08	159.86	S04°34'47"E
C4	10°21'55"	782.28	141.52	141.33	S04°34'21"E
C5	23°38'08"	20.00	8.25	8.19	S18°05'16"W
C6	15°05'27"	50.00	13.17	13.13	S22°21'36"W
C7	90°00'00"	40.00	62.83	56.57	S44°28'10"E
C8	24°29'12"	20.00	8.55	8.48	N78°17'14"E
C9	1°19'45"	790.00	18.33	18.32	S00°03'00"E
C10	34°38'15"	30.00	18.14	17.86	N72°09'02"W
C11	90°00'00"	40.00	62.83	56.57	N44°28'10"W
C12	29°22'30"	50.00	25.63	25.35	N15°13'05"E
C13	29°22'30"	20.00	10.25	10.14	N15°13'05"E
C14	75°44'43"	30.00	39.66	36.83	N37°20'31"W
C15	34°03'42"	30.00	17.83	17.57	S17°33'41"W
C16	90°00'00"	20.00	31.42	28.28	S44°28'10"E
C17	90°00'00"	20.00	31.42	28.28	N44°28'10"W
C19	90°00'00"	20.00	31.42	28.28	N45°31'50"E
C21	90°00'00"	20.00	31.42	28.28	S44°28'10"E
C23	90°00'00"	20.00	31.42	28.28	S45°31'50"W

VICINITY MAP
NOT TO SCALE



ABBREVIATION LEGEND

ABBR. DEFINITION
IRF IRON ROD FOUND
CIRS IRON ROD SET w/CAP STAMPED "WAI"
CIRF IRON ROD FOUND w/CAP
XCS "X" CUT IN CONCRETE SET
CC# COUNTY CLERK'S INSTRUMENT No.
CM CONTROLLING MONUMENT

NOTE:
The owner/developer of Lots 2 and/or 3 are financially responsible for any and all public improvements required to develop these lots, including, but not limited to: on and off-site water line extensions, on and off-site sanitary sewer capacity studies, on and off-site sanitary sewer line improvements, on and off-site storm drainage improvements, including storm water detention, if necessary. The City of Murphy shall bear no financial responsibility for any on-site or off-site improvements necessary to support development on Lot 2 or Lot 3.

FLOOD NOTE

According to the Federal Emergency Management Agency, Flood Insurance Rate Map Community Panel No. 48085C0415J, dated June 2, 2009, this property is within Flood Zone X and AE.

Zone AE - Special Flood Hazard Area, base flood elevation determined.

Zone AE - The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood height.

Zone X - Areas determined to be outside the 0.2% annual chance floodplain. (Areas determined to be outside the 500-year floodplain.)

This flood statement does not imply that the property and/or the structure thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.

FINAL PLAT
McCREARY MARKETPLACE
LOTS 1, 2 & 3, BLOCK 1
10.844 ACRES
ZONED PLANNED DEVELOPMENT - RETAIL (PD)

HENRY MAXWELL SURVEY, ABSTRACT NO. 579
CITY OF MURPHY, COLLIN COUNTY, TEXAS

OWNER (LOT 1): CVS PHARMACY, INC. ONE CVS DRIVE WOONSOCKET, RHODE ISLAND 02895	OWNER (LOT 2): ORANGE - BIRMINGHAM, LLC 1200 CORPORATE DR., STE. G-50 BIRMINGHAM, AL 35242	OWNER (LOT 3): HELLEN PICKARD 722 E. F.M. 544 MURPHY, TEXAS 75094	CONSULTING ENGINEERS: WINKELMANN & ASSOCIATES INC. 6750 HILLCREST PLAZA DR., ST 325 DALLAS TX. 75230
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Winkelmann & Associates, Inc.
ENGINEERS
6750 HILLCREST PLAZA, SUITE 325
DALLAS, TEXAS 75230
Phone: (972) 480-1000
Fax: (972) 480-1099
www.winkelmann.com

HENRY MAXWELL SURVEY, ABSTRACT NO. 579
CITY OF MURPHY
COLLIN COUNTY, TEXAS
CVS PHARMACY, INC.
ONE CVS DRIVE
WOONSOCKET, RHODE ISLAND 02895

FINAL PLAT
McCREARY MARKETPLACE
LOTS 1, 2 & 3, BLOCK 1
10.844 ACRES

Date: 03.11.13
Scale: 1" = 60'
File: 70102-PPLT
Project No.: 70102

SHEET
1
2

OWNERS CERTIFICATE

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS, We, CVS Pharmacy, Inc., Orange - Birmingham, LLC 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 remainder 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 also being all of a tract of land described in deed to Orange - Birmingham, LLC, as recorded in County Clerk's Instrument No. 20130102000002850, 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 found for corner, and being the northeast corner of a tract of land described in deed to Harry M. Breen as recorded in Volume 1692, Page 804, Land Records, Collin County, Texas;

THENCE North 89 deg 08 min 21 sec West, departing the west right-of-way line of said McCreary Road and along the North line of said Harry M. Breen tract, a distance of 490.01 feet to a 3/8 inch iron rod found for corner, said point being the southwest corner of said Hellen Pickard tract, northwest corner of said Harry M. Breen tract, and also being the southeast corner of a tract of land described in deed to Charlotte Dye & Husband, Kelly O. Smith as recorded in Volume 4768, Page 279, Land Records, Collin County, Texas;

THENCE North 01 deg 12 min 36 sec East, along the east line of said Smith tract, 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, departing the east line of said Smith tract and 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.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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

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

WITNESS, my hand, this the _____ day of _____, 2013.

KRISTINE L. DONABEDIAN, Assistant Secretary
CVS PHARMACY, INC., a Rhode Island Corporation

HELLEN R. PICKARD

JASON PRICE
ORANGE - BIRMINGHAM, LLC, an Alabama LLC

STATE OF RHODE ISLAND §
COUNTY OF PROVIDENCE §

BEFORE ME, the undersigned authority, on this day personally appeared Kristine L. Donabedian, known to me to be the person whose name is subscribed to the above and foregoing Instrument, and acknowledged to me that they executed the same for the purpose and consideration expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 2013.

Notary Public in and for the State of Rhode Island.
My Commission expires on: _____

STATE OF ALABAMA §
COUNTY OF JEFFERSON §

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

Given under my hand and seal of office, this _____ day of _____, 2013.

Notary Public in and for the State of Alabama
My commission expires on: _____

STATE OF TEXAS §
COUNTY OF COLLIN §

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

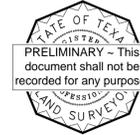
Given under my hand and seal of office, this _____ day of _____, 2013.

Notary Public in and for the State of Texas
My commission expires on: _____

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

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



Leonard J. Lueker
Registered Professional Land Surveyor
Texas Registration No. 5714
Winkelmann & Associates, Inc.
6750 Hillcrest Plaza Drive, Suite 325
Dallas, Texas 75230 Phone: (972) 490-7090

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, a Notary Public in and for The State of Texas, on this day personally appeared Leonard J. Lueker, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the ____ day of _____, 2013.

Notary Public, State of Texas
My Commission expires on: _____

CITY APPROVAL OF FINAL PLAT

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

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

Signature of Chairperson _____ Date of Recommendation _____

APPROVED BY:
City Council
City of Murphy, Texas

Signature of Mayor _____ Date of Approval _____

ATTEST:
City Secretary _____ Date _____



HENRY MAXWELL SURVEY, ABSTRACT NO. 579
CITY OF MURPHY
COLLIN COUNTY, TEXAS
CVS PHARMACY, INC.
ONE CVS DRIVE
WOONSOCKET, RHODE ISLAND 02895

FINAL PLAT
McCREARY MARKETPLACE
LOTS 1, 2 & 3, BLOCK 1
10.844 ACRES

Date : 04.18.13
Scale : N/A
File : 70102:PPLT
Project No. : 70102

SHEET
2
of
2

FINAL PLAT McCREARY MARKETPLACE LOTS 1, 2 & 3, BLOCK 1 10.844 ACRES ZONED PLANNED DEVELOPMENT - RETAIL (PD)			
HENRY MAXWELL SURVEY, ABSTRACT NO. 579 CITY OF MURPHY, COLLIN COUNTY, TEXAS			
OWNER (LOT 1): CVS PHARMACY, INC. ONE CVS DRIVE WOONSOCKET, RHODE ISLAND 02895	OWNER (LOT 2): ORANGE - BIRMINGHAM, LLC 1200 CORPORATE DR., STE. G-50 BIRMINGHAM, AL 35242	OWNER (LOT 3): HELLEN PICKARD 722 E. F.M. 544 MURPHY, TEXAS 75094	CONSULTING ENGINEERS: WINKELMANN & ASSOCIATES INC. 6750 HILLCREST PLAZA DR., ST 325 DALLAS TX. 75230

City Council Meeting
June 4, 2013

Issue

Consider and/or act on the application of Wal-Mart Real Estate Business Trust for approval of a Final Plat of **Wal-Mart Addition**, located on the NW Corner of FM 544 and Murphy Road.

Staff Resource/Department

Kristen Roberts – Director of Community and Economic Development

Considerations

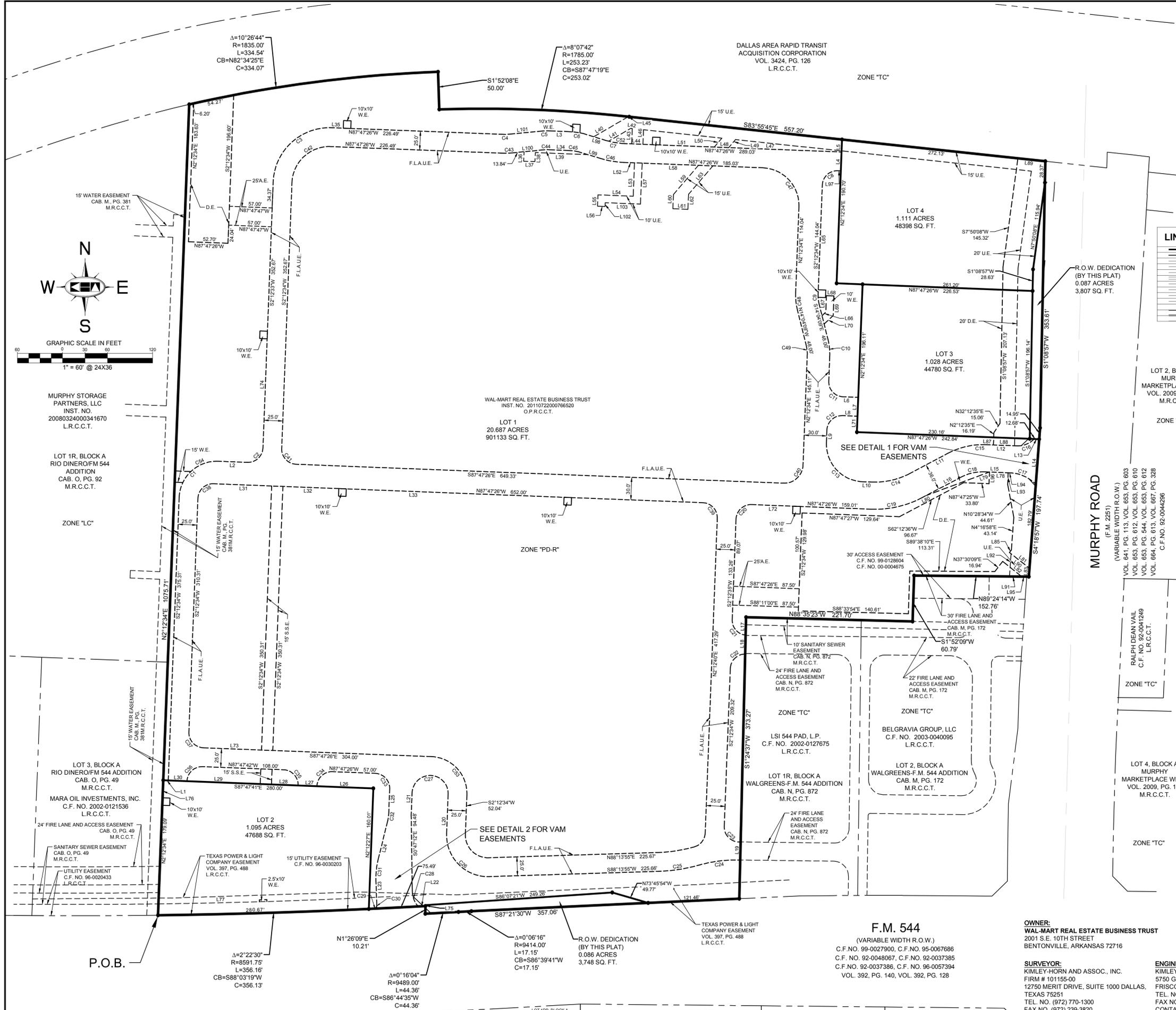
1. Following City Council approval, the final plat can be filed with the County.
2. Submission of the plat mylars, filing fees and other materials necessary to file the plat at the county shall be submitted to the City within 30 calendar days of the final plat approval by the City Council.

Action Requested

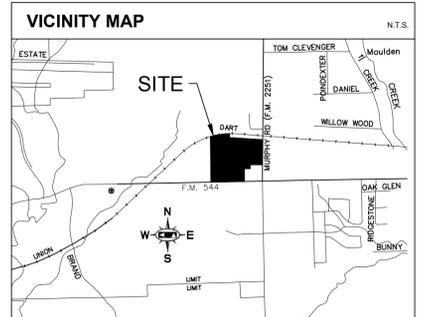
Staff recommends approval of the final plat as submitted.

Attachments

Final Plat

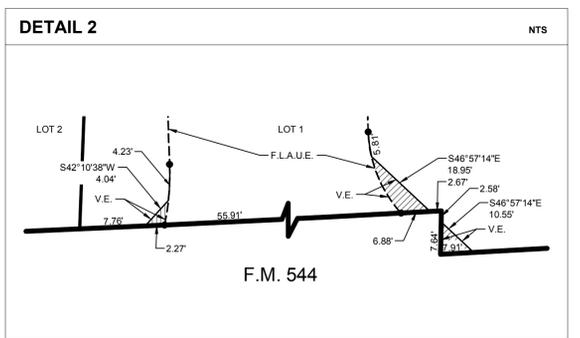
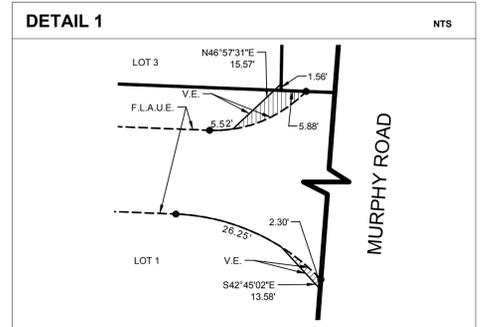


LOT NO.	ACRES	SQ. FT.
1	20.687	901,133
2	1.095	47,688
3	1.028	44,780
4	1.111	48,398



LEGEND	
(C.M.)	CONTROLLING MONUMENT
IRSC	5/8" IRON ROD WITH "KHA" CAP SET
IRFC	IRON ROD WITH CAP FOUND
PK	PK NAIL SET
PKF	PK NAIL FOUND
IRF	IRON ROD FOUND
XS	"X" CUT IN CONCRETE SET
XF	"X" CUT IN CONCRETE FOUND
NF	600 NAIL FOUND
ALF	ALUMINUM DISK FOUND
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
F.L.A.U.E.	FIRE LANE ACCESS AND UTILITY EASEMENT (BY THIS PLAT)
S.S.E.	SANITARY SEWER EASEMENT (BY THIS PLAT)
D.E.	DETENTION AND DRAINAGE EASEMENT (BY THIS PLAT)
U.E.	UTILITY EASEMENT (BY THIS PLAT)
W.E.	WATER EASEMENT (BY THIS PLAT)
A.E.	ACCESS EASEMENT (BY THIS PLAT)
V.E.	VAM EASEMENT (BY THIS PLAT)

LINE TYPE LEGEND	
---	BOUNDARY LINE
---	EASEMENT LINE
---	BUILDING LINE
---	WATER LINE
---	SANITARY SEWER LINE
---	STORM SEWER LINE
---	UNDERGROUND GAS LINE
---	OVERHEAD UTILITY LINE
---	UNDERGROUND ELECTRIC LINE
---	UNDERGROUND TELEPHONE LINE
---	FENCE
---	PROPOSED PAVEMENT
---	EXISTING PAVEMENT



NOTE:
 Selling a portion of this addition by metes and bounds is a violation of City ordinance and State law, and is subject to fines and withholding of utilities and building permits.
 No floodplain exists on this site per FEMA Map No. 48085C04151, dated June 2, 2009.
 All corners are 5/8" iron rod with "KHA" cap set unless otherwise noted.
 Pavement shown for Murphy Road (F.M. 2551) is proposed. Existing Murphy Road has no median driveway location.

VOLUME _____, PAGE OR SLIDE _____
FINAL PLAT
WALMART ADDITION
 LOTS 1-4, BLOCK A
 BEING 24.094 ACRES OUT OF THE
 GEORGE PEGUES SURVEY
 ABSTRACT NO. 699
 CITY OF MURPHY, COLLIN COUNTY, TEXAS

Kimley-Horn and Associates, Inc.
 12750 Merit Drive, Suite 1000 Dallas, Texas 75251
 FIRM # 101155-00
 Tel. No. (972) 770-1300
 Fax No. (972) 239-3820

Scale	1" = 60'
Drawn by	SRD
Checked by	DAB
Date	APR. 2013
Project No.	063362197
Sheet No.	1 OF 2

LINE TABLE			LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	N87°47'41"W	6.70	L41	S60°04'31"W	34.06	L82	S51°41'32"E	32.49
L2	N87°47'47"W	39.01	L42	N83°55'45"W	2.01	L83	N04°18'57"E	11.14
L3	N87°47'26"W	25.00	L43	N02°14'50"E	20.32	L85	N37°30'09"E	4.16
L4	S02°12'34"W	25.00	L44	S87°47'26"E	15.00	L87	S87°47'26"E	10.16
L5	N02°12'34"E	16.48	L45	S83°44'33"E	1.12	L88	S87°47'26"E	28.08
L6	S87°47'36"E	20.00	L46	N02°14'50"E	19.31	L89	S83°55'45"E	36.71
L7	S02°12'34"W	25.00	L47	N87°47'26"W	150.50	L90	N51°41'32"W	31.17
L8	N87°47'36"W	20.00	L48	N87°47'26"W	19.21	L91	N86°24'14"W	16.45
L9	S02°12'34"W	16.50	L49	N40°51'34"E	14.09	L92	N04°18'57"E	30.24
L10	S87°47'42"E	12.68	L50	N40°51'34"E	15.67	L93	N02°12'13"E	15.50
L11	N62°12'27"E	57.07	L51	N87°47'26"W	72.47	L94	S87°47'26"E	2.60
L12	S87°47'26"E	41.58	L52	S87°47'26"E	14.08	L95	N89°24'14"W	9.43
L13	S87°47'26"E	6.79	L53	N02°14'50"E	43.81	L96	N02°12'13"E	15.50
L14	N04°18'57"E	60.09	L54	S87°42'38"E	47.03	L97	N87°47'26"W	4.00
L15	N87°47'26"W	33.78	L55	N02°17'22"E	14.46	L98	N73°04'57"W	31.32
L16	S62°12'34"W	57.08	L56	S87°47'26"E	10.00	L99	S73°04'57"E	30.41
L17	N01°24'37"E	23.71	L57	N02°26'41"E	54.36	L100	N84°24'25"E	37.93
L18	S01°24'37"W	25.07	L58	S87°47'26"E	75.03	L101	N84°24'25"E	37.93
L19	S01°24'37"W	24.08	L59	N40°51'34"E	50.99	L102	N02°12'34"E	5.00
L20	N02°12'34"E	52.04	L60	S02°12'34"W	19.01	L103	S87°45'13"E	47.03
L21	S02°12'34"W	29.48	L61	S87°47'26"E	20.00			
L22	S86°53'59"W	9.55	L62	N02°12'34"E	20.00			
L23	N02°03'51"W	29.82	L63	N40°51'34"E	49.72			
L24	N13°50'05"E	53.66	L65	S02°12'34"W	136.67			
L25	N02°12'34"E	32.04	L66	N47°12'34"E	6.90			
L26	S87°47'41"E	75.30	L67	N02°12'34"E	21.77			
L27	S87°47'41"E	25.00	L68	N87°47'26"W	10.00			
L28	S87°47'41"E	35.50	L69	N02°12'34"E	25.91			
L29	S87°47'41"E	97.50	L70	N47°12'34"E	16.52			
L30	S87°47'41"E	25.00	L71	N02°12'34"E	21.16			
L31	S87°47'26"E	77.50	L72	S87°47'26"E	55.00			
L32	S87°47'26"E	74.50	L73	N87°47'26"W	77.50			
L33	S87°47'26"E	290.00	L74	N02°12'34"E	144.76			
L34	N87°47'26"W	25.00	L75	N01°26'09"E	1.23			
L35	S87°47'26"E	15.55	L76	N02°12'34"E	23.32			
L36	N02°14'27"E	12.53	L77	N86°47'45"E	134.31			
L37	N87°45'33"W	15.00	L78	N87°47'26"W	24.95			
L38	S02°14'27"W	12.02	L79	N69°42'34"E	89.66			
L39	N87°45'33"W	68.15	L80	N62°12'16"E	5.68			
L40	N60°04'31"E	53.11	L81	S51°41'32"E	33.94			

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	89°59'38"	50.00	78.53	S47°12'24"W	70.71
C2	90°00'00"	20.00	31.42	N47°12'34"E	28.28
C3	90°00'00"	75.00	117.81	S47°12'34"W	106.07
C4	7°48'09"	100.00	13.62	N88°18'29"E	13.61
C5	7°48'09"	100.00	13.62	S88°18'29"W	13.61
C6	10°47'56"	100.00	18.85	N82°23'28"W	18.82
C7	14°42'29"	100.00	25.67	S80°26'11"E	25.60
C8	90°00'00"	20.00	31.42	S47°12'34"W	28.28
C9	16°16'43"	50.00	14.21	S05°55'48"E	14.16
C10	16°16'43"	80.00	22.73	N05°55'48"W	22.65
C11	92°23'30"	19.60	31.60	S42°47'26"E	28.28
C12	90°00'00"	20.00	31.42	S47°12'34"W	28.28
C13	90°00'15"	50.00	78.54	S42°47'16"E	70.71
C14	30°00'03"	100.00	52.36	N77°12'29"E	51.77
C15	30°00'07"	100.00	52.36	S77°12'31"W	51.77
C16	48°11'30"	30.00	25.23	N68°06'49"E	24.50
C17	44°10'65"	50.00	38.41	N65°46'55"W	37.47
C18	29°59'59"	64.00	33.51	S77°12'33"W	33.13
C19	30°00'00"	136.00	71.21	N77°12'34"E	70.40
C20	89°59'59"	20.00	31.42	S47°12'34"W	28.28
C21	86°27'44"	20.00	30.18	S41°01'18"E	27.40
C22	87°27'51"	20.00	30.53	S45°56'29"W	27.85
C23	97°26'33"	20.00	34.01	S46°30'43"E	30.06
C24	17°58'42"	175.00	54.91	S83°11'02"W	54.89
C25	14°02'14"	225.00	55.12	N81°12'48"E	54.99
C26	93°58'39"	55.00	90.21	S44°46'46"E	80.43
C27	180°00'00"	24.00	75.40	N87°47'26"W	48.00
C28	40°06'15"	30.00	21.00	S22°06'59"E	20.57
C29	0°04'02"	8549.75	10.02	N87°20'16"E	10.02
C30	13°39'57"	30.00	7.16	N04°46'07"E	7.14
C31	15°53'56"	100.00	27.75	S05°53'07"W	27.86
C32	11°37'31"	50.00	10.14	N08°01'19"E	10.13
C33	90°00'00"	20.00	31.42	N42°47'26"W	28.28
C34	89°59'25"	20.00	31.41	S47°12'52"W	28.28
C35	90°00'02"	20.00	31.42	N42°47'41"W	28.28
C36	90°00'00"	20.00	31.42	S47°12'19"W	28.28
C37	90°00'00"	20.00	31.42	S42°47'26"E	28.28
C38	90°00'00"	20.00	31.42	S47°12'34"W	28.28
C39	90°00'06"	20.00	31.42	N42°47'23"W	28.28
C40	90°00'00"	25.00	39.27	N47°12'34"E	35.96

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C41	90°00'00"	20.00	31.42	S42°47'26"E	28.28
C42	90°00'00"	50.00	78.54	S47°12'34"W	70.71
C43	7°48'09"	125.00	17.02	N88°18'29"E	17.01
C44	7°48'09"	75.00	10.21	S88°18'29"W	10.21
C45	10°11'37"	75.00	13.34	N82°41'37"W	13.33
C46	14°42'29"	125.00	32.09	S80°26'11"E	32.00
C47	90°00'00"	50.00	78.54	N42°47'26"W	70.71
C48	16°16'43"	80.00	22.73	S05°55'48"E	22.65
C49	16°16'43"	50.00	14.21	N05°55'48"W	14.16
C50	12°25'24"	100.00	21.68	S81°34'44"E	21.64
C51	90°00'00"	49.00	76.97	N42°47'26"W	69.30
C52	45°32'59"	50.00	39.75	S68°25'44"W	38.71

STATE OF TEXAS

COUNTY OF COLLIN

WHEREAS WAL-MART REAL ESTATE BUSINESS TRUST, is the owner of a tract of land situated in the George Pegues Survey, Abstract No. 699, City of Murphy, Collin County, Texas and being all of a tract of land described in Special Warranty Deed to Wal-Mart Real Estate Business Trust, recorded in Instrument No. 20110722000766520, Official Public Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a nail found in the north right-of-way line of F.M. 544 (a variable width right-of-way); said point being the southeast corner of Lot 3, Block A, Rio Diner/FM 544 Addition, an addition to the City of Murphy, Texas according to the plat recorded in Cabinet O, Page 49, Map Records of Collin County, Texas;

THENCE departing said north right-of-way line and with the east line of said Lot 3, North 2° 12' 34" East, at a distance of 335.69 feet, passing a 1/2" iron rod with "J.D.J.R." cap found at the northeast corner of said Lot 3 and being the southeast corner of Lot 1R, Block A, Rio Diner/FM 544 Addition, an addition to the City of Murphy, Texas according to the plat recorded in Cabinet O, Page 92, Map Records of Collin County, Texas, continuing, with the east line of said Lot 1R, in all a total distance of 1075.71 feet to a 1/2" iron rod with "ROOMIE" cap found for corner in the south line of a tract of land described in Deed to Dallas Area Rapid Transit Acquisition Corporation recorded in Volume 3424, Page 126, Land Records of Collin County, Texas; said point being the beginning of a non-tangent curve to the right having a central angle of 10° 26' 44", a radius of 1835.00 feet, a chord bearing and distance of North 82° 34' 25" East, 334.07 feet;

THENCE with the south line of said Dallas Area Rapid Transit Acquisition Corporation tract, the following courses and distances:

In an easterly direction, with said curve to the right, an arc distance of 334.54 feet to a 1" iron rod found at the end of said curve;
 South 1° 52' 08" East, a distance of 50.00 feet to a "X" cut in concrete found for corner at the beginning of a non-tangent curve to the right having a central angle of 08° 07' 42", a radius of 1785.00 feet, a chord bearing and distance of South 87° 47' 19" East, 253.02 feet;
 In an easterly direction, with said curve to the right, an arc distance of 253.23 feet to a 1/2" iron rod found at the end of said curve;
 South 83° 55' 45" East, a distance of 557.20 feet to a 5/8" iron rod with "KHA" cap found for corner in the west right-of-way line of Murphy Road (F.M. 2251, a variable width right-of-way); said point being the northwest corner of a tract of land described in a deed to the State of Texas recorded in Volume 653, Page 612, Land Records of Collin County, Texas;

THENCE departing said south line and with said west right-of-way line, the following courses and distances:

South 1° 08' 57" West, a distance of 353.61 feet to a "X" cut in concrete found for corner;
 South 4° 18' 57" West, a distance of 197.74 feet to a "X" cut in concrete found for corner;

THENCE with an offset in said west right-of-way line, North 89° 24' 14" West, at a distance of 2.82 feet, passing a 1/2" iron rod with "N.D.M." cap found at the northeast corner of Lot 2, Block A, Walgreens-F.M. 544 Addition, an addition to the City of Murphy, Texas according to the plat recorded in Cabinet M, Page 172, Map Records of Collin County, Texas, continuing, departing said west right-of-way line and with the north line of said Lot 2, in all a total distance of 152.76 feet to a 5/8" iron rod with "KHA" cap found for corner; said point being the northernmost northwest corner of said Lot 2;

THENCE with the west line of said Lot 2, South 1° 52' 09" West, a distance of 60.79 feet to a 1/2" iron rod with "N.D.M." cap found for corner; said point being an interior corner of said Lot 2;

THENCE with a north line of said Lot 2, North 88° 35' 23" West, at a distance of 68.34 feet, passing a 1/2" iron rod found at the westernmost northwest corner of said Lot 2, and the northeast corner of Lot 1R, Block A, Walgreens-F.M. 544 Addition, an addition to the City of Murphy, Texas according to the plat recorded in Cabinet N, Page 872, Map Records of Collin County, Texas, continuing with the north line of said Lot 1R, Block A, in all a total distance of 221.70 feet to a 5/8" iron rod with "KHA" cap found for corner at the northwest corner of said Lot 1R; from said point, a 1/2" iron rod found bears South 35° 20' East, a distance of 0.8 feet;

THENCE with the west line of said Lot 1R, South 1° 24' 37" West, at a distance of 370.00 feet, passing a 1/2" iron rod with "N.D.M." cap found, continuing in all a total distance of 373.27 feet to a 5/8" iron rod with "KHA" cap found for corner in the said north right-of-way line of F.M. 544; said point being the northeast corner of a tract of land described in Deed to the State of Texas recorded in Clerk's File No. 92-0048067, Land Records of Collin County, Texas and the northwest corner of a tract of land described in Deed to the State of Texas recorded in Clerk's File No. 92-0037385, Land Records of Collin County, Texas;

THENCE with said north right-of-way line, the following courses and distances:

South 87° 21' 30" West, a distance of 357.06 feet to a 5/8" iron rod with "KHA" cap found for corner at the beginning of a non-tangent curve to the left having a central angle of 0° 06' 16", a radius of 9414.00 feet, a chord bearing and distance of South 86° 39' 41" West, 17.15 feet;
 In a southwesterly direction, with said curve to the left, an arc distance of 17.15 feet to a 5/8" iron rod with "KHA" cap found at the beginning of a non-tangent curve to the right having a central angle of 0° 16' 04", a radius of 9489.00 feet, a chord bearing and distance of South 86° 44' 35" West, 44.36 feet;
 In a southwesterly direction, with said curve to the right, an arc distance of 44.36 feet to a 5/8" iron rod with "KHA" cap found at the end of said curve in the east line of a tract of land described in Deed to the State of Texas recorded in Clerk's File No. 95-0067686, Land Records of Collin County, Texas; said point being the northwest corner of said State of Texas tract recorded in Clerk's File No. 92-0048067;
 North 1° 26' 09" East, a distance of 10.21 feet to a 5/8" iron rod with "KHA" cap found for corner at the beginning of a non-tangent curve to the right having a central angle of 2° 22' 30", a radius of 9591.75 feet, a chord bearing and distance of South 89° 03' 19" West, 356.13 feet; said point being the northeast corner of said State of Texas tract recorded in Clerk's File No. 95-0067686, Land Records of Collin County, Texas; from said point a 1/2" iron rod found bears North 14° 32' West, a distance of 1.1 feet and a 1/2" iron rod found bears South 1° 51' East, a distance of 0.6 feet;
 In a Southerly direction with said curve to the right, an arc distance of 356.16 feet to the POINT OF BEGINNING and containing 24.094 acres or 1,049,554 square feet of land.

The bearings system for this survey is based on a bearing of North 02° 12' 34" East, according to General Warranty Deed to Wal-Mart Real Estate Business Trust, recorded in Instrument No. 20110722000766520, Official Public Records of Collin County, Texas.

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

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

Signature of Chairperson Date of Recommendation

APPROVED BY: City Council, City of Murphy, Texas

Signature of Mayor Date of Approval

ATTEST:

City Secretary Date

SURVEYOR'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS:

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



Dana Brown
 Registered Professional Land Surveyor No. 5336
 Kimley-Horn and Associates, Inc.
 12700 Park Central Drive, Suite 1800
 Dallas, Texas 75251-1516

STATE OF TEXAS

COUNTY OF DALLAS

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

Given under my hand and seal of office, this ___ day of _____, 2013.

Notary Public in and for the State of Texas

My Commission Expires On: _____

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That WAL-MART REAL ESTATE BUSINESS TRUST, acting herein by and through his/its duly authorized officer(s), does hereby adopt this plat designating the herein above described property as WALMART ADDITION, an addition to the City of Murphy, Texas, and does hereby dedicate, in fee simple, to the public use City of Murphy, Texas Subdivision Ordinance #02-09-549 forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Murphy. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Murphy's use thereof. The City of Murphy and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Murphy and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

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

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

The area or areas shown on the plat as "VAM" (Visibility, Access and Maintenance) E

City Council Meeting
June 4, 2013

Issue

Discuss Planned Development District Ordinance No. 03-10-590 (Gables and Ranch), Section H. Screening.

Staff Resource/Department

Kristen Roberts – Director of Community and Economic Development

Summary

On May 21, 2013, a resident spoke to the City Council on behalf on behalf of the Ranch Subdivision property owners regarding the maintenance of the wooden fence along McWhirter Road and the requirements set forth in Ordinance 03-10-590, the planned development regulations for the subdivision.

It was requested that staff review the ordinance and bring information back to the City Council at a future meeting.

Background

On October 20, 2003, the City Council adopted Ordinance No. 03-10-590 creating a Planned Development District for Single Family Uses with conditions, also known as The Ranch and Gables PD. This PD governs Phases 3-8 of The Ranch at North Hill and all phases of The Gables at North Hill subdivisions.

On May 17, 2010, the City Council approved an amendment to Ordinance No. 03-10-590 that eliminated a tree maintenance requirement.

On October 2, 2011, the City Council approved an amendment to Ordinance No. 03-10-590 that eliminated the masonry requirement for accessory buildings.

Conditions

1. There is limited history available in regards to the approval of this Planned Development District from 2003 and/or the background as to the inclusion of the section in question.
2. Planned Development District Ordinance No. 03-10-590 (Gables and Ranch), Section H. Screening states (section in question is italicized):

H. Screening: The screening shall be as reflected on the concept plan and as listed below, except as allowed by the Planning and Zoning and City Council. Permanent signage shall be permitted at all major entry points.
All screening shall be maintained by the Homeowners' Association except for the 6-foot high board-on-board wooden fence with a top rail along McWhirter Road, which shall be maintained by each owner on whose lot the fence is located. Lots abutting dedicated park land shall have fencing consisting of an 8-foot high board-on-board wooden fence with a top rail, which shall have no access points (openings) to the park

City Council Meeting
June 4, 2013

and shall be maintained by each owner on whose lot the fence is located.

1. McWhirter Road -
 - i. A living screen shall be constructed as shown on the concept plan. The lots backing to McWhirter shall be deed restricted to require a 6-foot high board-on-board wooden fence with a top rail.
 2. McCreary Road -
 - i. A 6-foot high brick thinwall will be constructed.
 3. Betsy Lane
 - i. A 6-foot high brick thinwall will be constructed.
 4. Lots abutting dedicated park land-
 - i. The lots abutting dedicated parkland shall be deed restricted to require an 8-foot high board-on-board wooden fence with top rail.
3. If Council were to request amendment to this section of the PD affecting approximately thirty residences, public notification would be required to all residences within the Ranch and Gables (approximately 650 homes) governed by PD NO. 03-10-590.

Action Requested

If Council wants staff to move forward with a zoning request to amend this section of PD No. 03-10-590, public hearings will be set and held and considered by the Planning & Zoning Commission and City Council. Staff direction is requested.

Attachments

- 1) Planned Development District Ordinance No. 03-10-590
- 2) Resident's Speech 5/21/2013

ORDINANCE 03-10-590

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 12 BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 286.5 ACRES OUT OF THE C.A. MCMILLAN SURVEY, ABSTRACT NO. 588, TRACTS 33, 49, 46, 34, AND 50, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, FROM ITS PRESENT SINGLE FAMILY 1, SINGLE FAMILY 2, AND PLANNED DEVELOPMENT-RESIDENTIAL DISTRICT TO A PLANNED DEVELOPMENT SINGLE FAMILY RESIDENTIAL; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Zoning Commission of the City of Murphy, Texas, and the Governing Body of the City of Murphy, in compliance with state law with reference to the Zoning Ordinance Regulations and Zoning Map, have given requisite notices by publication and otherwise and, after holding due hearings and affording a full and fair hearing to all the property owners generally and to the persons situated in the affected area and in the vicinity thereof; and

WHEREAS, all legal requirements, conditions and prerequisites have been complied with prior to the case coming before the City Council for the City of Murphy; and

WHEREAS, the Governing Body of the City of Murphy, after determining that all legal requirements of notice and hearing have been met, is of the opinion that the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals and general welfare of the City and, accordingly, finds that it is in the public interest to amend the zoning ordinance and the changes should be made as set forth herein.

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

Section 1. That all of the above premises are hereby found to be true and correct legislative findings of the City and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Zoning Ordinance of the City of Murphy is hereby amended, insofar as the property described, by amending the Zoning Map and Plat of the City of Murphy to change the zoning classification of approximately 286.5 acres of land (as more particularly described on Exhibit “A” attached hereto and incorporated herein by reference) which is presently zoned Single Family 1, Single Family 2, and Planned Development, to be zoned Planned Development – Single Family Residential District.

Section 3. A copy of the Planned Development requirements, the Gables and Ranch Planned Development, is attached hereto marked Exhibit “B” and incorporated herein by reference for all purposes.

Section 4. The Land Plan for the affected property is attached hereto marked Exhibit “C” and incorporated herein by reference for all purposes.

Section 5. The City Secretary is hereby directed to correct the Zoning Map of the City of Murphy to reflect the changes in zoning herein.

Section 6. In all other respects, the said property shall be subject to all applicable regulations contained in the Zoning Ordinance of the City of Murphy.

Section 7. Penalty Clause. Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to the same penalties provided for in §10.99 of the Code of Ordinances of the City of Murphy.

Section 8. Severability Clause. If any section, part of a section or provision of any section of this Ordinance shall be held to be void, ineffective, or unconstitutional by a court of competent jurisdiction, the holding of such section, part of a section, or provision of any section to be void, ineffective or unconstitutional for any cause whatsoever shall in no way affect the validity of the remaining sections and provisions of the Ordinance which shall remain in full force and effect.

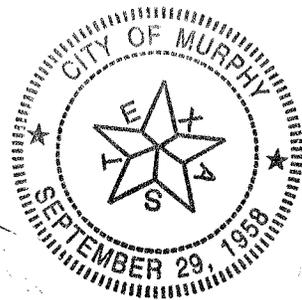
Section 9. Effective Date. This Ordinance shall become effective and be in full force and effect from and after the date of the passage in accordance with the provisions of State law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS on this the 20th day of October 2003.


David Trudeau, Mayor
City of Murphy

ATTEST:


Kaythe Darnell, City Secretary
City of Murphy



APPROVED AS TO FORM AND LEGALITY:

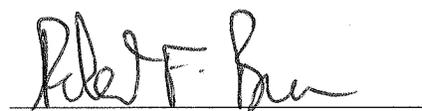

Robert Brown, City Attorney

EXHIBIT "A"**PROPERTY DESCRIPTION**

STATE OF TEXAS
COUNTY OF COLLIN

BEING a tract of land situated in the C.A. McMillan Survey, Abstract No. 558, Collin County, Texas and being all of a tract of land as described in a deed to LUMBERMEN'S INVESTMENT CORPORATION as recorded in Volume 5012, Page 2550 Deed Records of Collin County, Texas (DRCCT) and all of a tract of land as described in a deed to LUMBERMEN'S INVESTMENT CORPORATION as recorded in Volume 4868, Page 5731 (DRCCT) and all of a tract of land as described in a deed to D.R. HORTON-TEXAS LTD. As recorded in Volume 4799, Page 2252 (DRCCT) and all of a tract of land as described in a deed to D.R. HORTON-TEXAS LTD. As recorded in Volume 4658, Page 1236 (DRCCT) and all of a tract of land as described in a deed to D.R. HORTON-TEXAS LTD. being Lot 1 thru 7, Block A, Lot 1 thru 7, Block B, Lot 1 thru 14, Block C, Lot 1 thru 4, Block D as recorded in Cabinet N, Page 761 Plat Records of Collin County (PRCCT) and being more particularly described as follows:

COMMENCING at a ½ inch iron rod set for the intersection of the centerline of McCreary Road and the centerline of McMillen Road, said iron rod being the most southeasterly corner of a tract of land as described in a deed to S.A.A.M. TRUST as recorded in Volume 4536, Page 2324(DRCCT);

THENCE along the centerline of McCreary Road as follows:

North 01°46'33" East a distance of 1090.14 feet to a 5/8 inch iron rod found for corner;

North 00°53'55" East a distance of 144.35 feet to a ½ inch iron rod set for the POINT OF BEGINNING;

THENCE departing the centerline of said McCreary Road North 89°06'05" West a distance of 471.62 feet to a point for corner;

THENCE South 00°54'47" East a distance of 386.40 feet to a point for corner in the centerline of BETSY LANE (a 110 foot right-of-way), said point being the beginning of a non-tangent curve to the right having a radius of 1500.00 feet, a chord bearing North 71°06'05" West and a chord distance of 304.96 feet;

THENCE along said non-tangent curve to the right thru a central angle of 11°40'08" for an arc length of 305.49 feet to a point for the beginning of a curve to the left having a radius of 1500.00 feet, a chord bearing North 77°35'34" West and a chord distance of 640.41 feet;

THENCE along said curve to the left thru a central angle of 24°39'06" for an arc length of 645.38 feet to a point for corner;

THENCE North 89°55'07" West a distance of 735.45 feet to a point for the beginning of a curve to the left having a radius of 1500.00 feet, a chord bearing South 81°12'35" West and a chord distance of 462.67 feet;

THENCE along said curve to the left thru a central angle of 17°44'36" for an arc length of 464.52 feet to a point for the beginning of a curve to the right having a radius of 1500.00 feet, a chord bearing South 73°31'20" West and a chord distance of 61.99 feet;

THENCE along said curve to the right thru a central angle of 2°22'05" for an arc length of 62.00 feet to a point for corner;

THENCE South 1°23'36" East a distance of 105.88 feet to a point for corner;

THENCE South 89°44'32" West a distance of 2119.05 feet to a point for corner;

Departing said BETSY LANE as follows:

North 9°14'33" West a distance of 230.88 feet to a point for corner;
 North 84°53'17" West a distance of 313.23 feet to a point for corner;
 South 87°40'55" West a distance of 105.12 feet to a point for corner;
 South 81°05'37" West a distance of 92.02 feet to a point for corner;
 North 1°14'33" East a distance of 804.11 feet to a point for corner;
 North 78°31'34" East a distance of 215.75 feet to a point for corner;
 North 45°33'40" East a distance of 152.59 feet to a point for corner;
 North 4°56'55" East a distance of 270.75 feet to a point for corner;
 North 87°36'41" West a distance of 29.97 feet to a point for corner;
 North 35°47'08" East a distance of 129.99 feet to a point for corner;
 North 17°30'41" East a distance of 35.18 feet to a point for corner;
 North 0°32'56" East a distance of 98.76 feet to a point for corner;
 North 29°24'50" West a distance of 45.19 feet to a point for corner;
 South 89°57'37" East a distance of 187.20 feet to a point for corner;
 North 0°22'06" West a distance of 463.24 feet to a point for corner;
 North 1°23'04" West a distance of 435.89 feet to point for corner, said corner being in the centerline of McWHIRTER ROAD (a 60 foot right-of-way);

THENCE South 89°25'06" East a distance of 4759.83 feet to a point for corner;

THENCE South 0°58'23" West a distance of 1291.10 feet to a point for corner;

THENCE South 0°53'55" West a distance of 953.62 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 286.486 acres or 12,479,331 square feet of land more or less. The bearings contained herein are based upon the boundary line agreement as recorded in Volume 1673, Page 260 (DRCCT).

EXHIBIT "B"

PLANNED DEVELOPMENT REQUIREMENTS

Gables and Ranch
Murphy, Texas

- I. **Statement of Purpose:** The purpose of this Planned Development District is to establish a concept plan and specific conditions for the development of the properties known as the Gables and Ranch subdivisions. The intent of this planned development is to provide a quality residential subdivision with a variety of lot and dwelling sizes, and additional project amenities.

- II. **Statement of Effect:** This Planned Development District shall not affect any regulation found in the Comprehensive Zoning Ordinance, as amended, except as specifically provided herein.

- III. **General Regulations:** All regulations of the Single-Family Residential Districts shall apply as set forth in Section 157.062 of the Murphy Zoning Code, as amended, except as otherwise specified herein.

- IV. **Development Plans:** Development shall be in accord with the concept plan and exhibits as attached. However, in the event of conflict between the concept plan and the written conditions, the written conditions shall control. The concept plan shall also serve as the land use plan.

- V. **Development Regulations:**
 - A. **Minimum Lot Criteria:** The lot designation shall be as indicated on the concept plan and the following minimums shall apply:
 1. **SF-9**
 - a. Minimum lot size: 9,000 square feet
 - b. Minimum lot width: 75 feet (at front yard setback build line)
 - c. Minimum lot depth: 120 feet
 - d. Except lots on cul-de-sac's and eyebrows may vary in width and depth as indicated on the concept plan contained herein, but in no event shall be less than 9,000 square feet in size.
 - e. Minimum front yard setback: 25 feet
 - f. Minimum side yard setback adjacent to a street: 15 feet
 - g. Minimum side yard setback not adjacent to a street: 7 feet
 - h. Minimum rear yard setback: 15 feet

 2. **SF-11**
 - a. Minimum lot size: 11,000 square feet

- b. Minimum lot width: 90 feet (at front yard setback build line)
- c. Minimum lot depth: 120 feet
- d. Except lots on cul-de-sac's and eyebrows may vary in width and depth as indicated on the concept plan contained herein, but in no event shall be less than 11,000 square feet in size.
- e. Minimum front yard setback: 25 feet
- f. Minimum side yard setback adjacent to a street: 15 feet
- g. Minimum side yard setback not adjacent to a street: 7 feet
- h. Minimum rear yard setback: 15 feet

B. **Minimum dwelling unit area:** The minimum dwelling unit area shall be 1,800 square feet of living area only, not to include eaves, porches, garages and breezeways.

C. **Minimum exterior construction standards:** The standards and criteria contained within this subsection are deemed minimum standards and shall apply to all building construction occurring within the Gables and Ranch PD.

Single-Family:

1. All single-family homes exterior shall be of fire-resistant construction, and shall have a minimum of 75% masonry (brick and stone) construction for the entire house, except for windows and doors. This masonry (brick and stone) requirement shall include accessory buildings and/or detached garages.
2. Any exterior façade of a new single-family home (regardless of location) that faces a public street shall be predominantly masonry (brick or stone), and no single façade shall be comprised of less than 75% masonry (brick or stone), construction. In addition, 10% of the single-family structures, up to a maximum of 69 single-family homes, shall include 20% stone and 80% brick on the front exterior facade. Areas of a home's façade that are devoted to windows, doors, covered porches or stoops, or chimneys, shall not be counted as "wall surface" when calculating the masonry (brick or stone) requirement provided that covered porches and stoops are at least four feet (4') deep and eight feet (8') wide (i.e., at least 64 square feet in area).
3. Concrete, concrete block, stucco, exterior plaster, trowel and textured

mortar washed surfaces or metal exterior construction shall not be permitted on any single-family residential structure, including accessory buildings and/or detached garages.

4. Roof materials for a single-family structure, including accessory buildings and detached garages shall be comprised of architectural/dimensional composition shingle (25-year minimum), flat pan standing seam metal roofing (only with a factory baked-on muted color finish; no bright colors or natural-colored metal roofing allowed), or terra cotta or slate tile in muted colors. Minimum predominant roof pitch shall be at least 6:12, and except for “Santa Fe” (with a flat roof and highly articulated parapet that conceals the roof and any roof-mounted equipment), “Texas ranch house” (with low pitched roofs, large eaves/overhangs, rambling design), or other uniquely styled home (which may be granted a special exception to the roof pitch requirement by the Zoning Board of Adjustments).

D. Minimum Landscaping Standards

1. For any premises located in Ranch and Gables PD the premises shall have one (1) shade tree located within 15 feet of the front lot line for each fifty (50) feet of lot width or portion thereof, measured along the front lot line. Trees may be clustered or spaced linearly and need not be placed evenly at 50-foot intervals.
2. The required trees and landscaping shall be installed prior to issuance of a Certificate of Occupancy for the premises, and shall be maintained in a living and growing condition by the owner of the premises. All plant material shall be replaced with plant material as required in Section d.3.
3. The required trees shall be a minimum of three-inch (3”) caliper measured forty-eight inches (48”) above the ground. If the tree is located on a slope, measurement shall be from the highest side of the slope. The trees shall be selected from the current Texas A&M University Collin County Extension Agent’s list of recommended tree list.

E. Minimum height required:

Required trees: seven feet (7’-0”) in height.

F. Park Fees:

Payment of park fees will only be required on the number of lots that are over and above the existing concept plans for the Ranch and the Gables.

1. The payment of the park fees will be at the time of final platting with respect to the first lots platted by Lumbermen's Investment Corporation ("LIC") or D. R. Horton, Incorporated ("DRHI"), as applicable, and will commence with the initial phase of development.

2. These park fees shall be utilized for park improvements within the approximately 12.09-acre park as shown on the concept plan within this planned development.

3. If LIC and/or DRHI provide improvements to the City Public Park area, those costs will be credited toward satisfaction of the required park fees.

G. **Private Recreational Facility:** A private recreational facility will be constructed by LIC on the 1.14-acre tract as shown on the concept plan. Prior to the development of the private recreational facility, a detail plan and elevations shall be approved through the public hearing process. The Homeowners' Association will maintain this facility. This facility will provide parking per the City of Murphy Code. In addition to these spaces, an additional 10 to 15 spaces will be constructed by LIC as part of the above referenced park improvements. A common access easement will be provided by the City of Murphy for the benefit of LIC, its successors and assigns including the Homeowners' Association, its members and their guests, through the current city water tank site to the private recreational site.

H. **Screening:** The screening shall be as reflected on the concept plan and as listed below, except as allowed by the Planning and Zoning and City Council. Permanent signage shall be permitted at all major entry points. All screening shall be maintained by the Homeowners' Association except for the 6-foot high board-on-board wooden fence with a top rail along McWhirter Road, which shall be maintained by each owner on whose lot the fence is located. Lots abutting dedicated park land shall have fencing consisting of an 8-foot high board-on-board wooden fence with a top rail, which shall have no access points (openings) to the park and shall be maintained by each owner on whose lot the fence is located.

1. **McWhirter Road** –

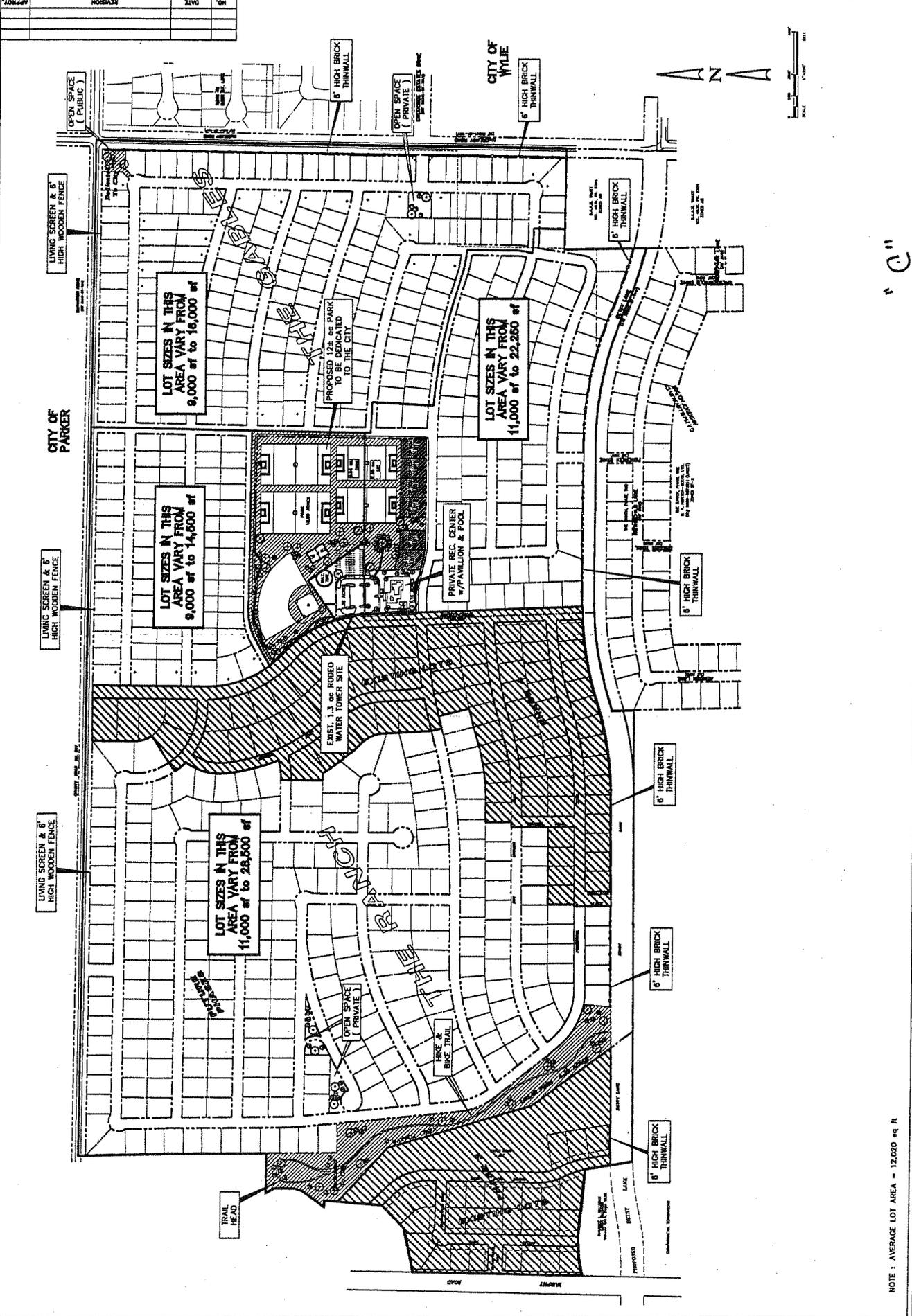
- i. A living screen shall be constructed as shown on the concept plan. The lots backing to McWhirter shall be deed restricted to require a 6-foot high board-on-board wooden fence with a top rail.

2. McCreary Road –
 - i. A 6-foot high brick thinwall will be constructed.
 3. Betsy Lane –
 - i. A 6-foot high brick thinwall will be constructed.
 4. Lots abutting dedicated park land-
 - i. The lots abutting dedicated parkland shall be deed restricted to require an 8-foot high board-on-board wooden fence with top rail.
- I. **Open Spaces:** Open spaces will be provided as shown on the concept plan and maintained by the party indicated.
- J. **Sidewalks/Trails:** In lieu of the city standard sidewalk normally required along McWhirter Road, and along McCreary Road north of Creekside Drive, a minimum 6-foot wide hike and bike trail will be constructed within the Maxwell Creek linear park from McMillen Drive to Betsy Lane then to the northern trailhead as shown on the Ranch and Gables concept plan. The City of Murphy shall provide right-of-way from McMillen Drive to Betsy Lane.
- K. **Dedications:** The areas will be dedicated as open space and/or Public Park as shown on the concept plan.
- L. **Homeowners' Association:** A Homeowners' Association duly incorporated in the State of Texas shall be incorporated and each lot/homeowner shall be a mandatory member. This association shall be established so as to ensure the proper maintenance of all common areas, either public or private, as desired, to be maintained by the association. The bylaws of this association shall establish a system of payment of dues, a system of enforcement of its rules and regulations; a clear and distinct definition of the responsibility of each member, and such other provisions as are reasonably deemed appropriate to secure a sound and stable association. The Bylaws shall be submitted to the Director of Planning for review and approval prior to construction.
- M. **Option to Purchase:** LIC shall grant to the City of Murphy an option (the "Option") to purchase the six (6) lots (the "Option Lots") as designated on the concept plan for an amount equal to the actual costs of acquisition and development fairly and reasonably allocable to the Option Lots as normally and customarily done by LIC in the ordinary course of its business. The Option must be exercised by the City of Murphy and the acquisition of the Option Lots actually closed and consummated on or

before two (2) years after the establishment of this Planned Development District or such Option shall automatically expire and be of no further force or effect. The form and substance of the written agreement granting the Option must be approved by the City Council and executed by LIC and the City of Murphy contemporaneously with the establishment of this Planned Development District.

EXHIBIT "C"

Drawing Dated "Received September 19, 2003
Concept Plan
Gables and Ranch



NO.	DATE	REVISION	APPROVED

NOTE: AVERAGE LOT AREA = 12,020 sq. ft.

I've been asked to speak on behalf of The Ranch Subdivision Property Owners who's properties abut McWhirter Road, and I, too, am one of those homeowners. For everyone's sake, I'll try to brief, but for we homeowners, I'll try to be thorough.

On April 1, 2013, we homeowners were made aware of a biased landmine of financial burden hidden away in an outrageously unfair clause in a Murphy city ordinance. We'd like to address the statement in city ordinance, 03-10-590 which reads as follows: "**All screening shall be maintained by the Homeowners' Association except for the 6-foot high board-on-board wooden fence with a top rail along McWhirter Road, which shall be maintained by each owner on whose lot the fence is located.**". Ladies and Gentlemen, any reasonable person that reads this clause would draw the same conclusion: Murphy just singled out a small handful of citizens, and ordered them to help pay for all the screening fences in their neighborhood, yet no one in that neighborhood is to help us pay to maintain our screening fence. It's important to note that we all pay the same HOA dues in the Ranch, so if the city was going to get into the business of appropriating HOA funds, then it should have ensured it was done fairly, and the only way to have done that, would have been to treat all the screening fences equally. The McWhirter fence should be covered by the HOA in the same manner as the other screening fences. There can be no other option. As an analogy, given that we all pay the same tax rates, it would be preposterous for the city of Murphy to create a law saying folks who's homes abut McWhirter must pay for all the maintenance of the sidewalks in front of their homes, but all other sidewalks will be tended by the city. The intent of the clause outlined above in ordinance 03-10-590 regarding the Ranch screening fences is just as absurd as this sidewalks example.

Folks, we have requested the meeting minutes that should exist for this ordinance clause, but none exist...that, my friends, given the unfairness of this clause, is cause for great concern. We have an unjust law on our books that has no supporting documentation; nothing whatsoever, to date, can be found that explains what **problem** did the city set out to solve with this clause, nor is there any documentation to show how the clause was to **solve that problem**.

Members of the Council, consider this: we citizens affected by this unfair law are comprised of senior citizens, immigrants who've become proud U.S. citizens, young families who've purchased their first home, we have citizens from just about every facet of American life, and yes, we even have U.S. war veterans. None of us citizens are somehow less deserving of equal and fair representation by the city of Murphy, and we certainly do not deserve to be singled out to bear an excess burden.

In closing, the unfair exclusion of the McWhirter fence homeowners in our city ordinance is without merit, and represents a scar on our city. With that in mind, we, as homeowners in the Ranch subdivision, ask that City Council amend the statement in ordinance 03-10-590 to read as follows: "**All screening shall be maintained by the Homeowners' Association.**".

I ask those homeowners who are present to stand up, and be counted by City Council.

Issue

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

Staff Resource / Department

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

Key Focus Area

Mobility and Infrastructure

Summary

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

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

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

The professional engineering services agreement will allow the City Engineer to survey the area for right-of-way acquisition, drainage improvements, and construction activities.

Financial Considerations

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

Action Requested

Authorize the City Manager to execute the engineering professional services agreement for the Betsy Lane Widening and Drainage Improvement Project.

Attachments

- 1) Letter from Gary Hendricks dated May 7, 2013
- 2) Engineer's Opinion of Construction Cost
- 3) Proposed Professional Engineering Services Agreement



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.
 MATT HICKEY, P.E.
 ANDREW MATA, JR., P.E.
 JOSEPH T. GRAJEWSKI, III, P.E.
 DEREK B. CHANEY, P.E.

May 7, 2013

RECEIVED

MAY 08 2013

City Manager's Office

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

Re: Betsy Lane Widening Project – F.M. 2551 to McCreary Road
 TxDOT CSJ: 0918-24-200
 Professional Engineering Services Agreement

Dear Mr. Fisher:

As you requested, we are pleased to submit two (2) signed proposals for professional engineering services for the Betsy Lane Widening and Drainage Improvements project from F.M. 2551 (N. Murphy Road) to McCreary Road. This project consists of design of the eastbound lanes (two lanes, 25-foot back to back) of the ultimate four lane divided thoroughfare including underground storm drainage system, sidewalks, and screening walls where required. The westbound two lanes have previously been constructed. The project also includes the design and construction of the southern half of the Betsy Lane Bridge over Maxwell Creek.

We have also established additive alternate design and construction items for roadway lighting and median irrigation system should the City desire to include those items.

Based on the project parameters described above, our opinion of probable project cost is summarized below:

Betsy Lane Widening Project
From F.M. 2551 to McCreary Road -Project Budget

Construction	Basic Project	
	Widening to 4-lane divided Roadway	\$2,370,720
	Additive Alternates:	
	Roadway Illumination	\$183,750
	Median Irrigation System	\$78,750
	Opinion of Total Construction Cost	\$2,633,220
Engineering Services	Basic Engineering Services	
	Schematic Design	\$20,150
	Final Design	\$141,050
	Bidding Phase	\$6,045
	Construction Phase	\$34,255
	Basic Engineering Fee Subtotal:	\$201,500

Mr. James Fisher
 Betsy Lane Widening and Drainage Improvements
 Professional Engineering Services Agreement
 May 7, 2013
 Page 2 of 2

Engineering Services	Additional Professional Services	
	Field Surveys	\$24,060
	Preparation of Plat and Field Notes	\$8,800
	Geotechnical Evaluation	\$15,000
	NCTCOG Environmental Checklist for Local Projects	\$15,000
	Printing of Plans and Specs	\$2,500
	Additional Services Subtotal:	\$65,360
	Additive Alternate Services	
	Illumination Design	\$15,000
	Median Irrigation System Design	\$10,000
Additive Alternate Services Subtotal:	\$25,000	
Sub-Total Professional Engineering Fees		\$291,860
Land Rights Acquisitions & Legal Fees		\$250,000
Quality Control and Materials Testing		\$65,831
Total Project Budget		\$3,240,911

We are enclosing an itemized opinion of construction cost for your review and use.

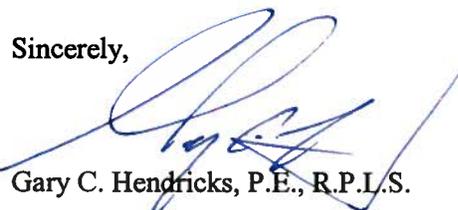
Our engineering fee for Basic Services is \$201,500, or 8.5% of the opinion of probable cost. Our fee for Additional Services, including field surveys, geotechnical evaluation and report, the NCTCOG Environmental Checklist, preparation of land rights plat and field note descriptions and printing is \$65,360. Our fees for this project will not exceed \$291,860 without written authorization by the City of Murphy.

We intend to utilize sub-consultants for the following design and engineering items:

1. Structural Design of Betsy Lane Bridge over Maxwell Creek: Ronald A. Roberts Associates, Inc.
2. Geotechnical Investigations and Report: Unknown at this time
3. NCTCOG Environmental Checklist for Local Projects: Unknown at this time

If the agreement meets with the City's approval, please have both sets executed for the City of Murphy and return on set to this office. We appreciate the opportunity to work with you and the City of Murphy on this important project and will proceed immediately upon your written direction.

Sincerely,


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

Enclosures

*Texas American Public Works Association 2010 Awardee
 Environmental Project of the Year \$10 - \$100 Million*

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
Project No. CONTDEVEClient: CITY OF MURPHY, TEXASDate: 4-May-12Project: Betsy Lane Paving and Drainage ImprovementsMurphy Road to McCreary Road (25' B-B on South Side)By: JTG
ENGINEER'S OPINION OF CONSTRUCTION COST

Item No.	Description	Quantity	Unit	Price	Amount
Approximately 4500 linear feet of 25' B-B Reinforced Concrete Pavement from east of Murphy Road (FM 2551) to McCreary Road (CR 245).					
1	Prepare Right-of-way	45	Sta.	\$350.00	\$ 15,750.00
2	Remove Existing Thoroughfare Pavement	850	S.Y.	\$9.50	\$ 8,075.00
3	Remove Existing Concrete Sidewalk	20	S.Y.	\$6.00	\$ 120.00
4	Remove Existing 6" Monolithic Concrete Curb	300	L.F.	\$4.00	\$ 1,200.00
6	Full-depth Sawcut of Existing Concrete Sidewalk Pavement	50	L.F.	\$4.00	\$ 200.00
7	Full-depth Sawcut of Existing Concrete Thoroughfare Pavement	200	L.F.	\$6.00	\$ 1,200.00
14	Unclassified Roadway Excavation	11,250	C.Y.	\$10.00	\$ 112,500.00
12	Furnish and Install 8" thick Lime-treated Compacted Subgrade (44# / S.Y.)	14,500	S.Y.	\$2.75	\$ 39,875.00
13	Furnish and Install Hydrated Lime	319	Tons	\$160.00	\$ 51,040.00
8	Construct 8" Reinforced Concrete Thoroughfare Pavement	13,500	S.Y.	\$34.00	\$ 459,000.00
9	Construct 6" Monolithic Reinforced Concrete Curb	9,000	L.F.	\$1.50	\$ 13,500.00
48	Construct 8' Wide 4" Reinforced Concrete Sidewalk	4000	S.Y.	\$30.00	\$ 120,000.00
10	Construct Reinforced Concrete Barrier-free Ramp with Concrete Pavers	10	Ea.	\$850.00	\$ 8,500.00
11	Construct Concrete Butt Joint for Thoroughfare Pavement	250	L.F.	\$15.00	\$ 3,750.00
25	Furnish & Install 10' Recessed Curb Inlet	12	Ea.	\$3,500.00	\$ 42,000.00
26	Furnish & Install 18-Inch RCP CL III	3,700	L.F.	\$50.00	\$ 185,000.00
27	Furnish & Install 24-Inch RCP CL III	200	L.F.	\$65.00	\$ 13,000.00
28	Furnish & Install TxDOT Type CH-FW-0 Headwall and Wingwall	4	Ea.	\$3,500.00	\$ 14,000.00
	Obliterate Existing Double Yellow Paint Line	4,500	L.F.	\$1.75	\$ 7,875.00
18	Furnish & Install 24"-Wide Solid White Reflectorized Striping (Vehicle Stop Lines)	125	L.F.	\$7.00	\$ 875.00
19	Furnish & Install Solid White Reflectorized "Turn Only" Symbol	2	Ea.	\$500.00	\$ 1,000.00

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS
Project No. CONTDEVEClient: CITY OF MURPHY, TEXASDate: 4-May-12Project: Betsy Lane Paving and Drainage ImprovementsMurphy Road to McCreary Road (25' B-B on South Side)By: JTG
ENGINEER'S OPINION OF CONSTRUCTION COST

Item No.	Description	Quantity	Unit	Price	Amount
20	Furnish & Install Non-Reflectorized white lane buttons	930	Ea.	\$2.00	\$ 1,860.00
21	Furnish & Install Type II C-R Reflectorized Marker	450	Ea.	\$6.50	\$ 2,925.00
	Furnish & Install White Pedestrian Crossing Line	1,680	L.F.	\$1.60	\$ 2,688.00
22	Furnish and Install 4" thick Topsoil in the Parkways	4,500	S.Y.	\$1.50	\$ 6,750.00
23	Furnish and Install 6" thick Topsoil in the Median	7,500	S.Y.	\$2.00	\$ 15,000.00
46	Furnish and Install Solid Sod	12,000	S.Y.	\$3.50	\$ 42,000.00
29	Furnish & Install Metal Beam Guard Fence	100	L.F.	\$30.00	\$ 3,000.00
31	Furnish and Install Project Sign	2	Ea.	\$500.00	\$ 1,000.00
32	Furnish and Install Traffic Signs	25	Ea.	\$350.00	\$ 8,750.00
15	Furnish, Install, Maintain & Remove Erosion Control Measures	9,000	L.F.	\$2.00	\$ 18,000.00
16	Furnish SW3P & NOI	1	L.S.	\$5,000.00	\$ 5,000.00
17	Furnish, Install, Maintain & Remove Traffic Control	1	LS	\$30,000.00	\$ 30,000.00
30	Furnish Trench Safety System Design	1	L.S.	\$7,500.00	\$ 7,500.00
	Implement Trench Safety System	3,900	L.F.	\$1.00	\$ 3,900.00
33	Construct 8-Foot High Reinforced Concrete Screening Wall	2,300	LF	\$120.00	\$ 276,000.00
5	Furnish and Install 4" PVC DR14 Irrigation Sleeves	1,200	L.F.	\$11.00	\$ 13,200.00
	Furnish and Install 4" PVC Electric Conduit Sleeves	700	L.F.	\$11.00	\$ 7,700.00
Paving and Drainage Subtotal:					\$ 1,543,733.00
Bridge over Maxwell Creek - 213 linear feet with a 48-foot bridge deck width					
34	Drilled Shaft (24-Inch) Bridge	375	L.F.	\$80.00	\$ 30,000.00
35	Concrete Pier (24-inch Diameter)	220	L.F.	\$45.00	\$ 9,900.00
36	Class "C" Concrete (Abutment)	30	C.Y.	\$675.00	\$ 20,250.00

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

Project No. CONTDEVEClient: CITY OF MURPHY, TEXASDate: 4-May-12Project: Betsy Lane Paving and Drainage ImprovementsMurphy Road to McCreary Road (25' B-B on South Side)By: JTG

ENGINEER'S OPINION OF CONSTRUCTION COST

Item No.	Description	Quantity	Unit	Price	Amount
37	Class "C" Concrete (Bent)	70	C.Y.	\$600.00	\$ 42,000.00
38	Bridges Reinforced Concrete Slab	10,224	S.F.	\$12.00	\$ 122,688.00
39	Prestressed Concrete Beam (TY IV)	2,130	L.F.	\$80.00	\$ 170,400.00
40	Riprap (Concrete) (CLB) 5-Inch	250	C.Y.	\$290.00	\$ 72,500.00
41	Bridge Protective Assembly	2	Ea.	\$3,000.00	\$ 6,000.00
42	Structural Approach Slab	105	S.Y.	\$90.00	\$ 9,450.00
43	Rail Type C202	560	L.F.	\$45.00	\$ 25,200.00
44	Pedestrian Rail	240	L.F.	\$55.00	\$ 13,200.00
45	Bridge Embankment (Borrow)	17,500	C.Y.	\$11.00	\$ 192,500.00
	Bridge Subtotal:				\$ 714,088.00
	Basic Project Subtotal:				\$ 2,257,821.00
	Basic Project Total with Contingencies & Misc.:			5.0%	\$ 2,370,720.00
Additive Alternates					
47	Furnish and Install Street Lighting	1	LS	\$175,000.00	\$ 175,000.00
49	Furnish and Install Median Irrigation	1	L.S.	\$75,000.00	\$ 75,000.00
	Additive Alternate Subtotal:				\$ 250,000.00
	Additive Alternates Subtotal with Contingencies and Misc.			5.0%	\$ 262,500.00
	Basic Project with Additive Alternates:				\$ 2,633,220.00
	Quality Control and Materials Testing:			2.5%	\$ 65,830.50
	R.O.W. Acquisition and Fees	1.15	acre	\$1.00	\$ 250,000.00
	Total:				\$ 2,949,050.50
				USE:	\$ 2,950,000.00

PROFESSIONAL ENGINEERING SERVICES AGREEMENT

THIS AGREEMENT is made and entered into by and between the **City of City of Murphy, Texas**, hereinafter referred to as "City", and **Birkhoff, Hendricks & Carter, L.L.P.**, hereinafter referred to as "Engineer", to be effective from and after the date as provided herein.

WITNESSETH:

WHEREAS, the City desires to engage the services of the Engineer to complete engineering design and provide surveying services for the **Betsy Lane Paving and Drainage Improvements**, hereinafter referred to as the "Project"; and

WHEREAS, the Engineer desires to render such engineering design services for the City under the terms and conditions provided herein; and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That for and in consideration of the covenants contained herein, and for the mutual benefits to be obtained hereby, the parties hereto agree as follows:

I. Employment of the Engineer

The City hereby agrees to retain the Engineer to perform professional engineering services in connection with the Project; Engineer agrees to perform such services in accordance with the terms and condition of this Agreement.

II. Scope of Services

The parties agree that Engineer shall perform such services as are set forth and described in Exhibit "A", which is attached hereto and thereby made a part of this Agreement. The parties understand and agree that deviations or modifications, in the form of written changes may be authorized from time to time by the City.

III. Schedule of Work

The Engineer agrees to commence services immediately upon execution of this Agreement, and to proceed diligently with said service to completion as described in the Completion Schedule attached hereto as Exhibit "B" and thereby made a part of this Agreement.

IV. Compensation and Method of Payment

The parties agree that Engineer shall be compensated for all services provided pursuant to this Agreement in the amount and manner described and set forth in the Payment Schedule attached hereto as Exhibit "C" and thereby made a part of this Agreement. Engineer further agrees that it will prepare and present such monthly progress reports and itemized statements as are described in said Exhibit "C". City agrees to pay invoices upon receipt.

V. Insurance

Engineer agrees to procure and maintain for the duration of the contract Professional Liability Insurance (\$1,000,000), Worker's Compensation, General Liability and Automobile Insurance.

VI. Assignment and Subletting

The Engineer agrees that neither this Agreement nor the services to be performed hereunder will be assigned or sublet without the prior written consent of the City. The Engineer further agrees that the assignment or subletting of any portion or feature of the work or materials required in the performance of this Agreement shall not relieve the Engineer from its full obligations to the City as provided by this Agreement.

VII. Contract Termination

The parties agree that City or the Engineer shall have the right to terminate this Agreement without cause upon thirty (30) days written notice to the other. In the event of such termination without cause, Engineer shall deliver to City all finished or unfinished documents, data, studies, surveys, drawings, maps, models, reports, photographs or other items prepared by Engineer in connection with this Agreement. Engineer shall be entitled to compensation for any and all services completed to the satisfaction of City in accordance with the provisions of this Agreement prior to termination.

VIII. Engineer's Opinion of Cost

The parties recognize and agree that any and all opinions of cost prepared by Engineer in connection with the Project represent the best judgment of Engineer as a design professional familiar with the construction industry, but that the Engineer does not guarantee that any bids solicited or received in connection with the Project will not vary from the opinion by the Engineer.

IX. Ownership of Documents

Original drawings, specifications and reports are the property of the Engineer; however, the Project is the property of the City. City shall be furnished with such reproductions of drawings, specifications and reports. Upon completion of the services or any earlier termination of this Agreement under Article VII, Engineer will revise drawings to reflect changes made during construction as reported by the City and contractor, and he will furnish the City with one complete set of reproducible drawings, two sets of record prints, and electronic files.

X. Complete Contract

This Agreement, including the exhibits hereto numbered "A" through "C" constitutes the entire agreement by and between the parties regarding the subject matter hereof.

XI. Mailing of Notices

Unless instructed otherwise in writing, Engineer agrees that all notices or communications to City permitted or required under this Agreement shall be addressed to City at the following address:

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

City agrees that all notices or communications to Engineer permitted or required under this Agreement shall be addressed to Engineer at the following address:

Gary C. Hendricks, P.E., R.P.L.S.
 Birkhoff, Hendricks & Carter, L.L.P.
 11910 Greenville Ave., #600
 Dallas, Texas 75243
 Phone: (214) 361-7900

All notices or communications required to be given in writing by one party or the other shall be considered as having been given to the addressee on the date such notice or communication is posted by the sending party.

XII. Texas Board of Professional Land Surveying Contact Information

Recipients of professional land surveying services under this agreement may direct complaints regarding such services to the Texas Board of Professional Land Surveying, 12100 Park 35 Circle, Building A, Suite 156, MC 230, Austin, TX 78753, Phone (512) 239-5263, Fax (512) 239-5253.

XIII. Contract Amendments

This Agreement may be amended only by the mutual agreement of the parties expressed in writing.

XIV. Effective Date

This Agreement shall be effective from and after execution by both parties hereto.

WITNESS OUR HANDS AND SEALS on the date indicated below.

CITY OF MURPHY, TEXAS

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

By: _____
Mr. James Fisher, City Manager

By: _____
Gary C. Hendricks, P.E., R.P.L.S.

Date: _____

Date: May 7, 2013

ATTEST:
By: _____

ATTEST:
By: Matt J. J. J.

EXHIBIT “A”

ENGINEERING SERVICES

Betsy Lane Paving and Drainage Improvements (From Murphy Road to McCreary Road)

General Overview

Basic Project

This project includes paving and drainage improvements to Betsy Lane, from F.M. 2551 (N. Murphy Road) to McCreary Road. Betsy Lane currently exists as 2-lanes of the ultimate 4-lane divided thoroughfare with an existing 2-lane bridge over Maxwell Creek. The improvements include design of the two eastbound lanes and associated drainage improvements; completion of the 2 eastbound lanes of the existing Maxwell Creek bridge; Maxwell Creek Trail System across Betsy Lane; sidewalks, screening walls as required; and necessary land rights required for the improvements.

A project location map is included at the end of this Exhibit A.

Additive Alternate Scope:

In addition to the Basic project parameters outlined above, the following are items alternate scope items added at the specific request and authorization by the City:

1. Roadway Illumination Plans located in the Betsy Lane median
2. Irrigation System for the Betsy Lane median area.

Part I: Preliminary Schematic Phase

Prepare preliminary schematic layout based on actual field surveys and existing right-of-way lines. The schematic will include the lane layout, left turn lanes, median openings, sidewalk locations, schematic bridge layout. The schematic will also determine the existing and proposed right-of-way and land rights needed.

Part II: Design Phase

Prepare plans, specifications and contract documents for construction of the Basic Betsy Lane Paving and Drainage Improvements project (from Murphy Road to McCreary Road).

The design phase services include:

- A. Construction Plan-Profile Sheets prepared at a scale of not less than 1"= 40'
- B. Standard Details
- C. Special Details
- D. Cover Sheet, Location Map and Sheet Index
- E. Coordination with other Utility Companies
- F. 2-Design review meetings
- G. Opinion of Probable Construction Estimate
- H. Preparation of Specifications and Contract Documents
- I. Assist in procuring geotechnical engineering information or reports as the project requirements dictate
- J. Printing of preliminary plans and specifications for review by the City of Murphy and Utility Companies
- K. Prepare Record Drawings utilizing on-site representative and Contractor construction record information, consultant will prepare one set of 22"x 34"reproducible record drawings and one set of electronic image files in Adobe Acrobat file format.

Part III: Bidding Phase

- A. Assist the City staff in advertising for bids. This will include e-mailing "Notice to Contractors" to contractors experienced in this type of construction. City will have Notice published in local newspaper.
- B. Sell bidding documents to potential bidders and their suppliers and other parties.
- C. Provide bidding documents to City of Murphy, Dodge Reports and two other parties requested by the City.
- D. Assist during opening of bids and provide bidding tally sheets.
- E. Provide bid tabulation to City and contractors who submitted bids.
- F. Obtain the following information from the lowest bidder:
 - 1. Past work history,
 - 2. Physical resources to produce the project.

Formulate opinion from information received and provide the City a summary of the opinion for their use in selection and award of the construction contract.

- G. After award of contract, furnish ten sets of prints of the final plans, specifications and contract documents to the City for construction use by the City and Contractor.

Part IV: Construction Phase

- A. Conduct pre-construction conference, including preparing an agenda.
- B. Attend coordination meetings with contractor, quality control personnel, and City representatives to discuss strategy, problem areas, progress, and any required coordination.
- C. Review shop drawings and other submittal information which the Contractor submits. This review is for the benefit of the Owner and covers only general conformance with information given by the Contract Documents. The contractor is to review and stamp their approval on submittals prior to submitting to the Engineer. Review by the Engineer does not relieve the Contractor of any responsibilities, safety measures or the necessity to construct a complete and workable facility in accordance with the Contract Documents.
- D. Provide written responses to requests for information or clarification to City or Contractor.
- E. Prepare and process routine change orders for this project as they pertain to the original scope of work.
- F. Prepare monthly pay request from information obtained in the field.
- G. Accompany the City during their final inspection of the project.
- H. Recommend final acceptance of work based on information from the on-site representative.

Part V: Additive Alternate Services

If authorized in writing by the City of Murphy, the following additive alternate service items will be included in the Design Phase work:

1. Preparation of plans and specifications for Betsy Lane Roadway Illumination.
2. Preparation of plans and specifications for an irrigation system in the Betsy Lane median.

Part VI: Additional Services

- A. Design, Property and Construction Surveys
- B. Geotechnical Investigation and Report
- C. Right-of Way Description Preparation
- D. Preparation of the North Central Texas Council of Governments- Appendix A: Environmental Checklist for Local Projects
- E. Printing of final plans and specifications for distribution to prospective bidders and the successful contractor

Part VII: Exclusions

The intent of this scope of services is to include only the services specifically listed herein and none others. Services specifically excluded from this scope of services include, but are not necessarily limited to the following:

- A. Fees for permits or advertising.
- B. Certification that work is in accordance with plans and specifications.
- C. Landscape architecture.
- D. Flood plain study and reclamation plans.
- E. Trench safety designs.
- F. Quality control and testing services during construction.
- G. Services in connection with condemnation hearings.
- H. Phasing of Contractor's work.
- I. On-site safety precautions, programs and responsibility.
- J. Consulting services by others not included in proposal.
- K. Revisions and/or change orders as a result of revisions after completion of original design (unless to correct error on plans).
- L. Traffic engineering report or study.
- M. Title searches
- N. Preparation of the Contractor's StormWater Prevention Pollution Plan (SW3P)

City of Murphy Betsy Lane Paving & Drainage Improvements

Project Location Map

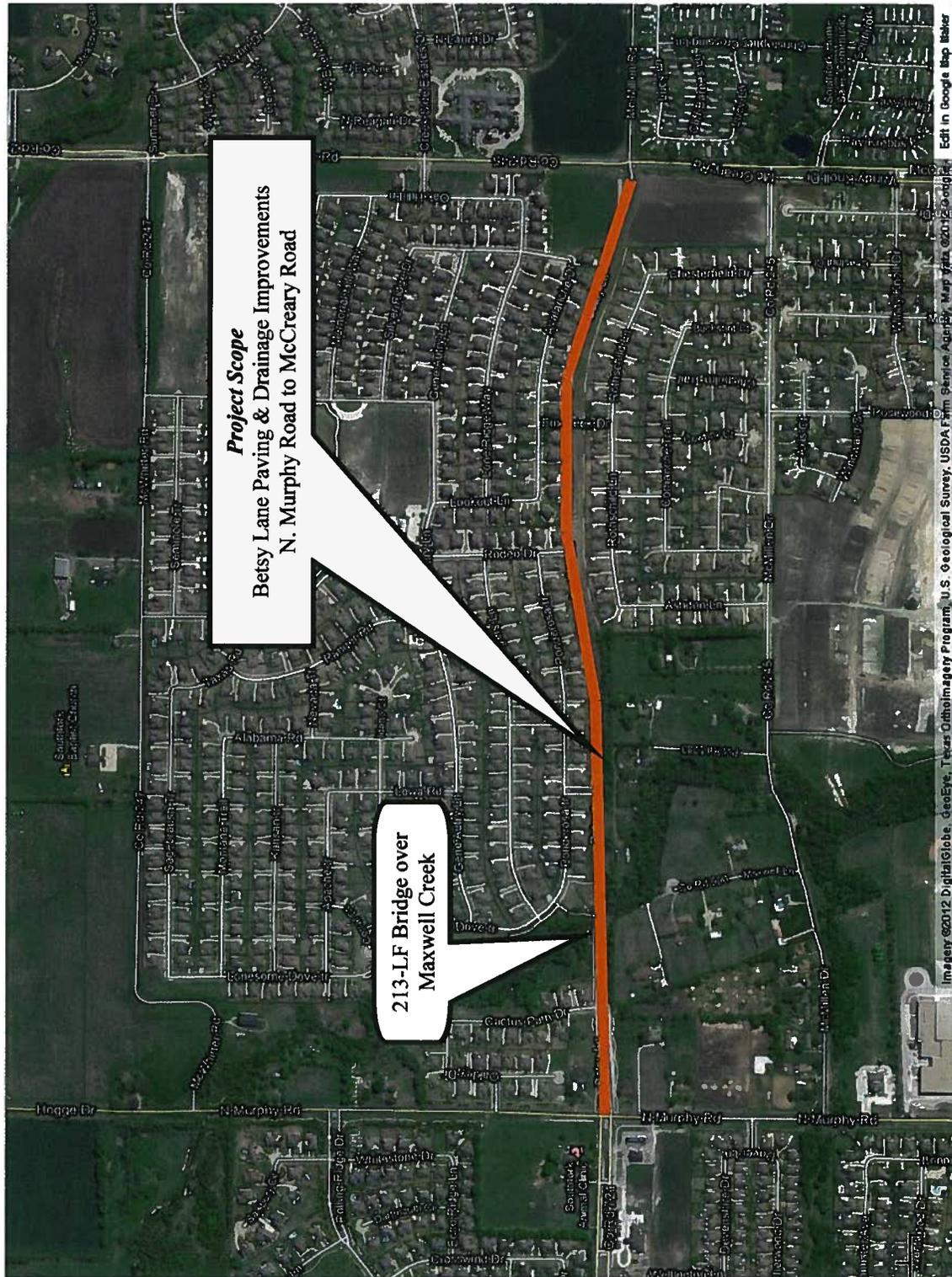


EXHIBIT “B”

COMPLETION SCHEDULE

This Completion Schedule is based on an expected notice to proceed date of **May 27, 2013**. Should the notice to proceed date be changed, this schedule will adjust to accordingly.

Notice to Proceed	May 27, 2013
Permission to Survey Request.....	June 3, 2013 (req. on two tracts)
Begin Field Surveys	June 3, 2013
Complete Field Surveys	June 21, 2103
Submit Schematic Layout and Strip Map.....	July 22, 2013
City Review and Comment on Schematic:.....	August 5, 2013
Submit NCTCOG Environmental Checklist for Local Projects	August 19, 2013
Submit Preliminary Plans (60%); Plats and Field Notes	Oct.15, 2013
Review Comments from City	November 4, 2013
Submitt 90% Plans and Bidding Documents:	December 16, 2013
Review Comments from City	January 6, 2014
Land Rights Acquisition (By others).....	Oct. 15, 2013- January 17, 2014
Advertise Project	February 4, 2014
Receive Bids	February 25, 2014
City Award Construction Contract	March 18, 2014
Notice to Proceed with Construction	April 1, 2014
Construction Complete (260 days).....	December 2014

EXHIBIT “C”

PAYMENT SCHEDULE

BASIC ENGINEERING SERVICES:

Payment for the basic services described under Parts I, II, and III, shall be on a **Lump Sum Basis** in the following Amounts:

Part I - Schematic Design Phase:	\$20,150
Part II - Design Phase:	\$141,050
Part III - Bidding Phase:	\$6,045
Part IV - Construction Phase	<u>\$34,255</u>
Total Amount, Basic Services (Parts I –IV):	\$201,500

ADDITIVE ALTERNATE SERVICES

Payment for the Additive Alternate Services described under Parts V.1 and V.2 shall be on a **Lump Sum Basis** in the following Amounts:

Part V.1: - Roadway Illumination Design:	\$15,000
Part V.2: - Roadway Median Irrigation System Design:	<u>\$ 10,000</u>
Total Amount, Additive Alternate Services (Parts V.1 and V.2): .	\$25,000

ADDITIONAL SERVICES

For the Additional Services described in Part VI, we propose to be compensated on a salary cost basis times a multiplier of 2.35, with expenses at actual invoice cost times 1.15. Automobile mileage for special services will be invoiced at \$0.50 per mile. Rental rates for surveying equipment, if required or requested by the City are \$125 per day for Total Station, \$200 per day for GPS.

We suggest a budget of approximately \$65,360 in the following amounts for our services on this project:

A. Field Surveys(Design ,Construction and Boundary)	\$24,060
B. Geotechnical Evaluation and Report:	\$15,000
C. Preparation of Right-of-way Plats and Field Notes (4 required)	\$8,800
D. Preparation of the NCTCOG Environmental Checklist:	\$ 15,000
E. Printing of Final Plans and Specifications	<u>\$2,500</u>
Total Amount, Additional Services (Part IV):	\$65,360

Payments are to be made on a monthly based on the percent complete of the design or construction phase for the Basic Services, and based on the actual hourly expenditures for the Special Services. The maximum overall fee established herein shall not be exceeded without written authorization from the City, based on increased scope of services.

Murphy City Council
Regular Meeting
June 4, 2013

Issue

Consider and/or act upon authorizing the addition of a 3rd CID position in anticipation of the opening of the new Walmart, which would require hiring an additional police officer.

Background

During the discussions relative to the approval of the building of the new Walmart and the preparation of the FY 2012-2013 budget, Council was informed that based on a call analysis for the new facility that the MPD could handle the call load with the existing patrol staff. However, the cases referred to CID would require adding another detective to work an estimated 50 additional cases a month. Without adding another detective, the workload of the two existing detectives would be negatively impacted and effectiveness severely affected. It was decided during the FY 2012-2013 budget process to delay the funding of the additional officer until there was a firm date for the opening of Walmart.

The plan is to hire an entry-level police officer, process that officer through the field training program and allow applicants for the newly created detective's position from incumbent officers. The field training program can go from 6 to 14 weeks depending upon experience and adaptability to Murphy's protocols and geography.

Applicants for the detective position will be screened by command staff and go through a selection process, which includes an oral board review.

The anticipated completion date for Walmart and the grand opening is about July or August. The store will almost certainly start generating calls for service immediately with cases needed follow-up to start simultaneous to that date.

The hire date for the new officer, if Council approves the position now, should be about 6 to 8 weeks depending upon the background and hiring process. The earliest possible date for the new officer to start would be June 15th. His or her estimated completion date for the FT program would be about August 1st, assuming satisfactory performance and proven job knowledge. The process for detective selection can be conducted concurrently to the hiring and training process. When the new officer is removed from the FT program the decision about who will be assigned to detective will have either been made or close to being made. Estimated date for the detective to be ready for assignment to CID is August 1st.

Financial Considerations

Assuming the officer is hired by June 15, 2013, the city would need to budget three and one-half (3 ½) months of salary and benefits, plus uniforms and equipment (since we will be adding an officer).

The following information is provided for estimating the cost of approving this position and will be included in the FY 2012-2013 budget amendment:

- Salary: \$51,500 (first year) - \$15,300
- Overtime: Absorbed within current budget
- TMRS: \$1,800
- Social Security: \$300
- Group Insurance: \$4,000
- Certifications: \$300
- General Office Supplies: Absorbed within current budget
- Uniforms: \$2,000
- Glock: \$500
- Rifle: \$1,300
- Shotgun: \$400
- Go Bag: \$200
- Helmet: \$300
- Gas Mask: \$200
- Laundry and Cleaning: \$100
- Safety Equipment: \$700 (Vest)
- Travel and Training: Absorb within current budget
- Workers Comp: \$300
- Cell/Pagers/Radios: \$4,000 (Additional Radio); Cell Phone: \$200
- Dues & Memberships: Absorb within current budget.
- Hardware and Software (additional seat license for RMS): \$1,400
- Motor Vehicle: None this year. Will utilize forfeited vehicle. New CID vehicle budgeted in 2013-14 Budget.
- Fuel: Absorb within current budget

Total: \$33,300

Other Considerations

None

Board/Staff Recommendation

Staff recommends approval.

Proposed Motion: I move to authorize the addition of a 3rd CID position in anticipation of the opening of the new Walmart, which would require hiring an additional police officer.

Attachments

Submitted By Chief G. M. Cox

James Fisher, City Manager

City Council Meeting
June 4, 2013

Issue

Consider and take appropriate action, if any, on an ordinance amending the FY 2012-2013 revenue and expenditure budget for the General Fund.

Staff Resource/Department

Linda Truitt – Finance Director

Key Focus Area

Finance

Summary

Amend the FY 2012-2013 expenditure budgets for the General Fund.

Background/History

The original FY 2012-2013 budget was adopted at the departmental level and may be amended throughout the fiscal year. During the course of the fiscal year, there are changes in the needs of the City which require increases in some revenues and departmental expenditures.

General Fund:

Revenues – requesting an increase to revenues of \$67,200 from North Central Texas Council of Government (NCTCOG) Grant for the purchase of solar compactor recycle and trash can units award to the City of Murphy on November 5, 2012.

The following increases to various departments are included in this budget amendment:

City Council – requesting funds (\$79,720) for the purchase of 12 BigBelly solar compactor duo trash and recycle units.

On November 5, 2012, North Central Texas Council of Government (NCTCOG) awarded the City of Murphy a TCEQ Solid Waste Grant (\$67,200) to purchase a minimum of ten (10) solar compactor recycle and trash can units for City parks and City Facilities. The City agreed to purchase two (2) additional units (\$12,520) with the local Murphy Recycle Rebate Funds as a match for this grant. City Council approved the use of the Recycle Rebate Fund as the necessary matching funds on November 13, 2012.

Fire Department – requesting funds (\$16,700) which includes salary, social security and uniform for the addition for a part-time employee to perform all of the duties of Fire Marshal.

The new position would be responsible for all Fire Marshal duties to include:

- new construction inspections
- plans review
- development review, pre-construction, and pre submittal meetings
- assist on shift inspectors with annual inspection program of existing occupancies as needed and as time allows.

Currently, the Administrative Captain is performing all tasks relating to the Fire Marshal Office and as Emergency Medical Services Coordinator. The department is experiencing delays in

accomplishing needed tasks in a timely manner due to the volume of work assigned. Both divisions suffer time delays. Contractors receive comments on plans very near the stated deadline of 10 working days versus the desired goal of 3-5 working days. Outside EMS meetings are missed due to workloads from Fire Marshal's divisional work. Proper internal QA/QI processes are not performed. The shift officer conducts preliminary chart review yet there is infrequent oversight of this program. The future of EMS is uncertain as well. In Murphy, the department should be looking forward to what lies in the future for fire based EMS, community health, and inter-facility transfers. All of these things require time and attendance of meetings where these decisions are being made.

With the addition of this new position of Fire Marshal, the existing position would have the time to dedicate to EMS. The current position would also be tasked with Emergency Management duties. Currently, these meetings and duties go mostly undone. Again, there is little time to dedicate to the four phases of emergency management – hazard analysis, mitigation, response, and recovery. The fire department is charged with leading these activities in the community. This can only be accomplished with the use of time.

The knowledge, skills, and abilities are all present for us to successfully accomplish all of these assigned tasks and duties. Time is the missing component. Duties have been delegated to the shift officers in order to make best use of resources. These duties require varying degrees of time to assist the officers as well.

Should we forgo funding this stop gap part time position, a continued level of service that falls well below the expectations of the department, staff, and the community will exist. This position will be further discussed in the FY2014 budget proposals. Eventually, the department administration would be re-organized to more closely reflect that of the structure in 2007 where there was a fire chief, assistant chief, part time EMS coordinator, and full time fire marshal all in place. The work load was heavy at that time for all positions. Today we attempt to fulfill the job responsibilities of these 3.5 full time positions with two personnel.

Community Services – will bring a budget amendment to City Council at a later date to address some overages in inspections. Staff is still working on a resolution.

Facilities – requesting funds (\$70,000) for the upgrade of the security system for the city wide complex. Please see agenda regarding the security system for additional information.

If City Council approves the request to upgrade the current security system, the additional funding is included in this budget amendment.

Police Department – requesting funds for the addition of one police officer (\$33,300).

If City Council approves the request by the Police Department to add one police officer – a detective position - the funding is included in this budget amendment with a start date of June 15, 2013. Please see agenda item regarding police officer for additional information.

There has been some discussion by Plano Independent School District regarding adding a School Liaison Officer at Murphy Middle School for the school year beginning in August 2013. If this occurs, the city would need to add another police officer to assume this position.

Currently PISD is paying for 50% of the salary and benefits of this position. So the city would be responsible for 50% of salary and benefits and 100% of other needed equipment.

Financial Considerations

All budget amendments must use the approved FY 2012-2013 budget as the bases for any changes. This budget amendment for the General Fund increases the total revenue budget by \$67,200 and the expenditure budget by \$199,720 for FY 2012-2013. The net increase (\$132,520) will reduce the amended FY 2012-2013 projected ending Fund Balance at September 30, 2013 of \$1,976,458 (16.9% of budgeted expenditures) to \$1,846,938 which is 15.5% of the total amended budgeted expenditures.

The audited unreserved General Fund Balance at September 30, 2012 (presented to Council on March 19th by Conway CPAs) is \$3,060,756 (26.2% of FY 2012-2013 budgeted expenditures). This increase will reduce the projected amended General Fund Balance at September 30, 2013 to \$2,282,236 (19.2% of amended budgeted expenditures).

Action Requested

Approval of an ordinance amending FY 2012-2013 revenue and expenditure budgets for the General Fund.

Attachments

- 1) Budget Amendment Ordinance
- 2) Exhibit A

ORDINANCE NO. 13-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AUTHORIZING CERTAIN BUDGET AMENDMENTS PERTAINING TO THE FISCAL YEAR 2012-2013 BUDGET; AND PROVIDING FOR SAID ORDINANCE TO TAKE IMMEDIATE EFFECT.

WHEREAS, chapter 102 of the Texas Local Government Code, as amended, governs municipal budgets and provides that the chapter does not prevent the City Council of the City of Murphy, Texas, from making changes in the budget for municipal purposes; and

WHEREAS, section 7.09 of the City of Murphy Home-Rule Charter authorizes the amending of the fiscal year 2012-2013 budget; and

WHEREAS, as required by the City Charter, the City Manager has prepared an amendment to certain expenditures in the fiscal year 2012-2013 budget and submitted same to the City Council for its approval and a true and correct copy is attached as *Exhibit A*.

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 herein.

Section 2. That pursuant to the City Charter requirements of the City of Murphy, Texas, the budget amendment for fiscal year 2012-2013 attached as *Exhibit A* is hereby authorized and approved.

Section 3. That pursuant to the City Charter requirements this Ordinance and budget amendment shall become an attachment to the original budget.

Section 4. That this Ordinance shall become effective from and after its passage and it is so ordained.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this 4th day of June, 2013.

Eric Barna, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

APPROVED AS TO FORM AND LEGALITY:

Wm. Andrew Messer, City Attorney

Exhibit A

City of Murphy
FY 2013 Amended Budget Summary

General Fund	FY11 Actual	FY12 Budget	FY12 Projected	FY13 Approved	FY13 Adjust	FY13 Amended	FY13 Adjust	FY13 Amended
Beginning Fund Balance	2,584,630	3,052,658	3,052,658	2,622,459		2,622,459		2,622,459
Revenues								
Total Property Taxes	4,675,421	4,680,750	4,676,350	5,064,400	-	5,064,400	-	5,064,400
Total Sales Tax	952,543	1,000,000	1,045,100	1,150,000	-	1,150,000	-	1,150,000
Total Franchise Tax	820,067	949,500	913,300	919,600	-	919,600	-	919,600
Total Permits & Licenses	659,566	570,900	764,700	866,200	-	866,200	-	866,200
Total Other Revenue	577,493	635,400	671,300	850,400	-	850,400	67,200	917,600
Total Court Revenue	506,982	550,000	420,000	450,000	-	450,000	-	450,000
Total Solid Waste	819,923	824,600	842,000	883,000	-	883,000	-	883,000
Total Revenues	9,011,995	9,211,150	9,332,750	10,183,600	-	10,183,600	67,200	10,250,800
Transfer from Utility Fund	850,000	850,000	850,000	850,000	-	850,000	-	850,000
Transfer from Reserves - Capital		450,000	450,000	-				
Transfer from Reserves - Animal Control				500,000	-	500,000	-	500,000
Transfer from Court Restricted Juvenile Case Manage - 50% of salary & benefits				29,700	-	29,700	-	29,700
Transfer from Reserves - Vehicles				151,500	-	151,500	-	151,500
Total Other Sources	850,000	1,300,000	1,300,000	1,531,200	-	1,531,200	-	1,531,200
Revenues & Other Sources Less Expenditures & Other (Uses)	9,861,995	10,511,150	10,632,750	11,714,800	-	11,714,800	67,200	11,782,000
Category Expenses								
Total Personnel Services	5,729,744	6,201,949	6,021,800	6,776,000	-	6,776,000	37,900	6,813,900
Total Materials & Supplies	482,099	627,800	582,650	697,800	-	697,800	85,920	783,720
Total Contractual Services	2,796,610	3,027,250	3,398,400	3,284,500	-	3,284,500	4,500	3,289,000
Total Capital Outlay	385,513	654,150	610,100	941,500	9,500	951,000	71,400	1,022,400
Total Expenses	9,393,967	10,511,150	10,612,950	11,699,800	9,500	11,709,300	199,720	11,909,020
Transfer Out		450,000	450,000	651,500	-	651,500	-	651,500
Revenues less Expenses	468,029	(450,000)	(430,200)	(636,500)	(9,500)	(646,000)	(132,520)	(778,520)
Ending Fund Balance	3,052,658	2,602,657	2,622,459	1,985,958	(9,500)	1,976,458	(132,520)	1,843,938

City of Murphy
FY 2013 Amended Budget Summary

General Fund	FY11 Actual	FY12 Budget	FY12 Projected	FY13 Approved	FY13 Adjust	FY13 Amended	FY13 Adjust	FY13 Amended
Departmental Expenses								
Total Administration	406,992	412,700	414,400	431,800	-	431,800	-	431,800
Total Human Resources	149,299	149,800	147,200	137,600	-	137,600	-	137,600
Total Information Technology	478,932	607,730	587,300	782,800	-	782,800	-	782,800
Total City Council	282,407	277,800	356,500	255,400	-	255,400	79,720	335,120
Total City Secretary	178,912	147,600	127,300	150,300	-	150,300	-	150,300
Total Finance	380,091	394,500	403,000	395,200	-	395,200	-	395,200
Total Fire	1,910,029	2,331,420	2,264,300	2,343,200	-	2,343,200	16,700	2,359,900
Total Public Works	233,191	246,400	259,900	258,600	-	258,600	-	258,600
Total Facilities	317,246	383,500	413,950	407,800	-	407,800	70,000	477,800
Total Community Services	522,478	421,030	549,750	494,800	-	494,800	-	494,800
Total Economic Development	-	-	90,000	166,700	-	166,700	-	166,700
Total Police	2,709,491	2,901,640	2,799,500	3,004,300	9,500	3,013,800	33,300	3,047,100
Total Animal Control	72,874	67,300	66,900	628,000	-	628,000	-	628,000
Total Recreation		322,460	311,900	361,500	-	361,500	-	361,500
Total Parks	894,328	851,600	804,150	824,600	-	824,600	-	824,600
Total Municipal Court	210,120	324,470	338,900	356,000	-	356,000	-	356,000
Total Solid Waste	647,574	671,200	678,000	701,200	-	701,200	-	701,200
Total Expenses	9,393,967	10,511,150	10,612,950	11,699,800	9,500	11,709,300	199,720	11,909,020
Reserves								
Revenue Less Expenses	468,029	0	19,800	15,000	(9,500)	5,500	(132,520)	(127,020)
Transfer Out		450,000	450,000	651,500		651,500		651,500
Ending Fund Balance	3,052,658	2,602,657	2,622,459	1,985,958	(9,500)	1,976,458	(132,520)	1,843,938

City of Murphy
FY 2013 Amended Budget

	FY11	FY12	FY12	FY13	FY13	FY13	FY13	FY13
REVENUES	Actual	Budget	Projected	Approved	Adjust	Amended	Adjust	Amended
10 -GENERAL FUND								
PROPERTY TAXES								
4000-4000-0000 CURRENT PROPERTY TAXES	4,636,531	4,645,750	4,645,750	5,029,100		5,029,100		5,029,100
4000-4005-0000 DELINQUENT PROPERTY TAXES	16,506	15,000	12,600	18,100		18,100		18,100
4000-4010-0000 PENALTY & INTEREST	22,384	20,000	18,000	17,200		17,200		17,200
TOTAL PROPERTY TAXES	4,675,421	4,680,750	4,676,350	5,064,400	-	5,064,400	-	5,064,400
NON-PROPERTY TAXES								
4000-4060-0000 SALES & USE TAX	952,543	1,000,000	1,045,100	1,150,000		1,150,000		1,150,000
TOTAL NON-PROPERTY TAXES	952,543	1,000,000	1,045,100	1,150,000	-	1,150,000	-	1,150,000
FRANCHISE TAXES								
4000-4100-0000 GAS FRANCHISE TAX	107,493	110,000	103,700	100,000		100,000		100,000
4000-4105-0000 ELECTRIC FRANCHISE TAX	464,033	597,500	530,400	530,000		530,000		530,000
4000-4110-0000 TELEPHONE	207,372	200,000	225,000	234,700		234,700		234,700
4000-4111-0000 CABLE TV	28,778	30,000	40,500	41,800		41,800		41,800
4000-4113-0000 GARBAGE FRANCHISE TAX	12,392	12,000	13,700	13,100		13,100		13,100
TOTAL FRANCHISE TAXES	820,067	949,500	913,300	919,600	-	919,600	-	919,600
PERMITS & LICENSES								
4000-4200-0000 BUILDING PERMIT	364,834	300,000	470,000	575,000		575,000		575,000
4000-4201-0000 PLAN REVIEW			15,000	25,000		25,000		25,000
4000-4203-0000 REINSPECTION FEES	38,265	18,000	15,000	20,000		20,000		20,000
4000-4204-0000 ZONING/PLATTING	13,034	5,000	18,700	5,000		5,000		5,000
4000-4205-0000 ALARM PERMIT	34,908	36,400	32,000	34,700		34,700		34,700
4000-4206-0000 ANIMAL CONTROL	25,591	22,500	20,000	22,500		22,500		22,500
4000-4207-0000 CONTRACTOR REGISTRATION	34,382	34,000	34,000	34,000		34,000		34,000
4000-4209-0000 MISCELLANEOUS PERMITS	148,552	155,000	160,000	150,000		150,000		150,000
TOTAL PERMITS & LICENSES	659,566	570,900	764,700	866,200	-	866,200	-	866,200
OTHER REVENUE								
4000-4300-0000 MISCELLANEOUS REVENUE	27,676	70,000	10,000	14,000		14,000		14,000
4000-4301-0000 OPEN RECORDS FEES	42	300	100	100		100		100
4000-4305-0000 INTEREST INCOME	6,496	6,200	4,700	6,000		6,000		6,000
4000-4306-0000 POLICE REVENUES	33,368	38,000	55,900	48,800		48,800		48,800
4000-4307-0000 RECREATIONAL PROGRAMS	54,798	50,000	52,000	51,500		51,500		51,500
4000-4315-0000 RENTALS - FACILITIES	310	20,000	10,000	20,000		20,000		20,000
4000-4330-0000 DRAINAGE FEES	200,775	203,800	206,000	209,200		209,200		209,200
4000-4341-0000 DRAINAGE PENALTIES	2,319	2,200	2,500	2,400		2,400		2,400
4000-4342-0000 4B SUPPORT	50,000	50,000	25,000	79,700		79,700		79,700
4000-4342-0000 MDD SUPPORT			102,000	206,700		206,700		206,700
4000-4345-0000 POLICE DONATIONS	1,300	-	500			-		-
4000-4346-0000 FIRE DONATIONS	1,745	-	1,200			-		-
4000-4350-0000 EMS REVENUES	162,584	181,000	185,000	200,000		200,000		200,000
4000-4360-0000 ANIMAL CONTROL DONATIONS			1,600			-		-
4000-4370-0000 CITY CELEBRATION DONATIONS	19,985		-			-		-
4000-4380-0000 RECYCLE REBATES	13,396	12,900	12,000	12,000		12,000		12,000
4000-4388-0000 GRANTS						-	67,200	67,200
4000-4390-0000 SIGN REVENUE	2,700	1,000	2,800			-		-
TOTAL OTHER REVENUE	577,493	635,400	671,300	850,400	-	850,400	67,200	917,600
MUNICIPAL COURT REVENUE								
4000-4600-0000 MUNICIPAL COURT FINES	506,982	550,000	420,000	450,000		450,000		450,000
TOTAL MUNICIPAL COURT REVENUE	506,982	550,000	420,000	450,000	-	450,000	-	450,000
SOLID WASTE REVENUES								
4000-4325-0000 SOLID WASTE	810,431	815,400	832,000	872,500		872,500		872,500

City of Murphy
FY 2013 Amended Budget

	FY11	FY12	FY12	FY13	FY13	FY13	FY13	FY13
REVENUES	Actual	Budget	Projected	Approved	Adjust	Amended	Adjust	Amended
4000-4340-0000 SOLID WASTE PENALTIES	9,492	9,200	10,000	10,500		10,500		10,500
TOTAL SOLID WASTE REVENUES	819,923	824,600	842,000	883,000	-	883,000	-	883,000
TOTAL REVENUES	9,011,995	9,211,150	9,332,750	10,183,600	-	10,183,600	67,200	10,250,800
OTHER SOURCES								
TRANSFER FROM U/F	850,000	850,000	850,000	850,000		850,000		850,000
TRANSFER RESERVES		450,000	450,000	500,000		500,000		500,000
TRANSFER FROM COURT RESTRICTED - JUVINILE CASE MANAGER				29,700		29,700		29,700
TRANFSER FROM RESERVES - VEHICLES				151,500		151,500		151,500
TOTAL OTHER SOURCES	850,000	1,300,000	1,300,000	1,531,200	-	1,531,200	-	1,531,200
TOTAL REVENUE & OTHER SOURCES	9,861,995	10,511,150	10,632,750	11,714,800	-	11,714,800	67,200	11,782,000

City of Murphy
FY 2013 Amended Budget

	FY11	FY12	3/31/2012	FY12	FY13	FY13	FY13	FY13	FY13
	Actual	Budget	Actual	Projected	Requested	Adjust	Amended	Adjust	Amended
CITY COUNCIL									
PERSONNEL SERVICES									
5411-1007-0000 PART TIME		16,500	5,275	12,800	13,600		13,600		13,600
5411-1011-0000 SOCIAL SECURITY		1,300	404	1,000	1,100		1,100		1,100
									-
TOTAL PERSONNEL SERVICES		17,800	5,679	13,800	14,700	-	14,700	-	14,700
MATERIALS & SUPPLIES									
5411-2101-0000 GENERAL OFFICE SUPPLIES	1,468	1,000	1,149	2,500	1,000		1,000		1,000
5411-2209-0000 UNIFORMS	256	500		300	500		500		500
5411-2403-0000 COMPUTER HARDWARE & SOFTWARE				100			-		-
5411-2501-0000 COMMUNITY RELATIONS	5,736	25,000	399	25,000			-		-
5411-2502-0000 EMPLOYEE RELATIONS	159						-		-
5411-2503-0000 RECYCLING EVENTS	10,783	10,000	123	3,500	10,000		10,000	79,720	89,720
5411-2505-0000 EMERGENCY HURRICANE EXPEN									-
TOTAL MATERIALS & SUPPLIES	18,401	36,500	1,671	31,400	11,500	-	11,500	79,720	91,220
CONTRACTUAL SERVICES									
5411-3102-0000 CONSULTANT SERVICES		25,000	15,491	18,500			-		-
5411-3103-0000 LEGAL	236,196	140,000	73,341	275,000	175,000		175,000		175,000
5411-3107-0000 COUNCIL REIMBURSEMENT	12,900	-			-		-		-
5411-3202-0000 POSTAGE AND FREIGHT	28						-		-
5411-3203-0000 TRAINING AND TRAVEL	8,480	20,000	4,056	5,000	10,000		10,000		10,000
5411-3901-0000 DUES & MEMBERSHIPS	6,402	8,500	7,390	9,500	11,500		11,500		11,500
5411-3940-0000 COUNCIL CONTINGENCY		30,000	-		30,000		30,000		30,000
5411-3955-0000 380 AGREEMENT					-		-		-
TOTAL CONTRACTUAL SERVICES	264,006	223,500	100,277	308,000	226,500	-	226,500	-	226,500
CAPITAL OUTLAY									
5411-4390-0000 COMPUTER HARDWARE			3,232	3,300	2,700		2,700		2,700
							-		-
TOTAL CAPITAL OUTLAY			3,232	3,300	2,700	-	2,700	-	2,700
TOTAL CITY COUNCIL	282,407	277,800	110,859	356,500	255,400	-	255,400	79,720	335,120

City of Murphy
FY 2013 Amended Budget

	FY11 Actual	FY12 Budget	FY12 Projected	FY13 Approved	FY13 Adjust	FY13 Amended	FY13 Adjust	FY13 Amended
FIRE								
PERSONNEL SERVICES								
5440-1001-0000 SALARIES	1,127,032	1,231,500	1,171,600	1,305,500		1,305,500		1,305,500
5440-1005-0000 OVERTIME	106,996	101,500	112,200	119,800		119,800		119,800
5440-1006-0000 LONGEVITY	3,988	5,100	4,300	5,500		5,500		5,500
5440-1007-0000 PART TIME		0		0		0	15,000	15,000
5440-1009-0000 TMRS	144,127	145,030	141,200	156,000		156,000		156,000
5440-1011-0000 SOCIAL SECURITY	18,079	21,940	18,300	20,900		20,900	1,200	22,100
5440-1012-0000 GROUP INSURANCE	198,293	214,690	191,600	212,900		212,900		212,900
5440-1016-0000 CERTIFICATIONS				10,000		10,000		10,000
Personnel				40,600		40,600		40,600
TOTAL PERSONNEL SERVICES	1,598,515	1,719,760	1,639,200	1,871,200	-	1,871,200	16,200	1,887,400
MATERIALS & SUPPLIES								
5440-2101-0000 GENERAL OFFICE SUPPLIES	1,971	2,000	2,000	1,800		1,800		1,800
5440-2102-0000 MAGAZINES/MAPS/BOOKS	2,547	2,900	2,600	3,800		3,800		3,800
5440-2203-0000 MEDICAL SUPPLIES	17,562	0	0	0		0		0
5440-2204-0000 MOTOR VEHICLE FUEL	20,753	28,000	23,500	29,400		29,400		29,400
5440-2205-0000 JANITORIAL SUPPLIES	2,898	3,000	2,900	3,000		3,000		3,000
5440-2208-0000 PHOTOGRAPHIC SUPPLIES		0		0		0		0
5440-2209-0000 UNIFORMS	32,702	37,200	41,000	38,900		38,900	500	39,400
5440-2220-0000 LAUNDRY AND CLEANING	4,436	4,200	4,500	4,800		4,800		4,800
5440-2222-0000 FOODS	2,740	0		0		0		0
5440-2240-0000 FIRE PREVENTION PROGRAM	672	4,000	6,000	6,300		6,300		6,300
5440-2301-0000 BUILDINGS/GROUNDS SUP.	434	700	1,500	700		700		700
5440-2312-0000 MOTOR VEHICLE SUPPLIES	3,109	7,100	6,000	8,900		8,900		8,900
5440-2315-0000 FIRE FIGHTING EQPT.	4,739	8,500	8,000	10,000		10,000		10,000
5440-2401-0000 MINOR TOOLS & EQPT.	879	3,200	3,500	5,800		5,800		5,800
5440-2501-0000 COMMUNITY RELATIONS	3,835	7,300	5,000	2,100		2,100		2,100
5440-2601-0000 AMBULANCE SUPPLIES	1,660	25,200	28,500	27,800		27,800		27,800
TOTAL MATERIALS & SUPPLIES	100,937	133,300	135,000	143,300	-	143,300	500	143,800
CONTRACTUAL SERVICES								
5440-3102-0000 CONSULTANT SERVICES	600	36,600	73,200	36,600		36,600		36,600
5440-3104-0000 MED. SERVICES/PREEMPLOYMENT	9,329	14,500	16,000	19,400		19,400		19,400
5440-3111-0000 SOFTWARE MAINTENANCE	16,521	63,700	50,000	0		0		0
5440-3199-0000 CONTRACT LABOR	17,057	28,000	26,100	28,000		28,000		28,000
5440-3202-0000 POSTAGE & FREIGHT	419	500	600	500		500		500
5440-3203-0000 TRAVEL AND TRAINING	9,841	18,700	18,000	32,000		32,000		32,000
5440-3301-0000 AD. AND PUBLIC NOTICES	275	0		0		0		0
5440-3302-0000 PRINTING AND BINDING	1,143	500	400	800		800		800
5440-3405-0000 WORKERS COMPENSATION	18,833	22,710	23,500	20,500		20,500		20,500
5440-3407-0000 UNEMPLOYMENT	8,232	0		0		0		0
5440-3501-0000 ELECTRICITY	47,339	40,000	45,000	46,200		46,200		46,200
5440-3502-0000 GAS	6,538	6,700	5,200	5,400		5,400		5,400
5440-3601-0000 BUILDING/STRUCTURE IMPVTS	5,229	3,100	1,000	1,500		1,500		1,500
5440-3604-0000 MOTOR VEHICLE REPAIRS	15,835	13,500	11,000	19,600		19,600		19,600
5440-3608-0000 RADIO & RADAR R & M	3,275	1,500	2,500	5,300		5,300		5,300
5440-3613-0000 PUBLIC SAFETY EQPT. R & M	9,803	26,500	20,000	29,600		29,600		29,600
5440-3702-0000 RENTAL OFFICE EQPT.	6,167	4,900	6,500	6,100		6,100		6,100
5440-3703-0000 CELL/PAGERS/RADIOS	5,293	8,500	5,200	4,000		4,000		4,000
5440-3901-0000 DUES & MEMBERSHIP	4,278	7,200	6,700	4,700		4,700		4,700
5440-3920-0000 AMBULANCE BILLING FEES	19,810	13,600	10,000	10,000		10,000		10,000
TOTAL CONTRACTUAL SERVICES	205,819	310,710	320,900	270,200	-	270,200	-	270,200
CAPITAL OUTLAY								
5440-4303-0000 MOTOR VEHICLES	4,759	70,000	69,900	7,500		7,500		7,500
5440-4305-0000 SPECIAL EQUIPMENT		87,000	89,300	51,000		51,000		51,000

**City of Murphy
FY 2013 Amended Budget**

	FY11 Actual	FY12 Budget	FY12 Projected	FY13 Approved	FY13 Adjust	FY13 Amended	FY13 Adjust	FY13 Amended
FIRE								
5440-4390-0000 Computer Hardware		10,650	10,000			0		0
TOTAL CAPITAL OUTLAY	4,759	167,650	169,200	58,500	-	58,500	-	58,500
TOTAL FIRE	1,910,029	2,331,420	2,264,300	2,343,200	-	2,343,200	16,700	2,359,900

City of Murphy
FY 2013 Amended Budget

	FY11 Actual	FY12 Budget	FY12 Projected	FY13 Requested	FY13 Adjust	FY13 Amended	FY13 Adjust	FY13 Amended
FACILITIES								
PERSONNEL SERVICES								
5451-1001-0000 SALARIES				30,200		30,200		30,200
5451-1005-0000 OVERTIME				2,000		2,000		2,000
5451-1006-0000 LONGEVITY				100		100		100
5451-1009-0000 TMRS				3,600		3,600		3,600
5451-1011-0000 SOCIAL SECURITY/MEDICARE				500		500		500
5451-1012-0000 GROUP INSURANCE				6,000		6,000		6,000
TOTAL PERSONNEL SERVICES			-	42,400	-	42,400	-	42,400
MATERIALS & SUPPLIES								
5451-2205-0000 JANITORIAL SUPPLIES	7,534	28,000	7,000	26,900		26,900		26,900
5451-2209-0000 UNIFORMS		-		700		700		700
5451-2301-0000 BUILDING & GROUNDS	22,461	42,000	40,000	39,300		39,300		39,300
TOTAL MATERIALS & SUPPLIES	29,994	70,000	47,000	66,900	-	66,900	-	66,900
CONTRACTUAL SERVICES								
5451-3201-0000 TELEPHONE	37,397	37,000	42,500	42,300		42,300		42,300
5451-3202-0000 POSTAGE & FREIGHT	15	-	50	-		-		-
5451-3203-0000 TRAINING & TRAVEL	9	2,500	100	2,500		2,500		2,500
5451-3405-0000 WORKERS COMP				600		600		600
5451-3407-0000 UNEMPLOYMENT INS	3,826					-		-
5451-3501-0000 ELECTRICITY	32,740	21,600	30,000	30,900		30,900		30,900
5451-3502-0000 GAS	4,658	2,400	2,300	2,300		2,300		2,300
5451-3601-0000 BUILDING & GROUNDS CONTRACT	161,439	79,000	100,000	76,100		76,100		76,100
Building & Grounds Repairs		71,000	100,000	98,800		98,800		98,800
5451-3904-0000 JANITORIAL SERVICES	42,198	50,000	89,000	45,000		45,000		45,000
TOTAL CONTRACTUAL SERVICES	282,281	263,500	363,950	298,500	-	298,500	-	298,500
5451-4301-0000 FURNITURE	4,971					-		-
5451-4305-0000 SPECAIL EQUIPMENT						-	70,000	70,000
5451-4201-0000 BLDGS, FIX & GROUNDS		50,000	3,000			-		-
TOTAL CAPITAL OUTLAY	4,971	50,000	3,000	-	-	-	70,000	70,000
TOTAL FACILITIES	317,246	383,500	413,950	407,800	-	407,800	70,000	477,800

City of Murphy
FY 2013 Amended Budget

	FY11	FY12	3/31/2012	FY12	FY13	FY13	FY13	FY13	FY13
	Actual	Budget	Actual	Projected	Requested	Adjust	Amended	Adjust	Amended
POLICE									
PERSONNEL SERVICES									
5460-1001-0000 SALARIES	1,582,282	1,726,820	856,950	1,700,000	1,805,000		1,805,000	15,300	1,820,300
5460-1005-0000 OVERTIME	76,962	101,000	20,881	70,000	82,500		82,500		82,500
5460-1006-0000 LONGEVITY	7,983	9,200	(84)	9,000	10,600		10,600		10,600
5460-1007-0000 PART TIME	30,968	35,100	19,899	35,100	38,000		38,000		38,000
5460-1009-0000 TMRS	193,933	200,390	95,548	200,000	210,000		210,000	1,800	211,800
5460-1011-0000 SOCIAL SECURITY	27,245	29,780	13,044	28,800	31,700		31,700	300	32,000
5460-1012-0000 GROUP INSURANCE	286,735	296,910	137,002	267,000	287,000		287,000	4,000	291,000
5460-1016-0000 CERTIFICATIONS	14,500	16,000	9,150	18,500	19,000		19,000	300	19,300
5460-1018-0000 AUTO ALLOWANCE	6,050	6,600	3,900	7,800	7,800		7,800		7,800
Personnel									0
TOTAL PERSONNEL SERVICES	2,226,658	2,421,800	1,156,290	2,336,200	2,491,600	-	2,491,600	21,700	2,513,300
MATERIALS & SUPPLIES									
5460-2101-0000 GENERAL OFFICE SUPPLIES	3,643	3,600	1,427	3,600	3,600		3,600		3,600
5460-2102-0000 MAGAZINES/MAPS/BOOKS	1,124	1,600	687	1,000	1,600		1,600		1,600
5460-2104-0000 DATA PROCESSING SUPPLIES	431	1,300	225	1,000	1,200		1,200		1,200
5460-2203-0000 MEDICAL SUPPLIES	857	1,500	0	100	2,100		2,100		2,100
5460-2204-0000 MOTOR VEHICLE FUEL	69,462	66,000	24,728	65,000	82,900		82,900		82,900
5460-2209-0000 UNIFORMS	15,956	18,800	1,524	15,000	22,300		22,300	2,000	24,300
5460-2220-0000 DRY CLEANING	2,839	4,000	1,431	3,500	4,000		4,000	100	4,100
5460-2221-0000 AMMUNITION/SUPPLIES	3,322	6,300	176	6,300	5,900		5,900		5,900
5460-2222-0000 FOODS	365		11				0		0
5460-2312-0000 MOTOR VEHICLE SUPPLIES	6,664	1,500	848	2,100	2,100		2,100		2,100
5460-2401-0000 MINOR TOOLS & EQPT.	11,541	9,800	4,181	11,000	10,300		10,300	2,400	12,700
5460-2404-0000 FURNITURE & FIXTURE	358						0		0
5460-2441-0000 SAFETY EQUIPMENT	4,091	4,000	2,255	4,100	5,000		5,000	1,200	6,200
TOTAL MATERIALS & SUPPLIES	120,654	118,400	37,493	112,700	141,000	-	141,000	5,700	146,700
CONTRACTUAL SERVICES									
5460-3102-0000 CONSULTANT SERVICES	1,370	3,200	3,200	3,200	1,200		1,200		1,200
5460-3104-0000 MED. SERVICES/PREEMPLOY	10,863	9,900	619	9,800	12,100		12,100		12,100
5460-3106-0000 DATA PROCESSING	29	3,100	630	1,000	3,200		3,200		3,200
5460-3108-0000 RECORDING FEES	1,428						0		0
5460-3111-0000 SOFTWARE MAINTENANCE	57,820	55,900	41,070	50,000	0		0		0
5460-3199-0000 CONTRACT LABOR	17,057	28,000	26,098	26,100	28,000		28,000		28,000
5460-3201-0000 TELEPHONE EXPENSES	699	2,100	352	2,100	800		800		800
5460-3202-0000 POSTAGE & FREIGHT	646	1,100	474	1,500	1,100		1,100		1,100
5460-3203-0000 TRAVEL AND TRAINING	14,217	18,600	9,000	17,600	17,600		17,600		17,600
5460-3204-0000 TCLOSE TRAINING	1,623	0	70	200	0		0		0
5460-3220-0000 POLICE EXPLORERS EXPENSE	775	0			1,000		1,000		1,000
5460-3302-0000 PRINTING AND REPRODUCTION	5,467	4,500	1,688	4,000	4,500		4,500		4,500
5460-3405-0000 WORKERS COMPENSATION	24,128	32,140	15,635	30,000	27,300		27,300	300	27,600
5460-3407-0000 UNEMPLOYMENT	7,858						0		0
5460-3409-0000 EMPLOYEE REWARDS & REC	1,205	2,000	0	1,300	2,500		2,500		2,500
5460-3501-0000 ELECTRICTY	41,929	35,500	14,695	53,900	55,200		55,200		55,200
5460-3502-0000 GAS	5,626	5,800	3,434	4,500	4,700		4,700		4,700
5460-3601-0000 BUILDING & GROUND CONTRACT	6,090	300	0	1,200	8,800		8,800		8,800
5460-3603-0000 OFFICE EQPT. REPAIRS	438	3,600	2,232	4,100	4,500		4,500		4,500
5460-3604-0000 MOTOR VEHICLE REPAIRS	21,501	22,500	9,820	22,500	22,500		22,500		22,500
5460-3608-0000 RADIO & RADAR R & M	1,180	1,500	440	1,500	4,000		4,000		4,000
5460-3702-0000 RENTAL OFFICE EQPT.	2,334	4,900	2,732	6,500	6,100		6,100		6,100
5460-3703-0000 CELL/PAGERS/RADIOS	10,995	13,500	4,808	12,000	12,800		12,800	4,200	17,000
5460-3710-0000 OTHER RENTAL	300	300	0	300	300		300		300
5460-3901-0000 DUES & MEMBERSHIP	1,042	1,200	420	900	1,400		1,400		1,400
5460-3905-0000 COMMUNITY RELATIONS	2,754	2,500	0	2,500	500		500		500
5460-3913-0000 SPECIAL INVESTIGATIONS	10,731	19,800	10,475	15,000	19,300		19,300		19,300
5460-3950-0000 COMMUNICATIONS	2,145	500	488	500	1,300		1,300		1,300
5460-3970-0000 DONATION EXPENSE	356	0	31		0		0		0
TOTAL CONTRACTUAL SERVICES	252,607	272,440	148,410	272,200	240,700	-	240,700	4,500	245,200

City of Murphy
FY 2013 Amended Budget

	FY11	FY12	3/31/2012	FY12	FY13	FY13	FY13	FY13	FY13
	Actual	Budget	Actual	Projected	Requested	Adjust	Amended	Adjust	Amended
POLICE									
CAPITAL OUTLAY									
5460-4303-0000 MOTOR VEHICLES	93,609	5,000	0	800	125,000		125,000		125,000
5460-4304-0000 MOBILE EQUIPMENT		0			0	9,500	9,500		9,500
5460-4307-0000 RADIO/RADAR/CAMERAS	4,471	31,100	0	22,100	0		0		0
5460-4321-0000 SOFTWARE APPLICATIONS		24,600	4,479	15,000	2,500		2,500	1,400	3,900
5460-4390-0000 COMPUTERS		0	0	14,000	2,500		2,500		2,500
5460-4398-0000 MISC. POLICE SAFETY EQUIP.			25,682	26,500	0		0		0
5460-4399-0000 MISC. EQUIP.	11,491	28,300			1,000		1,000		1,000
TOTAL CAPITAL OUTLAY	109,572	89,000	30,161	78,400	131,000	9,500	140,500	1,400	141,900
TOTAL POLICE	2,709,491	2,901,640	1,372,354	2,799,500	3,004,300	9,500	3,013,800	33,300	3,047,100

Issue

Discussion regarding establishment of the FY 14 Budget schedule and planning sessions.

Staff Resource / Department

James Fisher, City Manager

Linda Truitt, Finance Director

Kristi Gilbert, City Secretary

Stacy Buckley, HR Manager

Kristen Roberts, Director of Community and Economic Development

Mark Lee, Fire Chief

GM Cox, Police Chief

Kim Lenoir, Director of Parks and Public Works

Summary

One of the greatest responsibilities of the City Council is the adoption of the City's Annual Budget. The adoption typically occurs in early September after months of work sessions, Public Hearings, and discussions with staff. In order to lessen the feel that you are drinking out of a fire hydrant, I would like to establish a work session schedule to begin the review of the City's Annual Budget.

The first work session has been scheduled for Saturday, June 8th and will be an orientation-type session that would consist of an overview of the City, a tour of City facilities, and a general discussion of expectations from the City Council regarding the budget. I believe this will take approximately 4-6 hours of time.

I would then like to begin budget departmental meetings the week of June 10 with each department having its own night (some departments will be combined together on one night due to size). The attached calendar indicates nine meetings to get through all of the departments' revenue projects, the Municipal Development District, and the 4B Community Development Corporation. I anticipate each meeting to last 2-3 hours; anything longer will begin to lose effectiveness.

The last work sessions is scheduled for July 2nd. Two reasons: 1) I will be out of the office July 10 – July 25 (vacation – Boy Scout Jamboree); and 2) this gives staff time to address concerns and expectations expressed in the work sessions. I know that my schedule is not the only one to consider, and I may not be available to meet with Council if additional meetings occur during my vacation. I am ok with my staff meeting with Council in my absence. I also know others will have vacations, and those will need to be factored into the schedule as well. However, I would like to remind you that the FY14 Annual Budget must be submitted to City Council prior to August 10; the target date is August 6. Please note that after formal submittal, there is still an opportunity to discuss and change, if needed, the City's Annual Budget. The City will have two formal Public Hearings prior to adoption in September.

Action Requested

Establish a Budget Work Session Schedule.

Attachments

- 1) May, June, July, August and September calendars

May 2013

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20 Mark Lee Vacation	21 REGULAR CC MTG Mark Lee Vacation	22 Mark Lee Vacation Rob Thomas Vacation	23 Mark Lee Vacation Rob Thomas Vacation	24 Mark Lee Vacation Rob Thomas Vacation	25 Rob Thomas Vacation
26 Rob Thomas Vacation	27 MEMORIAL DAY – CITY CLOSED Rob Thomas Vacation	28 Kristi Gilbert Vacation	29	30 Kristen Roberts Vacation	31 Linda Truitt Vacation Kristen Roberts Vacation Rheannon Boe Vacation	

June 2013

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3 6:00p Planning & Zoning 7:00p MDD	4 REGULAR CC MTG	5	6 LAST DAY OF WISD	7 LAST DAY OF PISD Rob Thomas Vacation	8 9:00a PSA Tour 10:00a Tour of Murphy (w/ lunch provided) Rob Thomas Vacation
9 Rob Thomas Vacation	10 4:00p Budget, Exp & Rev Overview (w/ dinner provided) 6:30p Parks & Recreation	11 7:00p Moonlight Residents	12 6:00p Police/Animal Control Budgets	13 6:00p Fire Budget GM Cox Vacation	14 Kristen Roberts Vacation GM Cox Vacation	15
16	17 6:00p Court/IT/ HR/Finance Budgets 6:00 4B MCDC Kim Lenoir Training James Fisher Training	18 REGULAR CC MTG Kim Lenoir Training	19 6:00p Recreation/ Eco Devl/Comm Services/CS Budgets Kim Lenoir Training	20 Kim Lenoir Training James Fisher Training	21 Kim Lenoir Training GM Cox Vacation James Fisher Training	22 Ben St. Clair Vacation
23 Ben St. Clair Vacation	24 6:00p Utilities Rev/ Cust Serv Budget 6:00p Planning & Zoning Ben St. Clair Vacation	25 6:00p Parks/Facilities Budget Ben St. Clair Vacation	26 Ben St. Clair Vacation	27 6:00p Public Works (Waste Water/ Water Dist) Budgets Ben St. Clair Vacation	28 GM Cox Vacation Ben St. Clair Vacation	29 Ben St. Clair Vacation
30 Ben St. Clair Vacation						

July 2013

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 7:00p MDD	2 6:00p CM/CC Budgets/ Wrap-up Budget Discussions	3 Eric Barna Vacation	4 4 th of July – CITY CLOSED	5 Kristen Roberts Vacation Stacy Buckley Vacation GM Cox Vacation Eric Barna Vacation	6 Eric Barna Vacation GM Cox Vacation
7 Rheannon Boe Vacation Eric Barna Vacation GM Cox Vacation	8 6:30p Parks & Recreation Rheannon Boe Vacation Eric Barna Vacation GM Cox Vacation	9 REGULAR CC MTG Rheannon Boe Vacation Eric Barna Vacation GM Cox Vacation	10 James Fisher Vacation Kim Lenoir Vacation Rheannon Boe Vacation Eric Barna Vacation GM Cox Vacation	11 James Fisher Vacation Kim Lenoir Vacation Rheannon Boe Vacation Eric Barna Vacation GM Cox Vacation	12 James Fisher Vacation Mark Lee Vacation Kim Lenoir Vacation Rheannon Boe Vacation Eric Barna Vacation GM Cox Vacation	13 James Fisher Vacation Mark Lee Vacation Rheannon Boe Vacation
14 James Fisher Vacation Mark Lee Vacation	15 6:00 4B MCDC James Fisher Vacation Mark Lee Vacation	16 James Fisher Vacation Mark Lee Vacation	17 James Fisher Vacation Mark Lee Vacation	18 James Fisher Vacation Mark Lee Vacation	19 James Fisher Vacation Mark Lee Vacation	20 James Fisher Vacation Mark Lee Vacation
21 James Fisher Vacation Mark Lee Vacation	22 6:00p Planning & Zoning James Fisher Vacation Stacy Buckley Vacation	23 REGULAR CC MTG James Fisher Vacation Stacy Buckley Vacation	24 James Fisher Vacation Stacy Buckley Vacation	25 James Fisher Vacation Kim Lenoir Vacation	26 Kim Lenoir Vacation Betty Spraggins Training Rob Thomas Training	27 Kim Lenoir Vacation Betty Spraggins Training Rob Thomas Training
28	29 Kim Lenoir Vacation	30 Kim Lenoir Vacation	31 Kim Lenoir Vacation			

August 2013

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 Kim Lenoir Vacation	2 Kim Lenoir Vacation GM Cox Vacation	3 GM Cox Vacation
4 GM Cox Vacation	5 7:00p MDD GM Cox Vacation	6 REGULAR CC MTG – FY14 Budget Submission GM Cox Vacation	7 GM Cox Vacation	8 GM Cox Vacation	9 Mark Lee Vacation GM Cox Vacation	10 Mark Lee Vacation
11 Mark Lee Vacation	12 6:30p Parks & Recreation Mark Lee Vacation	13 Mark Lee Vacation GM Cox Training	14 Mark Lee Vacation Kristi Gilbert Vacation GM Cox Training	15 Mark Lee Vacation Stacy Buckley Vacation Kristi Gilbert Vacation GM Cox Training	16 Mark Lee Vacation Stacy Buckley Vacation Kristi Gilbert Vacation	17
18	19 GM Cox Vacation	20 REGULAR CC MTG GM Cox Vacation	21 GM Cox Vacation	22 GM Cox Vacation	23 GM Cox Vacation Rob Thomas Vacation	24 GM Cox Vacation Rob Thomas Vacation
25 GM Cox Vacation Rob Thomas Vacation	26 6:00p Planning & Zoning GM Cox Vacation Bernard Grant Vacation	27 GM Cox Vacation Bernard Grant Vacation	28 Bernard Grant Vacation	29 Bernard Grant Vacation	30 Bernard Grant Vacation	31 Bernard Grant Vacation