



MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
APRIL 2, 2013 AT 6:00 P.M.
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on April 2, 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. Proclamation declaring April 2013 as Sexual Assault Awareness and Prevention Month in the City of Murphy.
- B. Proclamation declaring April 2013 as Keep Murphy Beautiful Month in the City of Murphy.
- C. Presentation from Progressive Waste Solutions on the proposed implementation schedule and program details for solid waste and recycling services.

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 March 19, 2013 Regular Meeting minutes.
- B. Consider and take action, if any, on the approval of a resolution authorizing continued participation with the Atmos Cities Steering Committee and payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

7. INDIVIDUAL CONSIDERATION

- A. **PLEASE NOTE: PUBLIC HEARING HAS BEEN CANCELLED; THE APPLICANT HAS WITHDRAWN THEIR APPLICATION FOR THIS CONSIDERATION ITEM.** Hold a public hearing and consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, to re-plat Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road.

Bret Baldwin
Mayor

Bernard Grant
Mayor Pro Tem

Colleen Halbert
Deputy Mayor Pro Tem

Dennis Richmond
Councilmember

John Daugherty
Councilmember

Scott Bradley
Councilmember

Dave Brandon
Councilmember

James Fisher
City Manager

- B. **PLEASE NOTE: PUBLIC HEARING HAS BEEN CANCELLED; THE APPLICANT HAS WITHDRAWN THEIR APPLICATION FOR THIS CONSIDERATION ITEM** Hold a public hearing and consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, for a Specific Use Permit for a drive thru on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road.
- C. Consider and take action, if any on a request for a waiver of impact fees in the amount of \$3,598.65 by Mark Miller for property located at 605 Kinney Drive.
- D. Consider and take action, if any on the Solid Waste Collection & Disposal and Recyclable Material Collection & Processing services for the City of Murphy.

8. CITY MANAGER/STAFF REPORTS

North Murphy Road Construction Update
McCreary Road Construction Update
Murphy Central Park Construction Update
Don't Mess with Texas Trash-Off/Maxwell Creek Waterway Clean-up – April 6th
9am-1pm
Chamber "Spring Fever 2013" – April 13, 12 noon – 5pm

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:

§551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of:

- a) City Secretary
- b) City Attorney

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:

§551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of:

- a) City Secretary
- b) City Attorney

11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on March 28, 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
MARCH 19, 2013 REGULAR CITY COUNCIL MEETING**

1. CALL TO ORDER

Mayor Pro Tem Grant called the meeting to order at 6:00p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Richmond 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 Pro Tem Bernard Grant
Councilmember Dennis Richmond
Councilmember John Daugherty
Councilmember Scott Bradley
Councilmember Dave Brandon

Councilmembers absent:
Mayor Bret Baldwin
Deputy Mayor Pro Tem Colleen Halbert

4. PUBLIC COMMENTS – No one was signed in to speak.

5. PRESENTATION ITEMS –

- A. Presentation from Progressive Waste Solutions on the proposed implementation schedule and program details for solid waste and recycling services.

Mayor Pro Tem Grant moved Agenda Item 5.A. regarding the solid waste presentation to coincide with Agenda Item 7.D. with the consideration of the solid waste contract.

- B. Finance Director Linda Truitt presented the Comprehensive Annual Financial Report for the 2012 fiscal year along with Mike Conway of Conway Company CPAs. Mr. Conway stated that Murphy was one of only four of his current 27 city audits that had received the Certificate of Achievement for Excellence in Financial Reporting from the Government Financial Officers Association of the United States and the unaudited investment and financial report as of December 31, 2012. Mr. Conway stated that internal control in Murphy was considered very strong. Mr. Conway stated the only minor item for consideration was the issuance of 1099's instead of W2's in certain circumstances. Ms. Truitt indicated the City was taking steps to remedy the situation.

Ms. Truitt stated that \$3,060,756 was the current unassigned general fund balance as of September 30, 2012, which is approximately 29% of the general fund expenditures for FY 2012. Ms. Truitt stated that the city wide net assets exceeded liabilities by \$77 million and there was an increased net position of \$1,862,761, of which, an increase of \$2,136,868 was attributed to the governmental fund and a decrease of \$274,107 was attributed to the business unit. The revenues were over the budget by approximately \$36,000 and the actual expenditures were \$204,000 under budget. Ms. Truitt reviewed the bond refinancing from the previous fiscal year that saved the City approximately \$1,000,000 over the life of the debt.

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 approval of the March 5, 2013 meeting minutes.
- B. Consider and take action, if any, to authorize approval of purchasing 12 BigBelly solar compactor duo trash and recycle units from the BuyBoard Contract 346-10, in accordance with the TCEQ Solid Waste Implementation Project 13.04.G06 grant program.

Councilmember Brandon requested that Item 6.B. be removed from consent. Councilmember Bradley requested that Item 6.A. be removed from consent.

COUNCIL ACTION (ITEM 6.A.):***APPROVED***

Councilmember Bradley moved to approve the minutes with the correction to indicate he voted for Deputy Mayor Pro Tem Halbert to serve as Mayor Pro Tem. Councilmember Daugherty seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

COUNCIL ACTION (ITEM 6.B.):***APPROVED***

Councilmember Brandon asked if the BigBelly units would require a monthly data plan. Kim Lenoir indicated that it was now standard for the units to come with the ability to be monitored, but the City would not be using that function.

Councilmember Brandon moved to authorize approval of purchasing 12 BigBelly solar compactor duo trash and recycle units from the BuyBoard Contract 346-10, in accordance with the TCEQ Solid Waste Implementation Project 13.04.G06 grant program. Councilmember Daugherty seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and take action, if any, on the recommendation from the Council Interview Panel regarding appointing an alternate commission member to the Planning and Zoning Commission for a term expiring December 31, 2013.

COUNCIL ACTION (ITEM 7.A.):***RHEA APPOINTED***

Councilmember Bradley moved to appoint Danny Rhea to fill the unexpired position as an alternate member of the Planning and Zoning Commission for the term expiring December 31, 2013. Councilmember Brandon seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

- B. Consider and take action, if any, on the approval of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2012.

COUNCIL ACTION (ITEM 7.B.):***APPROVED***

Councilmember Brandon moved to approve the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2012. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

MURPHY CITY COUNCIL MINUTES
March 19, 2013

- C. Discuss and take action, if any, on the review of the STEP Program and Traffic Study conducted on Moonlight Drive.

Police Chief GM Cox provided the Council with an update on the STEP program that was conducted from February 22nd to March 9th on Moonlight Drive. Chief Cox stated that a baseline study was also conducted on Mustang Ridge. Chief Cox indicated that there was significant improvement compared to the first study, however, there were still issues that needed to be addressed. Chief Cox recommended the reinstallation of the Metro Count equipment for an additional 30 days to determine a compliance rate after the STEP program. Chief Cox indicated that the speed trailer was no longer working and would need to be replaced either with another trailer or two pole-mounted, solar powered speed indicator signs, both at a cost of approximately \$10,500.

Public Comments:

Glenn and Gail Tobleman, 1004 Mason Lane – Both Mr. and Mrs. Tobleman indicated that the Council should consider impacts to other residents if the determination was made to restrict access to Moonlight Drive.

The following residents spoke in favor of continued permanent improvements to Moonlight Drive to mitigate the speed and volume problems:

Pam Johnson, 147 Moonlight Drive

Julia Matocha, 151 Moonlight Drive

Linda Martin, 142 Moonlight Drive

Councilmember Brandon inquired as to the data logging capabilities of a speed trailer.

Mr. Fisher stated that Staff was still reviewing the volume issues in accordance with the newly adopted Traffic Calming Policy.

Councilmember Richmond thanked the residents for their feedback and patience and assured the residents that the Council was working towards a resolution of their problem.

COUNCIL ACTION (ITEM 7.C.):

APPROVED

Councilmember Bradley moved to amend the budget in an amount not to exceed \$15,000 to allow for the purchase of speed trailer with data logging capabilities. Councilmember Brandon seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

EXECUTIVE SESSION

The City Council convened into Executive Session at 6:51 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:

A matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding a contract for solid waste.

RECONVENE INTO REGULAR SESSION

MURPHY CITY COUNCIL MINUTES
March 19, 2013

The City Council reconvened into Open Session at 7:17 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:
A matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding a contract for solid waste.

No action was taken as a result of Executive Session items.

Item 5.A. Shawn Eiras with Progressive Waste Solutions presented the Council with program details for solid waste and recycling services.

- D. Consider and/or act on authorizing the City Manager to execute a contract with Progressive Waste Solutions/IESI to provide Solid Waste Collection & Disposal and Recyclable Material Collection & Processing services for the City of Murphy.

COUNCIL ACTION (ITEM 7.D.):

APPROVED

Councilmember Brandon authorizing the City Manager to execute a contract with Progressive Waste Solutions/IESI to provide Solid Waste Collection & Disposal and Recyclable Material Collection & Processing services for the City of Murphy, subject to final approval from the city attorney. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0. *(Assigned CLA 201303002)*

- E. Consider and take action, if any, on the proposed Animal Shelter Project, to include authorizing the City Manager to execute the Architectural Agreement and Scope of Work with Quorum Architects, Inc.

Council held discussions with regard to the proposed fee structure for the construction plans for Expansions A, B and C. Chief Cox stated that the proposed design fees and with the outdoor runs was approximately \$620,000. To add the architectural design costs for Expansions A, B and C would be an additional \$45,000.

Public Comments:

Keith Pattion, 451 Poindexter – Mr. Patton stated that he was concerned at the potential \$1.1 million cost of a new animal shelter, especially with a \$100,000 overrun on Murphy Central Park.

Gus Delaloye, 430 Poindexter – Mr. Delaloye stated that he had lived in the area since 1983 and wasn't aware of any complaints with the existing facility.

Councilmember Brandon stated that he served on the Animal Shelter Advisory Committee (ASAC) and the option before Council was not the most expensive option they considered. Mr. Brandon stated that the proposed design met the minimum state requirements.

Councilmember Bradley stated that the Council had initially budgeted \$500,000 for the shelter and was surprised at the \$665,000 estimate, but it met the needs of the committee.

MURPHY CITY COUNCIL MINUTES
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Mayor Pro Tem Grant stated that the Council has not made decisions on the project in haste and the design was a result of many ASAC meetings and Council work sessions.

The Council reached a consensus to not move forward with the designs for Expansions A, B and C at this time.

COUNCIL ACTION (ITEM 7.E.):

NO ACTION

Councilmember Brandon moved to accept the concept drawing for the Animal Shelter Project and approve the agreement and scope of work with Quorum and allow the City Manager to move forward with signing the agreements. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0. *(Assigned CLA 201303003)*

8. CITY MANAGER/STAFF REPORTS

Mr. Fisher provided the Council with an update on the following items:

North Murphy Road Construction Update – Will be restriping the area in front of Murphy Middle School within the next 10 days to begin work on the east side of the lanes within the next 30 days. TxDOT has approved the traffic signal in front of Walmart at FM 544, as well as the signal at FM 544 and Maxwell Creek.

The budget work sessions will begin in June.

April 13th is the Chamber's Spring Fever Event

April 29th the City is partnering with the Drug Enforcement Agency for a turn in of old prescription drugs.

9. EXECUTIVE SESSION

The City Council convened into Executive Session at 7:57p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:

- a) Michael Cantrell v. City of Murphy, et al, Cause No. 6:09-cv-225.
- b) A matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding a contract for solid waste.

§551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of:

- a) Municipal Judge

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Open Session at 8:38 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:

- a) Michael Cantrell v. City of Murphy, et al, Cause No. 6:09-cv-225.

MURPHY CITY COUNCIL MINUTES
March 19, 2013

- b) A matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding a contract for solid waste.

§551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of:

- a) Municipal Judge

No action was taken as a result of Executive Session items.

11. ADJOURNMENT

With no further business, the meeting was adjourned at 8:38 p.m.

APPROVED BY:

Bernard J. Grant, Mayor Pro Tem

ATTEST:

Kristi Gilbert, City Secretary

Issue

Consider and take action, if any, on the approval of a resolution authorizing continued participation with the Atmos Cities Steering Committee and payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.

Staff Resource/Department

Linda Truitt, Finance Director

Summary

The Atmos Cities Steering Committee (ACSC) is requesting the City of Murphy's continued participation in the ACSC by approving the assessment of five cents per capita.

Background

Most municipalities have retained original jurisdiction over gas utility rates and services within municipal limits. The Atmos Cities Steering Committee ("ACSC") is composed of municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division regardless of whether original jurisdiction has been retained. Atmos is a monopoly provider of natural gas. Because Atmos has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone. Cities have more than 100 years' experience in regulating natural gas rates in Texas.

ACSC is the largest coalition of cities served by Atmos Mid-Tex. There are 167 ACSC member cities, which represent more than 60 percent of the total load served by Atmos-Mid Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and therefore expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members.

ACSC is actively involved in rate cases, appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City. These activities will continue throughout the calendar year. It is possible that additional efforts will be necessary on new issues that arise during the year, and it is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used, and is a fair method for the members to bear the burdens associated with the benefits received from that membership.

From 2008-2011, Atmos Mid-Tex made Rate Review Mechanism ("RRM") filings, seeking to increase rates in the cities. However, negotiations between Atmos Mid-Tex and ACSC to perpetuate the RRM program for a fifth year were unsuccessful. On January 31, 2012, Atmos Mid-Tex filed its statement of intent to increase rates by approximately \$49 million or 11.94%. Other than amounts that the Company voluntarily agreed to reduce following the filing of ACSC testimony, the Railroad Commission awarded the Company almost the entire amount of its

requested increase, despite arguments and evidence presented by ACSC that the Company was currently overearning and, in fact, deserved a rate decrease. Efforts will be initiated in the near future to test whether a new form of RRM is possible after the exceedingly favorable treatment afforded Atmos by the Railroad Commission. This year at the Legislature promises to be a busy one. The Railroad Commission of Texas is currently under Sunset Commission review and ACSC is prepared to effectively advocate on behalf of its members. Bills have been filed that would deprive cities of original jurisdiction over rates and services, effectively precluding future implementation of an RRM-type process and denying reimbursement of reasonable rate case expenses associated with city regulatory efforts. Additionally, the Atmos-Pipeline rate case appeal continues to work its way up the courts and is currently docketed in the Third Court of Appeals. ACSC will continue to advocate for the interests of ACSC members in that proceeding, as well as at the Legislature.

Financial Considerations

Based upon the population-based assessment protocol previously adopted by the ACSC, the assessment for 2013 is \$0.05 per capita fee. The population figure for Murphy is 17,708. The 2013 assessment for the City is \$885.40.

Staff Recommendation

Approval of the resolution authorizing continued participation with the Atmos Cities Steering Committee and payment of five cents (\$0.05) per capita in the amount of \$885.40

Attachments

- 1) Resolution
- 2) Invoice
- 3) Memo from Jay Doegey and Odis Dolton

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION.

WHEREAS, the City of Murphy, Texas (the “City”) is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the city; “and

WHEREAS, the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and

WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and

WHEREAS, the City is a member of ACSC; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, THAT the City is authorized to continue its membership with the Atmos Cities Steering Committee to protect the interest of the City of Murphy, Texas and protect the interest of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

It is further authorized to pay its 2013 assessment to the ACSC in the amount of five cents (\$0.05) per capita.

A copy of the Resolution and approved assessment fee payable to “*Atmos Cities Steering Committee*” shall be sent to:

Mary Bunkley
Treasurer, Atmos Cities Steering Committee
c/o Arlington City Attorney’s Office, Mail Stop 63-0300
Post Office Box 90231
Arlington, Texas 76004-3231

PRESENTED AND PASSED on this the 2nd day of April, 2013 by a vote of ____ ayes
and ____ nays at a regular meeting of the City Council of the **City of Murphy, Texas.**

CITY OF MURPHY, TEXAS

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

(City Seal)

Atmos Cities Steering Committee
c/o Jay Doegey, City Attorney
101 S. Mesquite, 3rd Floor
Arlington, TX 76010

Invoice

Date	Invoice #
03/01/2013	13-109

Bill To
City of Murphy

Item	Rate	Population (2010 Census)	Amount
2013 Assessment	0.05	17,708	885.40
Total			\$885.40

Please make check payable to: Atmos Cities Steering Committee. Mail to ACSC, c/o Jay Doegey, City Attorney, 101 S. Mesquite, 3rd Floor
Arlington, TX 76010

MEMORANDUM

TO: Atmos Cities Steering Committee

FROM: Jay Doegey and Odis Dolton, Co-Chairs, Atmos Cities Steering Committee

DATE: March 4, 2013

RE: **Action Needed - 2013 Membership Assessment Invoice**

On December 20, 2012 the Atmos Cities Steering Committee (“ACSC”) held a quarterly meeting with representatives from Atmos Energy. During the meeting, the group held a discussion of upcoming natural gas issues and approved the assessment for ACSC membership. Based upon the population-based assessment protocol previously adopted by ACSC, the assessment for 2013 is a per capita fee of \$0.05.

ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of the residential and small commercial customers within the cities. Cities are the only consumer advocates that work to keep natural gas rates reasonable. The work undertaken by ACSC has saved ratepayers millions of dollars in unreasonable charges. The past year, in particular, has been an active one for ACSC.

From 2008-2011, Atmos Mid-Tex made Rate Review Mechanism (“RRM”) filings, seeking to increase rates in the cities. However, negotiations between Atmos Mid-Tex and ACSC to perpetuate the RRM program for a fifth year were unsuccessful. On January 31, 2012, Atmos Mid-Tex filed its statement of intent to increase rates by approximately \$49 million or 11.94%. Other than amounts that the Company voluntarily agreed to reduce following the filing of ACSC testimony, the Railroad Commission awarded the Company almost the entire amount of its requested increase, despite arguments and evidence presented by ACSC that the Company was currently overearning and, in fact, deserved a rate decrease. Efforts will be initiated in the near future to test whether a new form of RRM is possible after the exceedingly favorable treatment afforded Atmos by the Railroad Commission. This year at the Legislature promises to be a busy one. The Railroad Commission of Texas is currently under Sunset Commission review and ACSC is prepared to effectively advocate on behalf of its members. Bills have been filed that would deprive cities of original jurisdiction over rates and services, effectively precluding future implementation of an RRM-type process and denying reimbursement of reasonable rate case expenses associated with city regulatory efforts. Additionally, the Atmos-Pipeline rate case appeal continues to work its way up the courts and is currently docketed in the Third Court of Appeals. ACSC will continue to advocate for the interests of ACSC members in that proceeding, as well as at the Legislature.

In order to continue to be an effective voice at the Railroad Commission, at the Legislature, and in the courts, ACSC must have your support. Please take action to pay the membership assessment as soon as possible. Payment of the membership assessment fee shall be deemed to be agreement with the terms of the ACSC participation agreement.

Although ACSC does not require that your city take action by resolution to approve the assessment, some members have requested a model resolution authorizing payment of the 2013 membership assessment. To assist you in the assessment process, we have attached several documents to this memorandum for your use:

- Model resolution approving the 2013 assessment
- Model staff report supporting the resolution
- List of ACSC members
- Assessment invoice

Please forward the membership assessment fee and, if applicable, the signed resolution to Mary Bunkley, Treasurer, Atmos Cities Steering Committee, c/o City Attorney's Office, Mail Stop 63-0300, P.O. Box 90231, Arlington, Texas 76004-3231. Checks should be made payable to: *Atmos Cities Steering Committee*.

If you have any questions, please contact ACSC Co-Chairmen Jay Doegey (817/459-6878), or Odis Dolton (325/676-6496). ACSC's counsel, Geoffrey Gay (ggay@lglawfirm.com) and Thomas Brocato (tbrocato@lglawfirm.com) at 512/322-5857 are also available to assist you.

City Council
April 2, 2013

Issue

PLEASE NOTE: PUBLIC HEARING HAS BEEN CANCELLED; THE APPLICANT HAS WITHDRAWN THEIR APPLICATION FOR THIS CONSIDERATION ITEM. Hold a public hearing and consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, to re-plat Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road.

Considerations

The applicant withdrew their application for this item on March 26, 2013.

Kristen Roberts, Director of Community and Economic Development
Submitted By

City Council
April 2, 2013

Issue

PLEASE NOTE: PUBLIC HEARING HAS BEEN CANCELLED; THE APPLICANT HAS WITHDRAWN THEIR APPLICATION FOR THIS CONSIDERATION ITEM. Hold a public hearing and consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, for a Specific Use Permit for a drive thru on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road.

Considerations

The applicant withdrew their application for this item on March 26, 2013.

Kristen Roberts, Director of Community and Economic Development
Submitted By

Issue

Consider and take action, if any on a request for a waiver of impact fees in the amount of \$3,598.65 by Mark Miller for property located at 605 Kinney Drive.

Staff Resource / Department

James Fisher, City Manager

Kim Lenoir, Director of Parks and Public Works

Key Focus Area

Infrastructure – Waste Water Improvements on Kinney Drive.

Background/History

The City Council reviewed this item on June 19, 2012 and asked staff to research this item further. Mark Miller, owner at 605 Kinney Drive, asked the City to provide sewer service to his property. Mr. Miller purchased this property several years ago and began his due diligence regarding sewer service at that time. Mr. Miller was assured by two City staff members that sewer was close by and that it would not be a problem. Mr. Miller was advised that his only cost would be that of a manhole. It is my understanding that the costs of sewer extension or impact fees were not discussed with him.

A 4" sanitary sewer lateral was installed on the property north of 605 Kinney Drive and connected it to 553 and 601 Kinney Drive. This installation was done incorrectly, and the connection to 553 and 601 Kinney Drive were in violation of the City's development regulations.

On December 11, 2012, the Council awarded the bid for extending the sewer service to 605 Kinney Drive and correcting 553 and 601 Kinney Drive to Barbosa A. Construction, Inc. in the amount of \$61,250 exclusive of design and professional service costs.

Mr. Miller is now requesting that the City waive the impact fees in the amount of \$3,598.65.

Financial Considerations

The initial estimate for extending sewer service to 605 and correcting 553 and 601 Kinney Drive was approximately \$110,200 for construction, quality control/testing, land right acquisitions, and professional service costs. The actual costs (pending quality control/testing) are \$100,114, a difference of \$10,086 in lowered costs as shown below.

	Estimate	Actual
Construction	\$ 74,000	\$ 63,671
Quality Control/Testing	\$ 2,200	\$ 2,200*
Land Right Acquisitions	\$ 7,000	\$ 7,043
Engineering/Surveying	\$ 27,000	\$ 27,200
TOTAL	\$110,200	\$100,114

*Not yet completed

Action Requested

The waiving of the impact fees in the amount of \$3,598.65 was requested by Mark Miller for his property located at 605 Kinney Drive. Staff requests Council direction.

Attachments

- 1) Letter of Request from Mr. Mark Miller
- 2) October 2, 2012 Council Briefing Sheet

March 25, 2013

James Fisher

City Manager, City of Murphy

206 N. Murphy Rd.

Murphy, TX 75094

Dear Mr. Fisher,

I am sending this letter to request the waiver of the pending impact fees of \$3,598.65. Per our conversation on October 2, 2012, following the city council meeting, you asked me to write this letter due to the inconvenience my wife and I have encountered. Due to employees of the city giving inaccurate information both before and after I purchased the property, we have been delayed greatly in building our home. This has caused increased expenditures in both living and storage fees.

I have already paid the city approximately \$3,432.00 in building fees and would ask the city to waive the remaining \$3,598.65 of impact fees.

Please contact me should you have any questions or concerns.

Sincerely,

Mark Miller

605 Kinney Dr.

Murphy, TX 75094

Issue

Consider and take appropriate action, if any, on the request for sewer service at 605 Kinney Drive.

Staff Resource / Department

James Fisher, City Manager
Kim Lenoir, Director of Parks and Public Works
Gary Hendricks, P.E., City Engineer

Key Focus Area

Infrastructure – Waste Water Improvements on Kinney Drive.

Summary

The City Council reviewed this item on June 19, 2012 and asked staff to research this item further. Mark Miller, owner at 605 Kinney Drive, is asking the City to provide sewer service to his property. Mr. Miller purchased this property several years ago and began his due diligence regarding sewer service at that time. Mr. Miller was assured by two City staff members that sewer was close by and that it would not be a problem. Mr. Miller was advised that his only cost would be that of a manhole. It is my understanding that the cost of sewer extension or impact fees were not discussed with him.

Background/History

This tract was final platted in August 2009. The original submitted was in March 2008. During both reviews of the plat, the City Engineer advised staff that the properties in question did not have sewer service and that it would need to be extended. I have not found any staff notes that address this issue, but it appears that staff dropped the ball.

The City staff did install a 4" sanitary sewer lateral on the property north of 605 Kinney Drive and connected it to 553 and 601 Kinney Drive. This installation was done incorrectly, and the connection to 553 and 601 Kinney Drive are in violation of the City's development regulations. This sewer line also causes major service issues for the Public Works employees.

The City Engineer has conducted a detailed review of this issue along with recommendations. This review and recommendations are attached in his August 14, 2012 letter.

Financial Considerations

The estimate for extending sewer service to 605 and correcting 553 and 601 Kinney Drive is approximately \$110,400 [\$74,000 construction, \$2,200 for Quality Control and testing, \$7,000 for Land Right Acquisitions (possibly donated), and \$27,000 for engineering, surveying, admin., etc.]. The project will have to be bid, so the estimates will change. The funds for this project will come from the Utility Fund Reserves.

The homeowner will pay water and sewer impact fees when he builds on this property. Those fees will not cover the expense to install the sewer service in this location.

Action Requested

The City Council is requested to authorize extension of sewer service to 605 Kinney Drive, authorize the correction of the sewer system servicing 553 and 601 Kinney Drive, and direct the City Manager to prepare all necessary documents for bid solicitation and construction purposes.

Attachments

- 1) August 14, 2012 BHC Letter
- 2) Email from Christine Johnson, 6-19-2012

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

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JOSEPH T. GRAJEWSKI, III, P.E.
DEREK B. CHANEY, P.E.

August 14, 2012

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

Re: Kinney Drive Sanitary Sewer
Evaluation, Recommendation and Engineering Fee Proposal

Dear Mr. Fisher:

As you requested, we have evaluated the available sanitary sewer service to Lot 2 of the Kinney Ranch Addition to the City of Murphy (605 Kinney Drive). We are enclosing a project vicinity map for your reference.

Kinney Ranch Addition - Review History

As we previously discussed, this project is necessitated by the circumstances of the apparent approval of the Kinney Ranch Addition by the City of Murphy on August 17, 2009 without requiring the developer to extend sanitary sewer service to the two lots in the addition. Our firm reviewed the Final Plat for this addition on behalf of the City originally on March 11, 2008 and again on August 20, 2009 (apparently after the approval date). In both review letters to the City, we expressed the need to extend sanitary sewer service to this addition. We are enclosing copies of both letters for your review. We are not clear how or why the Kinney Ranch Addition was accepted by the City without adequate sanitary sewer service.

Evaluation

Based on information provided by the City's public works crews and our own field surveys, we have confirmed:

1. There no sewer service to lot 2 (605 Kinney Drive);
2. Lot 1 (601 Kinney Drive) is served by a 4-inch sanitary sewer service lateral that is shared with the property immediately adjacent to the north at 553 Kinney Drive. We believe the service lateral connects to the City's 6-inch sanitary sewer line that terminates at a manhole just north of the lot at 553 Kinney Drive. The shared sewer service is a violation of the City's development standards. Further, this 4-inch service lateral is on a grade less than allowed by the Texas Commission on Environmental Quality (TCEQ).
3. Based on discussions with the City's public works staff, we understand this 4-inch service lateral is a continuing maintenance issue. Again, this situation is most likely related to the fact that 2 houses are services from one (1) service lateral and that the service lateral is laid on a grade flatter than normally acceptable. However, our field surveys have confirmed the existing 6-inch sanitary sewer serving this shared service lateral is on an acceptable grade with adequate capacity.

Recommendations

1. In order to provide adequate sanitary sewer service to Lot 2 of the Kinney Ranch Addition (605 Kinney Drive), and correct the shared sewer service lateral on utilized by Lot 1 of the Kinney Ranch Addition, we recommend construction of approximately 600 linear feet of 6-inch sanitary gravity sewer from the north line of the Kinney Ranch Addition, south along the west side of Kinney Drive and connecting to the existing 6-inch sanitary sewer on the south side of the tributary to Maxwell Creek. At this stage, we believe an aerial crossing of the tributary to Maxwell Creek will be necessary. This project will require the acquisition of a sanitary sewer easement from the adjoin property owner to the south of the Kinney Ranch Addition at 639 Kinney Drive. We have shown this recommended corrective measure on the enclosed project location map
2. Although the recommendation above will correct the shared sewer service and relieve some of the sewer demand, because of continuing reports of problems in this area, we recommend the City televise the 6-inch sanitary from 553 Kinney to the manhole at the Kinney Dr. turn to the east to determine its condition.

Summary

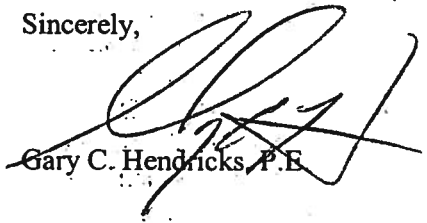
Based on these recommendations and our enclosed engineering fee proposal, we suggest the City budget the following amounts for this project:

Opinion of Probable Construction:	\$74,000
Quality Control and Material Testing:	\$ 2,200
Land Rights Acquisitions:	\$ 7,000
Engineering, Surveying, Easement Preparation and Const. Admin.:	<u>\$27,200</u>
Total Project Budget:	\$110,400

We are enclosing our itemized opinion of probable construction cost for both recommended segments of this project for your review and consideration.

As you previously directed, we are enclosing two (2) sets of our professional services agreement for the recommended corrective measures outlined above. If the agreement meets with your approval, please sign and return one (1) set to our office. We look forward to working with you and the City of Murphy on this important project and are standing ready to begin our design efforts on this project immediately upon your written authorization to proceed.

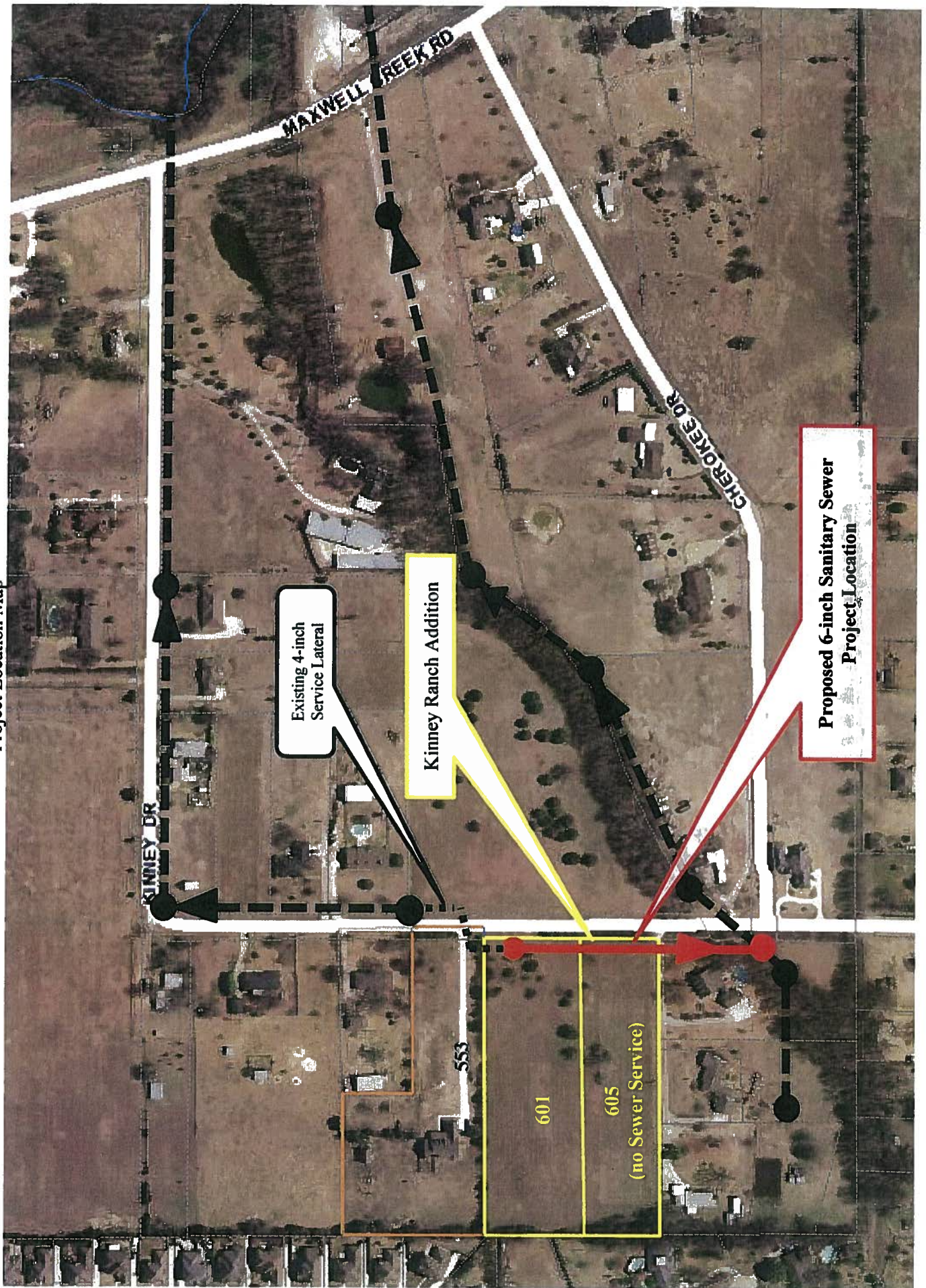
Sincerely,


Gary C. Hendricks, P.E.

Enclosures

cc: Ms. Kim Lenoir

City of Murphy, Texas
Kenny Ranch Addition – Sanitary Sewer Extension
Project Location Map



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

Project No. 4026-160

Client: City of Murphy
 Project: Kinney Drive Sanitary Sewer Line
Service for 601 Kinney Drive

Date: 15-Aug-12

By: GCH

ENGINEER'S OPINION OF CONSTRUCTION COST

Item No.	Description	Quantity	Unit	Price	Amount
1	Furnish & Install 6-Inch SDR35 PVC Sanitary Sewer Line by Open Cut	525	L.F.	\$ 40.00	\$ 21,000.00
2	Furnish & Install 6" SDR 35 PVC w/ 12" Steel Encase Pipe (1/4" Thick Wall) Aerial Crossing by Open Cut, including Class 'G' Embedment, Conc Collars, Steel Couplings, & all appurtenances to complete Aerial Crossing	75	L.F.	\$ 225.00	\$ 16,875.00
3	Furnish & Install 18" Pier w/ Pier Cap	2	Ea	\$ 3,250.00	\$ 6,500.00
4	Furnish & Install 4-Foot Dia. Standard Manhole	2	Ea	\$ 3,800.00	\$ 7,600.00
5	Connect to Existing 6-Inch Sanitary Sewer	1	Ea	\$ 600.00	\$ 600.00
6	Removal and Replacement of Asphalt Paving	30	S.Y.	\$ 90.00	\$ 2,700.00
7	Furnish & Install Trench Safety Plan	1	L.S.	\$ 1,000.00	\$ 1,000.00
8	Furnish & Install Trench Safety System	525	L.F.	\$ 1.50	\$ 787.50
9	Furnishing Storm Water Pollution Prevention Plan	1	L.S.	\$ 1,500.00	\$ 1,500.00
10	Implementation of Storm Water Prevention Plan	525	L.F.	\$ 1.00	\$ 525.00
11	Traffic Control Plan & Implementation	1	L.S.	\$ 2,500.00	\$ 2,500.00
	Subtotal:				\$ 61,587.50
	Contingencies and Miscellaneous Items	20%			\$ 12,317.50
	Construction Subtotal:				\$ 73,905.00
	Land Rights	0.24	L.S.	\$ 25,000.00	\$ 7,000.00
	Quality Control and Material Testing	3.00%	of Construction		\$ 2,217.15
	Project Subtotal:				\$ 80,905.00
				USE:	\$ 81,000.00

BIRKHOFF, HENDRICKS & CONWAY, L.L.P.
CONSULTING ENGINEERS

7502 Greenville Ave., #220

Dallas, Texas 75231

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PAUL A. CARLINE, P.E.
MATT HICKEY, P.E.

March 11, 2008

Mr. Jeff Bickerstaff
Assistant City Manager
City of Murphy
205 N. Murphy Road
Murphy, Texas 75094

Re: Kinney Ranch Addition

Dear Mr. Bickerstaff:

We have reviewed the Construction Plat dated November 19, 2007 for the Kinney Ranch Addition prepared by PSA Engineering for Nhat Nguyen. The plat has been prepared in general accordance with the City's Subdivision Ordinance. However, the following items should be acceptably resolved prior to final acceptance of this plat:

1. This plat is labeled as a Preliminary Plat, but should be labeled as a Construction Plat.
2. A 25-foot wide right-of-way for Kinney Drive was dedicated to the City of Murphy by the previous property owner, Frank Espinosa, in 1996, and should not be included in the area to be platted.
3. Similarly a 10-foot wide drainage and utility easement parallel and adjacent to the 25-foot street right-of-way was granted the City in 1996, and should be shown on the plat.
4. The length shown for the common line between Lots 1 and 2 does not appear to be correct.
5. The volume and page of the deed conveying the property to the current owner is to be shown in the Property Owner's Certificate.
6. The word "said" in the first call of the property description should be changed to "the."
7. The plat is to contain ground contours with intervals of two feet or less.
8. The required notice prohibiting selling a portion of the addition by metes and bounds needs to be shown.
9. A note concerning the presence of flood plains is to be shown the plat.

Mr. Jeff Bickerstaff
City of Murphy
March 11, 2008
Page 2 of 2

10. A Drainage Area Map is to be included with the Construction Plat showing onsite and off site drainage areas affecting the area to be platted.
11. The 50-foot wide right-of-way of Kinney Drive is to be shown and labeled on the plat.
12. No sanitary sewer service is shown for Lot 2.
13. The owner's address and telephone number are to be shown on the plat.
14. The property owner is obligated to improve Kinney Drive to City Standards, or to escrow funds for the future improvement of the road.

We will be happy to discuss our review of these documents at your convenience.

Sincerely yours,



Ronald V. Conway, P.E.

cc: Mr. Jim Berzina
Mr. Johnny Boles
PSA Engineering

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

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ANDREW MATA, JR., P.E.

August 20, 2009

Mr. Jeff Bickerstaff
Assistant City Manager
City of Murphy
205 N. Murphy Road
Murphy, Texas 75094

Re: Kinney Ranch Addition

Dear Mr. Bickerstaff:

We have reviewed the Final Plat dated June 23, 2009 for the Kinney Ranch Addition prepared by PSA Engineering for Nhat Nguyen.

Our review is for general compliance with the City of Murphy development requirements and normal engineering practices and does not relieve the engineer of record of his responsibilities under the Texas Engineering Practice Act. This is our second review of this plat. As such, we will repeat our initial review comments in *italics text* and then indicate the status for this review in **bold text**. Additional comments may be added and are so indicated.

1. *This plat is labeled as a Preliminary Plat, but should be labeled as a Construction Plat.*- **Status this review: Plat has been labeled as Final Plat**
2. *A 25-foot wide right-of-way for Kinney Drive was dedicated to the City of Murphy by the previous property owner, Frank Espinosa, in 1996, and should not be included in the area to be platted.*- **Status this review: Completed**
3. *Similarly a 10-foot wide drainage and utility easement parallel and adjacent to the 25-foot street right-of-way was granted the City in 1996, and should be shown on the plat.*- **Status this review: The drainage and utility easement is not shown on the plat, and appears that this easement will overlap an existing easement. Verify location and widths of easements along Kinney Drive.**
4. *The length shown for the common line between Lots 1 and 2 does not appear to be correct.*- **Status this review: Completed**
5. *The volume and page of the deed conveying the property to the current owner is to be shown in the Property Owner's Certificate.*- **Status this review: Completed**
6. *The word "said" in the first call of the property description should be changed to "the."* - **Status this review: Completed**

Mr. Jeff Bickerstaff
City of Murphy
August 20, 2009
Page 2 of 2

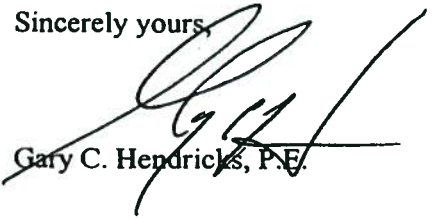
7. *The plat is to contain ground contours with intervals of two feet or less.- Status this review: Not required.*
8. *The required notice prohibiting selling a portion of the addition by metes and bounds needs to be shown. – Status this review: Completed*
9. *A note concerning the presence of flood plains is to be shown the plat.- Status this review: Completed*
10. *A Drainage Area Map is to be included with the Construction Plat showing onsite and off site drainage areas affecting the area to be platted.- Status this review: Was not included*
11. *The 50-foot wide right-of-way of Kinney Drive is to be shown and labeled on the plat.- Status this review: Completed*
12. *No sanitary sewer service is shown for Lot 2.- Status this review: Did not receive utility plan*
13. *The owner's address and telephone number are to be shown on the plat.- Status this review: Completed*
14. *The property owner is obligated to improve Kinney Drive to City Standards, or to escrow funds for the future improvement of the road. – Status this review: Escrow summary provided by PSA Engineering does not include an amount for the storm drainage, 4-foot sidewalk, or engineering and surveying services.*

Supplemental Comments, This Review

1. Legal description does not match call outs shown on the sheet.
2. Eastern property line does not appear to be near the centerline of Kinney Drive, as state in the legal description.
3. Clarify the eastern boundary line with regards to the 20-foot City of Murphy easement within the 50-foot right-of-way.

The plans provided for the review are attached with this letter. We will be happy to discuss our review of these documents at your convenience.

Sincerely yours,


Gary C. Hendricks, P.E.

cc: Mr. Jim Berzina
Mr. Johnny Boles
PSA Engineering

James Fisher

From: Bret Baldwin
Sent: Tuesday, June 19, 2012 4:52 PM
To: Council; James Fisher
Subject: Fwd: Item for 605 Kinney on tonight's agenda.....

FYI

Sent from my iPad

Begin forwarded message:

From: CHRISTINE JOHNSON <milronusa@verizon.net>
Date: June 19, 2012 9:38:48 AM CDT
To: "bbaldwin@murphytx.org" <bbaldwin@murphytx.org>
Subject: Item for 605 Kinney on tonight's agenda.....
Reply-To: CHRISTINE JOHNSON <milronusa@verizon.net>

Good Morning, Mayor Baldwin,

I could not find the submission for public comment form on the updated city website, so am sending this to you, in hopes that the Council will consider this as my statement when making their determinations tonight regarding 605 Kinney. I had hoped to attend in person, but Ron's Dad is in ICU at the VA hospital, so not possible. You know me from being pretty outspoken (mouthy?) on the Board of Adjustment, and the Building and Fire Code Appeal Board, so maybe this manner of presentation is best for all?!

If I read the brief synopsis correctly, the City is looking to spend approximately \$75K of the taxpayers' dollars to bring a sewer hookup to this lot. This lot was apparently a divided replat to create two separately owned build sites in 2009. Given that there is a technically a sewer tap access in the NE corner of the lot south of this property, just across a private gravel single path driveway, I feel, both as a custom builder, and as a taxpayer in Murphy, the City's obligation has been completed. It would be up to the builder and/or the property owner to handle the boring under the drive, and the sewer tap to bring service to this lot. We have dealt with this many, many times in various municipalities around the metroplex, and in close-in rural Collin County, and by every other city's standards, by having a line accessible in the City easement, Murphy's obligations are complete. There are a few other parcels in S.E. Murphy similar, and a yes vote would be setting a precedent to obligate the City for the other potentially buildable lots.

Short of that, the common payment called an impact fee should be charged (generally to the builder, but if not, the property owner if no immediate build plans are in place), to include the cost of time, labor, materials if the City's public works performs this. It should not be monies removed from the City budget for the good of one property. I realize ultimate taxes on developed land are higher than what Murphy is now collecting on an undeveloped lot, but should you go forward with this expenditure, it will take a substantial amount of years to recoup in taxes, what was spent, based on your included line-item spreadsheet.

When you buy any property, particularly a replatted one, before you plunk your money down, you need to have done your due diligence on what you are getting for that money, particularly when the land is in what was a rural area, and is still considered acreage area. This has come up before in our immediate area, and also in the general area. The first example was the 2 acre property on Cherokee, that some years back the City determined the cost was north of \$400K to run utilities from South Maxwell Creek west to the lot in question. More newsworthy was a case a few years ago for a family that bought a lot in Parker that nothing had been stubbed to the closest legal easement, so without significant investment of their own monies, they could not get water, sewer, etc. These both are good examples of why a potential buyer should perform their own research BEFORE buying land to build on.

I respectfully request that the City Council reject this item as a City obligation.
Thank you.

Christine Johnson, B.F.A.,C.G.B.,C.G.R., Owner
Mil-Ron Custom Construction
501 Cherokee Dr Murphy, TX 75094
Off: 972-422-0598 Cell: Chris-214-724-4864 / Ron 214-724-4874
Unique Design/Build for Dallas/Collin Counties for Over 25 Years!