



MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
JANUARY 21, 2014 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 January 21, 2014 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.

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

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

5. PRESENTATION ITEMS :

- A. Presentation of financial report and investment report as of December 31, 2013.
- B. Presentation regarding proposed volunteer program for the Murphy Animal Shelter.

6. CONSENT AGENDA

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

- A. Consider and/or act upon January 7, 2014 regular meeting minutes.
- B. Consider and/or act on the Final Plat Application of **Wendy's Corporation** on property zoned PD (Planned Development) District No. 12-02-905. This property is located at 117 West FM 544, Lot 2R, Block A, Wal Mart Addition.
- C. Consider and/or act on the Final Plat Application for **O'Reillys Automotive Store**, located at 607 E. FM 544.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act on the application of **Murphy Equity Management, Ltd.** requesting approval of a site plan, landscape plan and building elevations for Maxwell Creek Pavilion on property zoned PD (Planned Development) District No. 09-12-825 and amended in PD District No. 11-01-871 for Retail and Office Uses on property located Lot 1, Block A, on the 600 block of East FM 544, west of McCreary Road.
- B. Consider and/or act on the application of **Murphy Equity Management, Ltd.** Requesting approval of a construction plat for Maxwell Creek Pavilion on property zoned PD (Planned Development) District No. 09-12-825 and amended in PD District No. 11-01-871 for Retail and Office Uses on property

located Lot 1, Block A, on the 600 block of East FM 544, west of McCreary Road.

- C. Consider and/or act upon Murphy Central Park:
 - 1. Operations policy, rentals and application for the amphitheater; and,
 - 2. Amended fee schedule for deposits and miscellaneous fees.
- D. Consider and/or act on revising the Alcohol Policy for the Murphy Community Center (MCC) and Murphy Activity Center (MAC).
- E. Consider and/or act upon designating Council liaisons to boards, commissions and committees of the City of Murphy.
- F. Consider and/or act upon the adoption of an ordinance requiring a maintenance bond for all public improvement on commercial properties.
- G. Consider and or act upon authorizing the City Manager to execute a contract for Freese and Nichols, Inc. to provide professional services for the TxDOT Safe Routes to Schools (SRTS) sidewalk and enhanced crosswalk grant projects, Task Authorization #2.
- H. Discussion concerning taking North Murphy Road off of the state highway system.
- I. Consider and/or act upon authorizing the City Manager to develop plans for the permanent closure of Grant Drive.
- J. Consider and/or act upon moving the March 4, 2014 Council meeting.

8. CITY MANAGER/STAFF REPORTS

North Murphy Road Construction Update
Board and Commission Training – February 1st, 9am to 1pm
Report on January 16th CLC Meeting
Murphy Central Park Grand Opening – April 5th

9. EXECUTIVE SESSION

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

- A. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- B. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the

governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

10. RECONVENE INTO REGULAR SESSION

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

- A. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- B. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. Take Action on any Executive Session Item

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 January 17, 2014 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.

Notice of Possible Quorum: There may be a quorum of the 4B Community Development Corporation, the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Ethics Review Commission the Murphy Municipal Development District Board, the Park and Recreation Board and/or the Planning and Zoning Commission may be present at the meeting, but they will not deliberate on any city business.

CITY COUNCIL MINUTES
JANUARY 7, 2014 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

Councilmembers absent: None

4. PUBLIC COMMENTS –

No comments on non-agenda items.

5. PRESENTATION ITEMS –

- A. Finance Director Linda Truitt presented the Council with the unaudited finance and investment report as of September 30, 2013. Ms. Truitt stated that FY 2012 sales tax revenues had increased by 19% over FY 2011.

6. CONSENT AGENDA

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

- A. Consider and/or act upon minutes:
1. December 10, 2013 regular meeting minutes; and,
 2. December 16, 2013 special meeting minutes.

COUNCIL ACTION (6.A.):

APPROVED

Mayor Pro Tem Siddiqui moved to approve the consent agenda, as corrected. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act upon approval of an ordinance amending the FY 2012-2013 revenue and expenditure budgets for the General Fund, Utility Fund, Community Development Corporation, Murphy Municipal Development District and the Capital Construction Fund.

City Manager James Fisher presented the Council with the proposed amendments to the FY 2012-2013 budget including the General Fund, Utility Fund, Community Development Corporation, Murphy Municipal Development District and Capital Construction Fund.

Councilmember Grant inquired about the \$195,000 for building and plan inspection fees and asked if there had been anymore consideration to bringing the services in house.

Mayor Barna asked Mr. Fisher to price out both in-house and contract building inspections for the FY 15 budget.

COUNCIL ACTION (7.A.):

APPROVED

Deputy Mayor Pro Tem St. Clair moved to approve an ordinance amending the FY 2012-2013 revenue and expenditure budgets for the General Fund, Utility Fund, Community Development Corporation, Murphy Municipal Development District and Capital Construction Fund. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (*Ordinance 14-01-966*)

- B. Hold a public hearing and consider and/or act on amending Murphy Code of Ordinances Chapter 28, Development Standards, Article 1. Signs.

Mr. Fisher stated that the Planning and Zoning Commission had recommended approval contingent upon regulating the timing of signs.

Councilmember Bradley noted that the City would have to change the current usage of the City Complex sign to meet the requirements. Councilmember Bradley inquired as to the reasoning behind stricter rules on the changeable messages.

Director of Community and Economic Development Kristen Roberts stated staff did not recommend regulating the timing of messages; however, the Planning and Zoning Commission recommended a 12 second timing regulation. Ms. Roberts stated that, after the Planning and Zoning Commission meeting, staff performed further review and determined that TxDOT's regulations specify that message cycle time should be for a minimum of two seconds and a maximum of eight seconds. Ms. Roberts noted that the current sign at City Hall changed messages approximately every two to five seconds.

Mayor Barna opened the public hearing at 6:21 pm.

Robert Montgomery, 213 Crepe Myrtle – Mr. Montgomery stated that he was for the ordinance change so the Murphy Road Baptist Church could update their sign with a changeable message sign. Mr. Montgomery asked for clarification regarding the 150 foot distance requirement.

Mayor Barna closed the public hearing at 6:23 pm.

Council held discussions with regards to changing the timing of the messages, as well as sign animation.

COUNCIL ACTION (7.B.):

APPROVED

Councilmember Bradley moved to approve the proposed amendments to Chapter 28, Development Standards, Article 1. Signs with the following changes:

Section 28-21.a. remove "No sign or part of any sign shall flash, change its illumination or copy, rotate, move or create an illusion of movement";

Change Section 28-21.d.5 to read "Sign illumination will comply with TxDOT standards"; and,

Change Section 28-21.d.6 to remove everything after the word "messages".

Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (*Ordinance 14-01-967*)

- C. Consider and/or act on the application of **Murphy Equity Management, Ltd.** Requesting approval of a site plan, landscape plan and building elevations for Maxwell Creek Pavilion on property zoned PD (Planned Development) District No. 11-01-871 for Retail and Office Uses on property located Lot 1, Block A, on the 600 block of East FM 544, west of McCreary Road.

Ms. Roberts stated that the proposed site plan was for a commercial strip center. Ms. Roberts stated the site plan, landscape plan and building elevations met ordinance requirements. Ms. Roberts stated staff recommended approval.

The Council held discussions with regard to access to the land behind the subject property, the surrounding flood plain, trees on the property and future surrounding development. Ms. Roberts stated that access could be provided from surrounding properties and a Letter of Map Amendment (LOMA) had been approved in 2011 addressing flood plain issues.

Council discussed postponing the item until there is clarification as to what trees will be removed from the site.

COUNCIL ACTION (7.C.):

POSTPONED

Item 7.C. was postponed until the January 21, 2014 Council meeting.

- D. Consider and/or act on the application of **Murphy Equity Management, Ltd.** Requesting approval of a construction plat for Maxwell Creek Pavilion on property zoned PD (Planned Development) District No. 11-01-871 for Retail and Office Uses on property located Lot 1, Block A, on the 600 block of East FM 544, west of McCreary Road.

COUNCIL ACTION (7.D.):

POSTPONED

Item 7.D. was postponed until the January 21, 2014 Council meeting.

- E. Consider and/or act upon Timbers Nature Preserve Park and Trail project items:
1. Authorizing staff to prepare bid documents and put the project out to bid;
 2. Authorizing the expenditure of funds for construction administration and project management fees; and,
 3. Authorizing the payment of US Army Corp of Engineer mitigation fees.

Mr. Fisher reviewed the project costs and future maintenance costs with the Council. Mr. Fisher suggested that staff bring back the bid documents with three clear phases.

COUNCIL ACTION (7.E.):

APPROVED

Councilmember Bradley moved to authorize staff to prepare bid documents for three phases, as well as a turn-key project, and bring the documents back to Council for approval; further authorize contract administration and professional service fees to finish the project through the post-construction FEMA survey in an amount not to exceed \$60,000; and, authorize the payment of USACE mitigation fees to a maximum amount of \$50,000. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

F. Consider and/or act upon Murphy Central Park:

1. Operations policy, rentals and application for the amphitheater; and,
2. Amended fee schedule for deposits and miscellaneous fees.

City Manager James Fisher stated that the background information for Item 7.F. was not included in the Council packet. As such, he was recommending Items 7.F. and 7.G be postponed until the January 21, 2014 meeting.

COUNCIL ACTION (7.F.):

POSTPONED

Item 7.F. was postponed until the January 21, 2014 Council meeting.

G. Consider and/or act on revising the Alcohol Policy for the Murphy Community Center (MCC) and Murphy Activity Center (MAC).

COUNCIL ACTION (7.G.):

POSTPONED

Item 7.G. was postponed until the January 21, 2014 Council meeting.

H. Consider and/or act upon conducting a citizen survey for the City of Murphy.

Mr. Fisher stated that he and Ms. Gilbert had researched several cities survey projects and were looking for Council input on methodologies. Mr. Fisher recommended a team comprised of himself, the City Secretary and two councilmembers meet with a few survey companies.

Council discussed having the City Manager reach out to various companies to determine what their suggestions would be for survey methods for the City.

Jennifer Berthiaume, 416 Woodcrest Circle – Ms. Berthiaume stated that she was excited about the prospect of a citizen survey and encouraged the Council to use a variety of technologies to reach out to the residents. Ms. Berthiaume stated that she liked the sample surveys provided in the packet. Ms. Berthiaume encouraged the Council to do a geographic analysis of the responses.

COUNCIL ACTION (7.H.):

NO ACTION

8. CITY MANAGER/STAFF REPORTS

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

- North Murphy Road Construction Update
- Board and Commission Training – February 1st, 9am to 1pm
- CLC Meeting – January 16th 7:30 am
- Chamber of Commerce Annual Banquet – January 17th

City Hall Closed – January 20th

9. EXECUTIVE SESSION

The City Council convened into closed Executive Session at 7:36 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- B. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (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 reconvened into Regular Session at 8:05 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- B. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. Take Action on any Executive Session Item
No action was taken as a result of executive session items.

11. ADJOURNMENT

With no further business, the meeting was adjourned at 8:06 p.m.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Kristi Gilbert, City Secretary

January 21, 2014

Issue

Consider and/or act on the Final Plat Application of **Wendy's Corporation** on property zoned PD (Planned Development) District No. 12-02-905. This property is located at 117 West FM 544, Lot 2R, Block A, Wal Mart Addition.

Staff Resource/Department

Kristen Roberts, Director of Community Development

Background

On January 28, 2013, the Planning & Zoning Commission approved the site plan, landscape plan and building elevations for the development of Wendy's at this site.

On February 19, 2013, the City Council approved the site plan, landscape plan and building elevations for the development of Wendy's at this site.

Considerations

1. This project is complete and once approved, 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.

Staff Recommendation

Staff recommends approval of the final plat as submitted.

Attachments

Final Plat

City Council
January 21, 2014

Issue

Consider and/or act on the Final Plat Application for **O'Reillys Automotive Store**, located at 607 E. FM 544.

Background

On April 6, 2011, the City Council approved the site plan, landscape plan, building elevations and a construction plat for the development of an O'Reillys Automotive Store located at 607 E. FM 544.

Upon submittal of development plans for an adjacent property, it was realized that submission of the final plat document for the O'Reillys did not occur.

Considerations

1. This project is complete and once approved, the final plat can be filed with the County.
2. Final 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.

Staff Recommendation

Staff recommends approval of the final plat as submitted.

Attachments

Final Plat

Kristen Roberts, Director of Economic and Community Development
Submitted By

City Council
January 21, 2014

Issue

Consider and/or act on the application of **Murphy Equity Management, Ltd.** requesting approval of a site plan, landscape plan and building elevations for Maxwell Creek Pavilion on property zoned PD (Planned Development) District No. 09-12-825 and amended in PD District No. 11-01-871 for Retail and Office Uses on property located Lot 1, Block A, on the 600 block of East FM 544, west of McCreary Road.

Staff Resource/Department

Kristen Roberts, Director of Community and Economic Development

ITEM ADDENDUM following January 9, 2014 City Council Meeting

Consideration items 3a, 3b, 4 and 5 have been added below. The site tree survey with the trees for removal highlighted is also included for reference.

Summary and Background

The applicant submitted a site plan, building elevation plans and landscape plans for approval that would allow for development of Maxwell Creek Pavilion, an approximately 10,400 square feet strip retail and office center.

Considerations

1. After staff review, the proposed site plan has met required standards; including parking requirements.
 - a. Written release from existing easement owners is being sought by the applicant and must be submitted to the City. This release(s) must be provided to the City of Murphy prior to the Pre-Construction Meeting.
2. After staff review, the proposed building elevations and materials used meet requirement standards.
3. After staff review, the proposed landscape plan has met requirement standards.
 - a. Following the January 9, 2014 City Council meeting, staff met with the owner and requested their consideration of larger caliper trees than required by ordinance.
 - i. They have revised the plan to show five of the new trees to now be 100 gallon , 4" caliper.
4. The Planned Development Zoning District for this property regarding tree removal states:
 - b. Section F. 5. Existing trees on site shall be able to be removed without mitigation if located within a building area footprint or fire lane or required parking space.
5. The tree survey for this site is included in the packet for reference. The trees for removal are identified by shading and their numbers are highlighted on the overall survey legend.

Board Discussion/Action

On November 25, 2013, the Planning & Zoning Commission voted unanimously to approve this item as submitted.

Staff Recommendation

Staff recommends approval of the proposed Site Plan, Landscape Plan and Building Elevation Plan.

City Council
January 21, 2014

Attachments

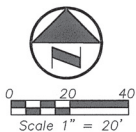
Site Plan

Landscape Plan (revised)

Building Elevation Plan

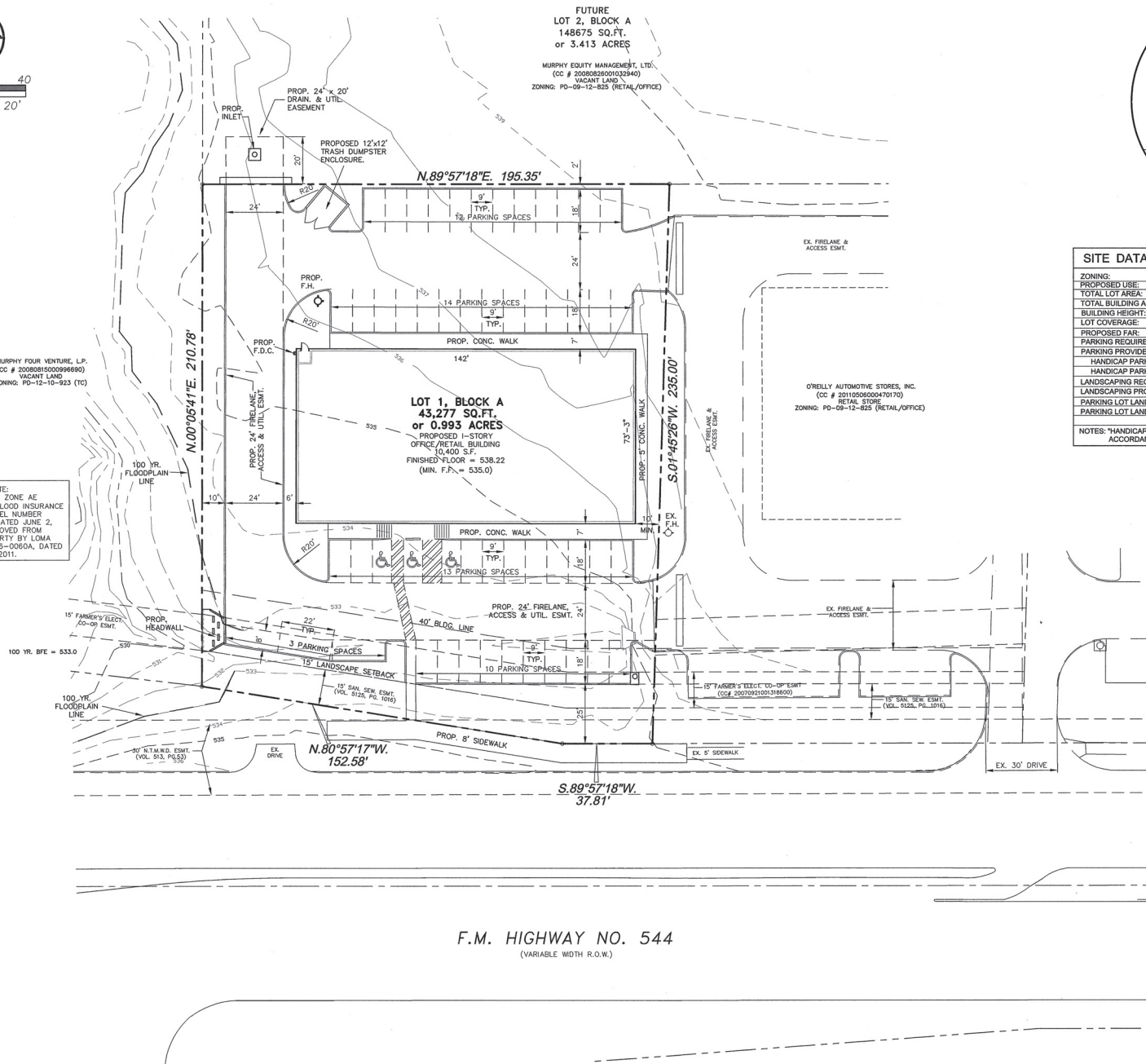
Site Tree Survey

Planned Development District Conditions No. 11-01-871



MURPHY FOUR VENTURE, L.P.
(CC # 20080815000996690)
VACANT LAND
ZONING: PD-12-10-323 (TC)

FLOODPLAIN NOTE:
AREA SHOWN IN ZONE AE
(100 YR) PER FLOOD INSURANCE
RATE MAP, PANEL NUMBER
48085C04151, DATED JUNE 2,
2009, WAS REMOVED FROM
SUBJECT PROPERTY BY LOMA
CASE NO. 12-06-0060A, DATED
DECEMBER 20, 2011.



FUTURE
LOT 2, BLOCK A
148675 SQ.FT.
or 3.413 ACRES
MURPHY EQUITY MANAGEMENT, LTD.
(CC # 2008080001030940)
VACANT LAND
ZONING: PD-09-12-525 (RETAIL/OFFICE)

O'REILLY AUTOMOTIVE STORES, INC.
(CC # 20110508000470170)
RETAIL STORE
ZONING: PD-09-12-525 (RETAIL/OFFICE)



SITE DATA SUMMARY	
ZONING:	PD-9-12-525 (Retail & Office)
PROPOSED USE:	RETAIL & OFFICE
TOTAL LOT AREA:	43,277 S.F. (0.993 AC.)
TOTAL BUILDING AREA:	10,400 S.F.
BUILDING HEIGHT:	28'-0" (1-STORY)
LOT COVERAGE:	24.0%
PROPOSED F.A.R.:	0.24
PARKING REQUIRED:	52 SPACES
PARKING PROVIDED:	55 SPACES
HANDICAP PARKING REQUIRED:	3 SPACES
HANDICAP PARKING PROVIDED:	3 SPACES
LANDSCAPING REQUIRED (20%):	8,656 S.F.
LANDSCAPING PROVIDED:	8,678 S.F.
PARKING LOT LANDSCAPING REQUIRED (5% OF 21,695 S.F.):	1,085 S.F.
PARKING LOT LANDSCAPING PROVIDED:	2,108 S.F.

NOTES: "HANDICAP PARKING IS PROVIDED IN ACCORDANCE WITH ADA STANDARDS"

GENERAL NOTES :

1. FLOODPLAIN REMOVED FROM THIS PROPERTY PER LOMA CASE NO. 12-06-0060A, DATED DECEMBER 20, 2011.
2. SEE TREE SURVEY FOR TREE LOCATION, SPECIES, SIZE AND TREATMENT.

OWNER/APPLICANT:
MURPHY EQUITY MANAGEMENT, LTD.
225 MUNICIPAL DRIVE, SUITE 155
RICHARDSON, TEXAS 75080
CONTACT: CHRIS HUNG
214-393-4954

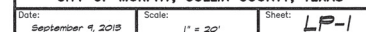
SITE PLAN		
LOT 1, BLOCK A, 0.993 AC. MAXWELL CREEK PAVILION ADDITION		
MAXWELL CREEK PAVILION		
JAMES W. MAXWELL SURVEY, ABSTRACT NO. 582		
CITY OF MURPHY, COLLIN COUNTY, TEXAS		
Date: September 9, 2018	Scale: 1" = 20'	Sheet: SP-1

MAXWELL CREEK PAVILION

ENGINEER:
ROLAND FOERSTER
CIVIL ENGINEER
5110 C.R. 424
ANNA, TEXAS 75409
(214) 544-8888
rfoerster@foerster.net
Exp. No. F-506

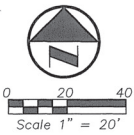
FOR PLANNING
DEPARTMENT REVIEW
& APPROVAL
NOT A CONSTRUCTION
DOCUMENT.

11-04-13 ~ Per City Comments
10-07-13 ~ Per City Comments
Revisions:

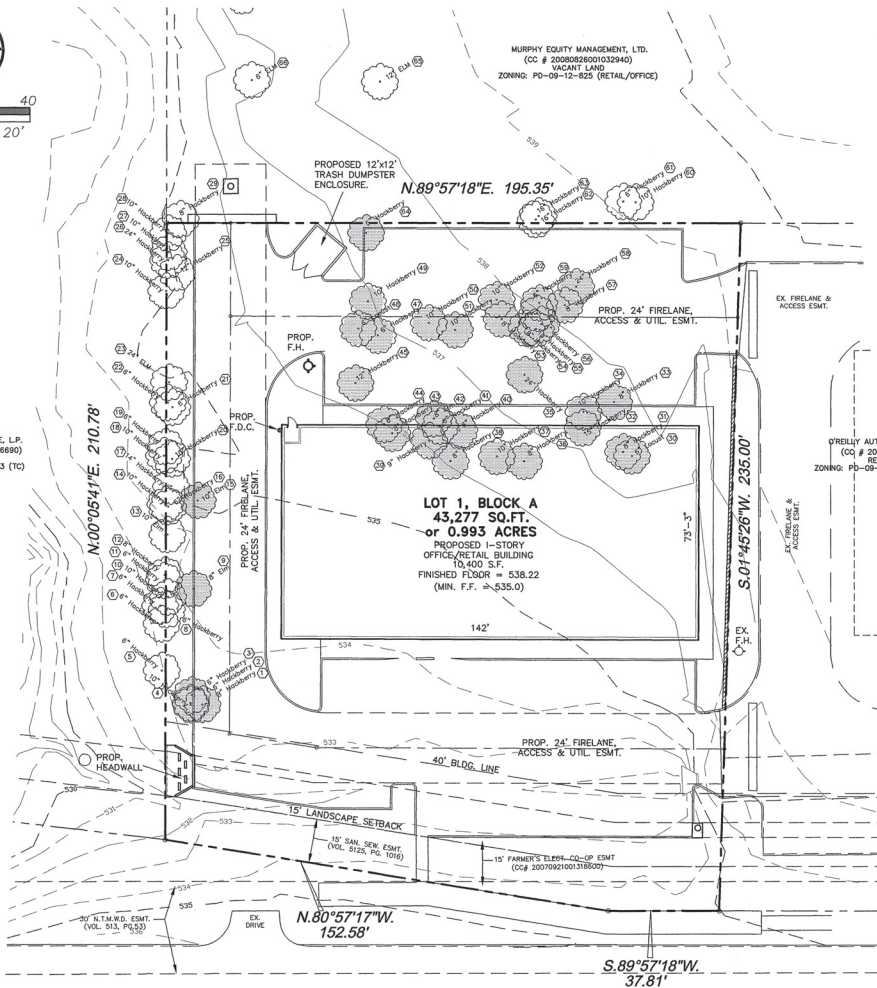








MURPHY FOUR VETURE, L.P.
(CC # 20080815000996890)
VACANT LAND
ZONING: PD-12-10-923 (TC)

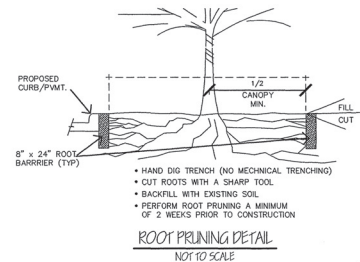
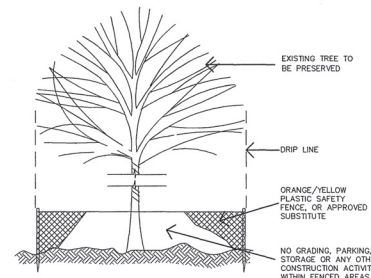
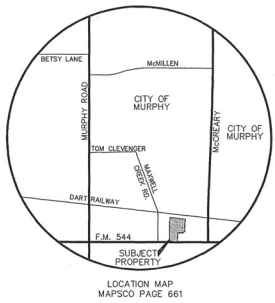
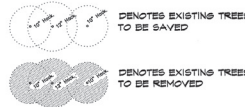


F.M. HIGHWAY NO. 544
(VARIABLE WIDTH R.O.W.)

NOTE:

Per PD District No. 09-12-825, Exhibit B, Section VI, F. Landscape Standards, 5.
"Existing trees on site shall be able to be removed without mitigation if located within a building footprint or fire lane or required parking space."

TREE TABLE		
TREE ID NO.	COMMON TREE NAME	TREE SIZE
1	HACKBERRY	8"
2	HACKBERRY	6"
3	HACKBERRY	6"
4	HACKBERRY	10"
5	HACKBERRY	6"
6	HACKBERRY	6"
7	HACKBERRY	6"
8	HACKBERRY	6"
9	ELM	8"
10	HACKBERRY	10"
11	HACKBERRY	6"
12	HACKBERRY	8"
13	ELM	10"
14	HACKBERRY	10"
15	ELM	10"
16	HACKBERRY	8"
17	HACKBERRY	14"
18	HACKBERRY	10"
19	HACKBERRY	6"
20	HACKBERRY	10"
21	HACKBERRY	6"
22	HACKBERRY	6"
23	ELM	24"
24	HACKBERRY	10"
25	HACKBERRY	12"
26	HACKBERRY	24"
27	HACKBERRY	10"
28	HACKBERRY	10"
29	HACKBERRY	8"
30	LOUST	6"
31	HACKBERRY	8"
32	HACKBERRY	15"
33	HACKBERRY	8"
34	HACKBERRY	10"
35	HACKBERRY	24"
36	HACKBERRY	6"
37	HACKBERRY	10"
38	HACKBERRY	6"
39	HACKBERRY	9"
40	HACKBERRY	6"
41	HACKBERRY	6"
42	ELM	8"
43	HACKBERRY	8"
44	HACKBERRY	8"
45	HACKBERRY	12"
46	HACKBERRY	6"
47	LOUST	6"
48	HACKBERRY	10"
49	HACKBERRY	10"
50	HACKBERRY	10"
51	HACKBERRY	10"
52	HACKBERRY	10"
53	HACKBERRY	8"
54	HACKBERRY	8"
55	HACKBERRY	10"
56	HACKBERRY	6"
57	HACKBERRY	6"
58	HACKBERRY	24"
59	HACKBERRY	6"
60	HACKBERRY	10"
61	HACKBERRY	6"
62	HACKBERRY	16"
63	HACKBERRY	16"
64	HACKBERRY	6"
65	ELM	12"
66	ELM	6"



OWNER/APPLICANT:
MURPHY EQUITY MANAGEMENT, LTD.
225 MUNICIPAL DRIVE, SUITE 155
RICHARDSON, TEXAS 75080
CONTACT: CHRIS HUNG
214-393-4954

TREE SURVEY		
BLOCK A, LOT 1, 0.993 AC. MAXWELL CREEK PAVILION ADDITION		
MAXWELL CREEK PAVILION		
JAMES W. MAXWELL SURVEY, ABSTRACT NO. 582		
CITY OF MURPHY, COLLIN COUNTY, TEXAS		
Date: September 4, 2015	Scale: 1" = 20'	Sheet: TS-1

MAXWELL CREEK
PAVILION

ENGINEER:
ROLAND FOERSTER
CIVIL ENGINEER
5110 C.R. 424
ANNA, TEXAS 75409
(214) 544-8888
email: rfoer@foash.net
Firm No. F-506

ORDINANCE NO. 11-01-871

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86 OF THE CITY OF MURPHY CODE OF ORDINANCES BY CHANGING THE ZONING CLASSIFICATION ON APPROXIMATELY 0.831 ACRES OUT OF THE JAMES MAXWELL SURVEY, ABSTRACT NO. 582, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, AMENDING PD (PLANNED DEVELOPMENT) DISTRICT NO. 09-12-825 FOR RETAIL AND OFFICE USES WITH CONDITIONS; APPROVING A NEW CONCEPT PLAN AND AMENDING DEVELOPMENT CONDITIONS HERETO DESCRIBED AS EXHIBIT "B"; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

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

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

Section 1. That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby, amended so as to change the zoning classification by amending PD (Planned Development) District No. 09-12-825 for Retail and Office Uses with conditions for the property described as 0.831 acres, more or less, in the James Maxwell Survey, Abstract No. 582, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

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

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

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

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

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

PASSED, APPROVED AND ADOPTED this the 4th day of January 2011.



Bret M. Baldwin, Mayor
City of Murphy

ATTEST:



Aimee Nemer, City Secretary
City of Murphy



Exhibit A

STATE OF TEXAS
COUNTY OF COLLIN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT B

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

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

VI. Specific Regulations:

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

EXHIBIT B

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

B. Area Regulations:

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

EXHIBIT B

C. Parking, Driveways & Sidewalks:

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

D. Loading and Unloading

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

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

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

EXHIBIT B

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

EXHIBIT B

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

EXHIBIT B

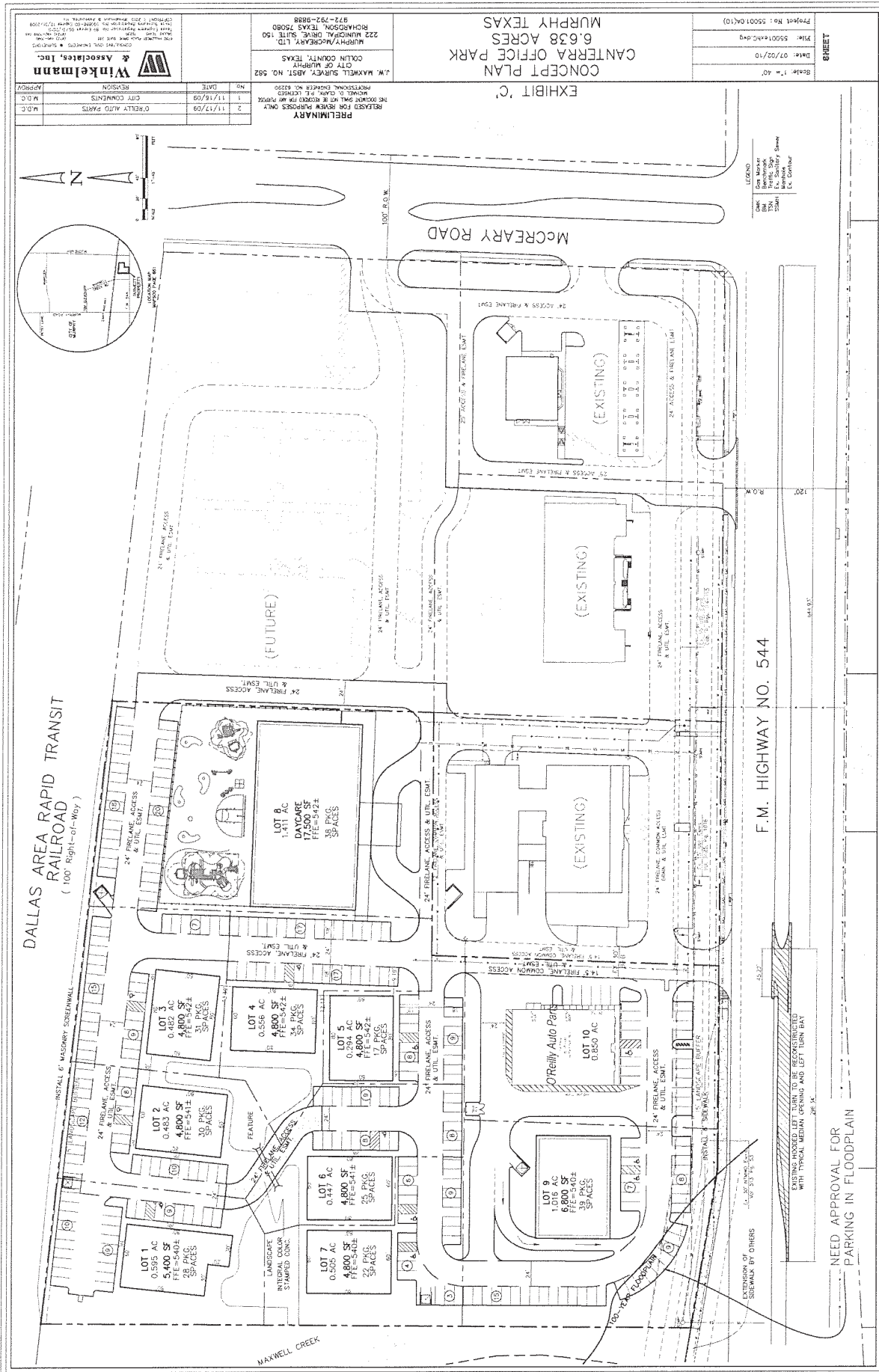
- H. Site Lighting. Lighting shall comply with the standards set forth in Chapter 28 in the Code of Ordinances, except as provided below.
- I. Signage and Graphics: Signage shall comply with the standards set forth in Exhibit F and Chapter 28 in the Code of Ordinances, except as provided below.
 - 1.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

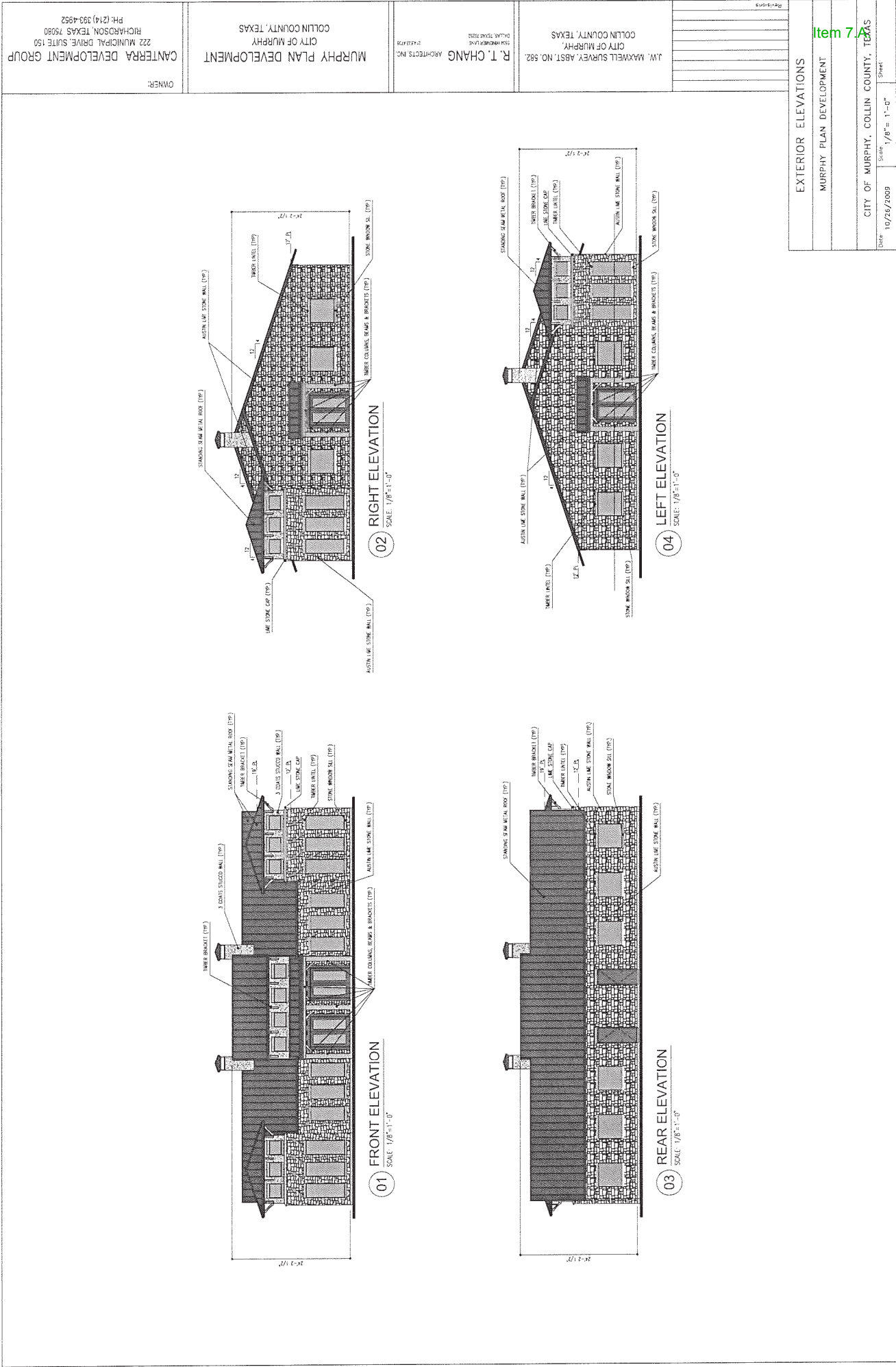
Monument signs – Two (2) monument signs shall be allowed along the frontage of FM 544 and shall be limited to a maximum sign area of 100 square feet and a maximum structure area of 150 square feet.
 - 2. Single Tenant Monument Signs
 - a. Monument signs shall identify individual tenants or uses within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

EXHIBIT B

VII. Special Regulations:

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







Legend

■ Subject Property

Zoning File 2010-10

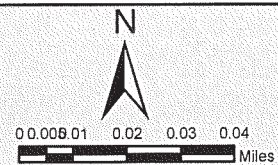
N

0 0.009 0.01 0.02 0.03 0.04 Miles

CITY OF MURPHY
OFFICIAL MAP



Zoning File 2010-10



City Council
January 21, 2014

Issue

Consider and/or act on the application of **Murphy Equity Management, Ltd.** Requesting approval of a construction plat for Maxwell Creek Pavilion on property zoned PD (Planned Development) District No. 09-12-825 and amended in PD District No. 11-01-871 for Retail and Office Uses on property located Lot 1, Block A, on the 600 block of East FM 544, west of McCreary Road.

Staff Resource/Department

Kristen Roberts, Director of Community and Economic Development

Summary and Background

The subject property is zoned PD (Planned Development) District No. 11-01-871 for Retail and Office Uses. The applicant would like to construct a strip retail and office center on the subject property. Both are allowed uses within the Planned Development District.

The construction plat would contain one (1) lot for development, totaling approximately .99 acres.

Considerations

1. Written release from existing easement owners is being sought by the applicant and must be submitted to the City. This release(s) must be provided to the City of Murphy prior to the Pre-Construction Meeting.
2. Off Site Drainage is located to the west. This separate easement instrument shall be provided to the City for review, and the executed document provided to the City of Murphy prior to the Pre-Construction Meeting.
3. The developer is coordinating with O'Reillys to the east in order to connect existing paving and grade into their site. Written approval from O'Reillys shall be provided to the City of Murphy prior to the Pre-Construction Meeting.
4. A TXDOT permit will be required for improvements within TXDOT right of way. The approved TXDOT permit shall be provided to the City of Murphy prior to the Pre-Construction Meeting.

Board Discussion/Action

On November 25, 2013, the Planning & Zoning Commission voted unanimously to approve this item.

Staff Recommendation

Staff recommends approval of the Construction Plat and considerations as presented.

Attachments

Construction Plat

[illegible]

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 and that he (they) shall maintain the same in a state of good repair at all times and keep the same clear of any structures, signs, trees, shrubs, or other obstructions or other encroachments or obstructions, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access 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". The police or his duly authorized representative is hereby authorized 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.

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as depicted and shown hereon, a hard surface and that he (they) shall maintain the same in a state of good repair at all times and shall keep the same clear of any obstructions, including, but not limited to, the parking of motor vehicles, trailers, boats, or other impediments to the access 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". The police or his duly authorized representative is hereby authorized 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.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Murphy, Texas.
Witness my hand at Murphy, Texas this _____ day of _____ 2013.

MURPHY EQUITY MANAGEMENT, LTD.

By CHRIS HUNG, Monopdu Partner

© 2006 Blackwell Publishing Ltd, *Journal of Internal Medicine* 260: 105–112

STATE OF TEXAS:

COUNTY OF COLLINS:

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared, CHRIS HUNG, known to me to be the person whose name is subscribed to the foregoing instruments and acknowledged

to me that he executed the same in the capacities therein stated.

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

Notary Public, State of Texas

CONSTRUCTION PLAT

LOT 1 & 2. BLOCK A

MAXWELL CREEK PAVILION ADDITION

4.407 ACRES

OUT OF 6,6381 REMAINING ACRES

IN CC# 20080826001032940

JAMES W. MAXWELL SURVEY, ABSTRACT NO. 582
CITY OF MURPHY, COLLIN COUNTY, TEXAS

OWNER: _____ SURVEYOR: _____ ENGINEER: _____

MURPHY EQUITY MANAGEMENT, LTD. SAM E. LUSCOMBE ROLAND FOERSTER CIVIL ENGINEER

222 MUNICIPAL DRIVE, SUITE 150
RICHARDSON, TEXAS 75080

CONTACT: CHRIS HUNG
214-303-4064

Scale: 1" = 30' Date: OCTOBER, 2013

Issue

Consider and/or act upon Murphy Central Park:

1. Operations policy, rentals and application for the amphitheater; and,
2. Amended fee schedule for deposits and miscellaneous fees.

Summary

Amphitheater rental and reservation requests will be processed through the Recreation Department utilizing an *Amphitheater Use Application* (Exhibit B) for requesting an amphitheater facility rental. Staff is suggesting the following rental and operations guidelines for the amphitheater located in Murphy Central Park.

On November 5, 2013, City Council reviewed the draft amphitheater operations policy, rentals and application and requested additional information which is attached to this agenda item (Exhibit A).

Considerations

Given the location of the amphitheaters researched are public parks the intention of this policy for consideration is not to keep the public out of the park so much is to make it clear to the lessee that it is a public park and they are merely reserving the amphitheater space within the public park.

In research and discussions with the number of cities researched, there was a consensus that there is really no good way to keep the public and the amphitheater reservation separate.

As done with most open air amphitheaters reservations within public parks, staff will make it clear to the lessee that they cannot guarantee that the public will not be in the park. Even if a temporary barricade was to be setup encompassing the amphitheater, it would be very unappealing visually as well as separate the amphitheater from the concession stand and restrooms.

Amphitheater Overview:

- The Murphy Central Park outdoor amphitheater will offer lawn seating for 2500-3000.
- Electrical hookups will be available for bands and performances.
- Murphy Central Park is a public park and access to other areas of the park will not be limited during amphitheater rentals.
- Murphy Central Park is a Public Park and will remain open and available to the public during amphitheater events. Park hours are 5:00am – 11:00pm every day. City of Murphy park hours are in effect for all proposed events.

Application Process:

- Applications for **commercial use** must be submitted at least 6 months in advance.
- Applications for **private or benefit use** must be submitted at least 60 days in advance.
- Approval will be addressed within 45 days of application submittal and will be based on the event information provided.

Required Rental Information:

Event Information will need to be included in all amphitheater rental applications. Event Information will include:

- Business/Organization/Lessee Information. Including renter classification.
 - Individual
 - Business (Tax ID needed)
 - Non-profit Organization (Tax ID needed)
- Event name, description of event, schedule of events and tentative event layout.
- Three date options for your event.
- Time duration of event including setup and tear down. Also include any rehearsal dates and times.
- Expected attendance and description of audience.
- Ticketing information.
- Marketing Plan and sponsorship information.
- Vendor information including proposed food, beverage, alcohol and souvenir sales.
- Event History. Where the event was previously held and contact information.

Fees, Permits, Personnel Costs and Deposits:

- Security Deposits – required for all reservations. Any unused portions of the deposit will be refunded if all the terms of the contract have been met, all facilities are left in good conditions and cancellation procedures have been followed.
- Security Deposit Rates:

Expected Number of Attendants	<250	250-750	750 - <1200	1200- <1800	1800- <2500	2500+
Rate	\$100	\$300	\$500	\$700	\$1000	\$1500

- Rental Fees - In addition to the base rental fee the City will require the lessee to pay the City 10% of the gross ticket sales less all the applicable taxes that shall not exceed \$3,000.00
- Rental Rates (per day):

CLASS	Monday - Thursday	Friday/Saturday/Sunday
Private (A)	\$500	\$650
Benefit (B)*	\$250	\$350
Commercial (C)	\$1,000	\$1200

- o Class A (Private) – for private use such as weddings, reunions, etc. The general public will not be permitted and there will be no advertising through public media.
- o Class B (Benefit) – Use by a person, civic organization, or education institution possessing a non-profit association state charter who sponsors an event of community interest. This type of event shall be free and open to the public. Donations shall be permitted. Any fundraising will be permitted in which at least 75% of the funds raised are donated to the organization. *The City of Murphy may waive fees to a cost base only at the City's discretion.*
- o Class C (Commercial) – use by an individual or company who is either holding the event for promotional purposes and/or subsequent profit making, or for the purpose of furthering the company/profession and/or profit making. Most concerts fall under this classification.
- Service Personnel Fees (staff costs) – Events may be required to or opt to have City staff present at approved events. Fees vary depending on the amount of personnel the department manager determines to be necessary. Volunteers or internal employees can be taken into consideration.
- Ticket Information, Sales and Admission Fees – There are three options for admission; free and to the public, by invitation only, or tickets available for purchase. The lessee may charge an admission fee to the event. If so, the City receives 10% of gross ticket sales or to pay a flat fee. Ticket sales shall not exceed the actual number of available seating. Admission to ticketed events can be monitored with the setup of a temporary perimeter or monitoring ticketed guests with the use of special wrist bands.

- Flat Rate Admission option:

Expected Number of Attendants	<250	250-750	750 <1200	- 1200- <1800	1800- <2500	2500+
Rate	\$150	\$500	\$1000	\$1500	\$2150	\$3000

- Food, Beverage and Souvenir Sales Fees – If the lessee wishes to sell items on the premises, a vendor permit must be obtained. Vendors are responsible for their own booth, equipment and labor. Vendor locations must be approved by the department manager. The City reserves the right to collect an additional fee of 10% of all gross sales or a flat rate to be determined at the time of application from the vendor.
- Refunds – Full refunds will require advanced written notice at least 90 days prior to the rental date. If the event is cancelled less than 90 days prior to the rental date, any fees and deposits will be forfeited by the lessee. If the event cannot be held or rescheduled due to weather, the lessee is still responsible for all incurred expenses and a refund of the rental fee may be available after all other fees are paid. The City of Murphy will retain a \$50 application fee from the deposit refund for any cancellation.

Marketing and Publication: Depending on the type of event marketing and publicity may not be permitted (Class A). All marketing and publicity of any event held at the Murphy Amphitheater will require approval from Murphy event management staff and may be required to have an approved logo.

Vending Policies: Vendor policies will include information on food, alcohol/beverages, retail items and souvenir sales.

- The City will charge a flat rate to all vendors.
- A detailed description and price list of all items for sale will be requested.
- Concession stand rights are reserved for the City of Murphy.
- Alcohol Policy similar to the Murphy Community Center after-hours alcohol policy will need to be considered. Indemnity, release and insurance will be required.
- All applicable permits must be obtained and paid for by the lessee.

Parking: Use of surrounding parking lots will need approval and may need to be coordinated with PSA and/or PSD. Arrangement of offsite parking may be an option for an additional charge.

Set-up, Clean-up and Maintenance Services: Set up and clean up time should be included in the application request. The City of Murphy may require a maintenance/janitorial fee or outside contract agreement for application approval.

Lighting City of Murphy will not provide lighting or sound for events. Staging and décor will need approval.

Alcohol Policy: Consideration for alcohol during an amphitheater rental is treated in the same or similar fashion as the Murphy Community Center Alcohol Policy and/or at current City sponsored festivals.

A complete list of cities with amphitheaters and comparable outdoor spaces that staff compiled when researching amphitheater policy is attached. (Exhibit D)

Board Discussion/Action

The Parks and Recreation Board reviewed and discussed Murphy Central Park Amphitheater Operations at Parks and Recreation Board meetings held on April 8, May 13, August 12 and October 14, 2013. On October 14, 2013 the Park and Recreation Board made their final considerations for incorporation and recommendation that the operations policy and rental application be presented to the City Council meeting on November 5, 2013.

Recommendation

Staff recommends City Council consider and approve the Murphy Central Park Amphitheater Operations policy and Application and the amended fee schedule, as presented.

Attachments

1. Staff response to Council information requests (Exhibit A)
2. Amphitheater Rental Application Form (Exhibit B)
3. Ordinance Amending Fee Schedule (Exhibit C)
4. Amphitheater Research and Reference List (Exhibit D)

Exhibit A

Staff response to Council information requests

City Council
Meeting January 21,

2014

November 5, 2013 Council information request regarding agenda item:

Consider and/or act upon Murphy Central Park:

- *Operations policy, rentals and application for the amphitheater; and,*
- *Amended fee schedule for deposits and miscellaneous fees.*

Note: A complete list of cities with amphitheaters and comparable outdoor spaces staff compiled when researching amphitheater policy is attached.

1. More details on private use were requested; if admission is charged, how is the portion of people segmented? How would a concert put on by a private group remain separate from regular park goers?

Through staff's research, there were two main options to handle ticketed events in a public park open air amphitheater:

a) Setting up a temporary perimeter (at groups' expense) or

b) Utilizing security personnel to monitor those using wrist bands for amphitheater terrace access.

- **Security personnel would be at the lessee's expense as noted in the policy.**
- **The City of Murphy reserves the right to determine a reasonable number of officers necessary for a specific event.**
- **The rest of the park would remain open and accessible to the public.**

2. How will alcohol consumption be addressed? **The proposed alcohol policy can be found on page 4 of the Amphitheater Reservation Form. Officers would need to be paid for and scheduled at the Police Chief's discretion.**

From a commercial reservation use standpoint, is 6 month a standard as far as reserving into the future and how did we come up with the 6 month recommendation?

Staff is suggesting a 6 month advanced reservation timeline for commercial reservations (as defined in the agenda item and amphitheater reservation form) in anticipation of the coordination efforts that need to take place for commercial events.

- **6 months is a standard timeline that will allow time for application approval, coordination of resources, parking, security, insurance, and other various permits to be secured.**
- **This recommendation can remain flexible based on the complexity of the commercial event and whether or not the venue is indeed available.**
- **Requesting that commercial reservations be made 6 months in advance also allows for a window of time where nonprofit/benefit and resident users have exclusive access to available dates.**

City Council Meeting
January 21, 2014

3. We don't want to forget the Murphy residents that paid for this and they should not be charged a lot of money. There should not be a lot of lead time needed if they want to book. If the amphitheater is not being used and they have an event or a play that comes up how do we ensure it is easy for them to do so?
 - **Staff will remain flexible when assisting residents with reservations. The simplicity of the event and whether or not the venue is indeed available will be considered with each specific event application.**
 - **As mentioned above, the commercial 6 month advance reservation recommendation allows for a window of time where resident users have select access to available amphitheater rental dates.**
 - **If there is no reservation set for the amphitheater, the amphitheater will be treated as public park space. Much like our current pavilion policies, a pavilion reservation is *not required, although it is recommended* to guarantee exclusive access to the pavilion. The amphitheater will be handled the same way.**
4. Do we have significant parking?

Parking will be coordinated through PSA and PISD on a per event basis. If a shuttle is necessary/required, it will be at the expense of the lessee noted in the policy.
5. How does our noise ordinance play into this policy? In this policy, the proposed hours are until 11:00pm.

All City of Murphy Public Park Hours are 5:00 am – 11:00 pm and will be in effect for all proposed events in Murphy Central Park. The Murphy noise ordinance is in accordance with public park hours.

Exhibit B

Amphitheater Rental Application Form



Amphitheatre Reservation Form

Murphy Central Park is a Public Park and will remain open and available to the public during amphitheater events. Park hours are 5:00am – 11:00pm every day. City of Murphy park hours are in effect for all proposed events.

Event Name _____

Event Dates (List 3 Options) _____

Expected Attendance _____

Organization Name _____

Main Contact _____

Event Producer (If Applicable) _____

Mailing Address _____

Main Phone () _____ Emergency Phone () _____

Mobile () _____ Mobile Used at Event () _____

Fax () _____

Organization Email _____ Contact Email _____

Sponsors (If Applicable) _____

Description of Event _____

Rental Type:

Private/Individual____ Non-Profit/Benefit____ Business/Commercial____

(If Non-Profit, Please provide Tax Exempt Form).

Ticketing Information:

Free to Public____ Invitation Only____ Admission Fee____

If Charging admission please choose ticketing fee preference: Flat Rate: _____ 10% of Gross Sales: _____

Fee Schedules for Information above listed on next page



Fees, Permits, Personnel Costs and Deposits:

- Security Deposits – required for all reservations. Any unused portions of the deposit will be refunded if all the terms of the contract have been met, all facilities are left in good conditions and cancelation procedures have been followed.

- Security Deposit Rates:

Expected Number of Attendants	<250	250-750	750 - <1200	1200- <1800	1800- <2500	2500+
Rate	\$100	\$300	\$500	\$700	\$1000	\$1500

- Rental Fees - In addition to the base rental fee the City will require the lessee to pay the City 10% of the gross ticket sales less all the applicable taxes that shall not exceed \$3,000.00.

- Rental Rates (per day):

CLASS	Monday - Thursday	Friday/Saturday/Sunday
Private (A)	\$500	\$650
Benefit (B)*	\$250	\$350
Commercial (C)	\$1,000	\$1200

- Class A (Private) – for private use such as weddings, reunions, etc. The general public will not be permitted and there will be no advertising through public media.
 - Class B (Benefit) – Use by a person, civic organization, or education institution possessing a non-profit association state charter who sponsors an event of community interest. This type of event shall be free and open to the public. Donations shall be permitted. Any fundraising will be permitted in which at least 75% of the funds raised are donated to the organization. *The City of Murphy may waive fees to a cost base only at the City's discretion.*
 - Class C (Commercial) – use by an individual or company who is either holding the event for promotional purposes and/or subsequent profit making, or for the purpose of furthering the company/profession and/or profit making. Most concerts fall under this classification.
- Service Personnel Fees (staff costs) – Events may be required to or opt to have City staff present at approved events. Fees vary depending on the amount of personnel the department manager determines to be necessary. Volunteers or internal employees can be taken into consideration.
- Ticket Information, Sales and Admission Fees – There are three options for admission; free and to the public, by invitation only, or tickets available for purchase. The lessee may charge an admission fee to the event. If so, the City receives 10% off gross ticket sales or to pay a flat fee. Ticket sales shall not exceed the actual number of available seating. Admission to ticketed events can be monitored with the setup of a temporary perimeter or monitoring ticketed guests with the use of special wrist bands.

- Flat Rate Admission option:

Expected Number of Attendants	<250	250-750	750 - <1200	1200- <1800	1800- <2500	2500+
Rate	\$150	\$500	\$1000	\$1500	\$2150	\$3000

- Food, Beverage and Souvenir Sales Fees – If the lessee wishes to sell items on the premises, a vendor permit must be obtained. Vendors are responsible for their own booth, equipment and labor. Vendor locations must be approved by the department manager. The City reserves the right to collect an additional fee of 10% of all gross sales or a flat rate to be determined at the time of application from the vendor.



Marketing and Publication: Marketing and publicity may not be permitted for Class A events. Please attach a sample of proposed marketing or publication materials for approval. The City of Murphy may require inclusion of disclaimer: *"This event is not a City of Murphy sponsored event."*

Will you be Marketing This Event? Yes _____ No _____

Marketing Timeline _____

What types of Marketing will be utilized? Mail out _____ Email _____ Flyer/Poster _____

Ad in newspaper or magazine _____ (Which Ones) _____

Website _____ (website address) _____

Social Media _____ (Which ones and info) _____

Vending Policies: Vendor policies will include information on food, alcohol/beverages, retail items and souvenir sales.

- The City will charge a flat rate to all vendors to be determined based on application.
- Concession stand rights are reserved for the City of Murphy.
- For Alcohol sales, indemnity, release and insurance will be required.
- All applicable permits must be obtained and paid for by the lessee.

Please provide a detailed description and price list of all items for sale below:

Item	Description	Price

Parking: Will Parking be needed? Yes _____ No _____ Estimated parking space requirements _____

Use of surrounding parking lots will need approval and may need to be coordinated with PSA and/or PISD. Arrangement of offsite parking may be an option for an additional charge.

Set-up, Clean-up, and Maintenance Services: Set up and clean up time should be included in the application request. The City of Murphy may require a maintenance/janitorial fee or outside contract agreement for application approval. **Sound,**

Stage, Lighting and Décor: Staging and décor must be approved. City of Murphy will not provide lighting or sound for events.

Please include a description of staging and décor set up below (attach layouts and specification sheets with application):



Alcohol, Risk and Liability Policies

If alcohol will not be served at this event, initial here: _____

1. The Lessee shall pay a fee of \$50.00 for an alcohol use permit to serve alcoholic beverages at the event. If alcoholic beverages are to be sold at the event, Lessee must pay a fee of \$100.00 in advance for an alcohol use permit to sell alcoholic beverages at the event. Alcoholic beverages shall be considered to be sold under the following circumstances:
 - a. If a fee is charged for the serving of an alcoholic beverage
 - b. If the Lessee charges a cover charge or other admission fee or donation for the event and alcoholic beverages are then provided to patrons at no additional cost.
2. Alcoholic beverages may only be consumed inside the authorized portions of the Amphitheater and Central Park Facility and only during the permitted event. Consumption of alcohol in the parking lot is strictly prohibited.
3. Lessee fully guarantees, represents and shall be totally responsible, that the sale, serving and/or consuming of alcoholic beverages at the event shall comply with the laws of the State of Texas and the rules and regulations of the Texas Alcoholic Beverage Commission ("TABC"), including, without limitation, ensuring that no alcoholic beverages are dispensed to children, minors or any persons under the age of 21. The Lessee also fully guarantees that the responsible party providing, selling and/or serving alcoholic beverages is licensed by the TABC.
4. At events where alcohol is being served or sold, the Lessee shall be responsible, at its sole cost and expense, for providing uniformed, off-duty Murphy Police Department ("MPD") officers or other police officers as approved by the Chief of Police, to ensure safety and security.
5. If the event is expected to involve more than 250 patrons, the Lessee must provide the City of Murphy with a Commercial General Liability insurance policy written on an occurrence basis and with a combined single limit of not less than \$1,000,000.00 to cover the event. Such insurance shall include coverage for Broad Form Contractual Liability, Broad Form Property Damage and Personal Injury Liability, Premises/Operations, Explosion, Independent Contractor Liability, and Hostile Fire Liability. Lessee shall name the City as an additional insured on such liability insurance. In addition, Lessee shall have the liability insurance policy endorsed to provide that the insurance shall waive (i) any right of recovery which the insurer may have or acquire against the City of Murphy, its employees, agents, officers, officials, Mayor, City Council Members, City Board, Commission and Committee Members for payment under such policies, and (ii) any right of subrogation which the insurer may have or acquire for payments to any person who asserts a claim against the City of Murphy, its Mayor, City Council Members, City Board, Commission and Committee Members, and its officers, officials, employees, or agents by any person or entity to or for whom the insurer pays monies or other benefits. The policy and/or certificate of insurance must be provided to the City prior to occupying the Facility.

LESSEE UNDERTAKES AND AGREES TO SAVE AND KEEP THE CITY OF MURPHY, ITS EMPLOYEES, AGENTS, OFFICERS, OFFICIALS, MAYOR AND CITY COUNCIL MEMBERS, CITY BOARD, COMMISSION AND COMMITTEE MEMBERS, OF AND FROM ANY AND ALL LOSSES, COSTS, EXPENSES AND DAMAGES (INCLUDING WITHOUT LIMITATION ATTORNEY'S FEES AND COSTS), AND FROM ANY AND ALL CLAIMS, ACTIONS, DEMANDS, DAMAGES OR LIABILITY BY OR TO THE PUBLIC, EMPLOYEES OF LESSEE, OR OTHERS, ON ACCOUNT OF OR OCCASIONED BY, NEGLIGENCE OR OTHERWISE, ANY ACTIVITY PERTAINING TO THE LEASE OF THE FACILITY (INCLUDING THE SALE, SERVING OR CONSUMPTION OF ALCOHOL), OR BY ANY ACT OR OMISSION, NEGLIGENCE OR OTHERWISE, OF LESSEE OR OF ANY PATRONS OF LESSEE WHEN ON, OR WHEN ABOUT TO ENTER, OR WHEN JUST LEAVING THE FACILITY

FACILITY, HEREIN LEASED TO LESSEE ON THE FOLLOWING DATES: _____ INITIALS: _____



Cancellation Policy

Refunds: Full refunds will require advanced written notice at least 90 days prior to the rental date. If the event cannot be held or rescheduled due to weather, the lessee is still responsible for all incurred expenses and a refund of the rental fee may be available after all other fees are paid. The City of Murphy will retain a \$50 application fee from the deposit refund for cancellations.

No refunds will be issued if the event is cancelled less than 90 days prior to the rental date, any fees will be forfeited by the lessee and deposit will be returned.

Initial: _____

Amendment Policy

Amendments (date change, time extension, time subtraction, etc.) to the Rental Agreement must be made in person at the Murphy Community Center at least thirty (30) days prior to the date stated on the Rental Agreement.

The applicant is authorized to negotiate and sign this agreement on behalf of the individual, group or organization he/she represents. He/She pledges the individual, group or organization to observe the policies stated on this agreement and attached Rules and Regulations. The applicant has read the Rules and Regulations on this page and attached pages and agrees to abide by them. The applicant has also read the Cancellation/Amendment Policy attached.

Lessee Signature

Date

Manager of Recreation Services

Date

Exhibit C

Ordinance Amending Fee Schedule

ORDINANCE NO. 14-01-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING THE CODE OF ORDINANCES; APPENDIX A, FEE SCHEDULE; SECTION 6.300, PARKS AND RECREATION USAGE FEES; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

WHEREAS, the City Council has previously amended the Fee Schedule on May 7, 2013; and

WHEREAS, City Council desires to amend the Fee Schedule to reflect the charges which may be assessed for the use of the Murphy Central Park Amphitheater.

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

Section 1. FINDINGS INCORPORATED

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

Section 2. The City Manager is authorized to waive any fee contained in this Fee Schedule which is determined by the City Manager to be in the best interest of the City of Murphy, Texas.

Section 3. That Section 3.100 of the Fee Schedule of the City of Murphy, Texas, is hereby amended, which shall read as follows:

“Section 6.300 Park and recreation usage fees.

- 1) Community use fees for private events, all facilities except the Murphy Central Park Amphitheater.** The city may levy and collect a fee for community meeting rooms:

a. Community Center Meeting Rooms (Rooms 117 or 118):

Fee Type	City Fee
Deposit	\$100.00
Nonrefundable Administrative Fee	\$25.00
Resident	\$20.00/hr during operating hours
	\$40.00/hr after hours
Nonresident	\$40.00/hr during operating hours
	\$60.00/ hr after hours
Nonprofits	\$10.00 Time block during operating hours

b. Community Center Meeting Rooms (Rooms 117 and 118):

Fee Type	City Fee
Deposit	\$100.00
Nonrefundable Administrative fee	\$25.00
Resident	\$40.00/hr during operating hours
	\$60.00/hr after hours
Nonresident	\$60.00/hr during operating hours
	\$80.00/hr after hours
Nonprofits	\$20.00/Time block during operating hours

c. Community Center Gymnasium:

Fee Type	City Fee
Deposit	\$100.00
Nonrefundable Administrative fee	\$25.00
Resident	\$50.00/hr during operating hours
	\$75.00/hr after hours
Nonresident	\$70.00/hr during operating hours
	\$100.00/hr after hours
Nonprofits	\$50.00/Time block during operating hours

d. Murphy Activity Center:

Fee Type	City Fee
Deposit	\$100.00
Nonrefundable Administrative fee	\$25.00
Resident	\$75.00/hr during operating hours
	\$100.00/hr after hours
Nonresident	\$100.00/hr during operating hours
	\$150.00/hr after hours
Nonprofits	\$50.00/Time block during operating hours

e. Park Pavilions:

Fee Type	City Fee
Resident	\$25.00 for two hours, then \$10.00/hour
Nonresident	\$50.00 for two hours, then \$10.00/hour

f. Activity Registration:

Fee Type	City Fee
Resident	No Fee
Nonresident	\$5.00 per activity registration

g. Athletic Field Reservations:

Resident	No Fee
Nonresident	Team must have 40% Murphy residents

h. Park Reservations:

<u>50 or more guests</u>	Police Security - \$25.00 per hour, 4-hour minimum
--------------------------	--

2) Community use fees for private events, Murphy Central Park Amphitheater only.

- a. Security Deposits** – A security deposit will be required for all reservations. Any unused portions of the deposit will be refunded if all the terms of the contract have been met, all facilities are left in good conditions and cancelation procedures have been followed.

b. Security Deposit Rates:

Expected Number of Attendants	<250	250-750	750 - <1200	1200- <1800	1800- <2500	2500+
Rate	\$100	\$300	\$500	\$700	\$1000	\$1500

- c. Rental Fees** - In addition to the base rental fee the City will require the lessee to pay the City 10% of the gross ticket sales, less all the applicable taxes that shall not exceed \$3,000.00

d. Rental Rates (per day):

CLASS	Monday - Thursday	Friday/Saturday/Sunday
Private (A)	\$500	\$650
Benefit (B)*	\$250	\$350
Commercial (C)	\$1,000	\$1200

- i. Class A (Private) – for private use such as weddings, reunions, etc. The general public will not be permitted and there will be no advertising through public media.
- ii. Class B (Benefit) – Use by a person, civic organization, or education institution possessing a non-profit association state charter who sponsors an event of community interest. This type of event shall be free and open to the public. Donations shall be permitted. Any fundraising will be permitted in which at least 75% of the funds raised are donated to the organization. *The City of Murphy may waive fees to a cost base only at the City's discretion.*

- iii. Class C (Commercial) – use by an individual or company who is either holding the event for promotional purposes and/or subsequent profit making, or for the purpose of furthering the company/profession and/or profit making. Most concerts fall under this classification.
- e. **Service Personnel Fees (staff costs)** – Events may be required to, or opt to, have City staff present at approved events. Fees vary depending on the amount of personnel the department manager determines to be necessary. Volunteers or internal employees can be taken into consideration.
- f. **Ticket Information, Sales and Admission Fees** – There are three options for admission; free and to the public; by invitation only; or, tickets available for purchase. The lessee may charge an admission fee to the event. If so, the City receives 10% of gross ticket sales or to pay a flat fee. Ticket sales shall not exceed the actual number of available seating. Admission to ticketed events can be monitored with the setup of a temporary perimeter or monitoring ticketed guests with the use of special wrist bands.
 - i. Gross Ticket Sales Option: The City receives 10% of gross ticket sales.
 - ii. Flat Rate Admission option:

Expected Number of Attendants	<250	250-750	750 - <1200	1200- <1800	1800- <2500	2500+
Rate	\$150	\$500	\$1000	\$1500	\$2150	\$3000
- g. **Food, Beverage and Souvenir Sales Fees** – If the lessee wishes to sell items on the premises, a vendor permit must be obtained. Vendors are responsible for their own booth, equipment and labor. Vendor locations must be approved by the department manager. The City reserves the right to collect an additional fee of 10% of all gross sales or a flat rate to be determined at the time of application from the vendor.
- h. **Refunds** – Full refunds will require advanced written notice at least 90 days prior to the rental date. If the event is cancelled less than 90 days prior to the rental date, any fees and deposits will be forfeited by the lessee. If the event cannot be held or rescheduled due to weather, the lessee is still responsible for all incurred expenses and a refund of the rental fee may be available after all other fees are paid. The City of Murphy will retain a \$50 application fee from the deposit refund for any cancellation.”

Section 4. EFFECTIVE DATE

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 21st day of January, 2014.

Eric Barna
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

Exhibit D

Amphitheater Research and Reference List

**City Council Meeting
January 21, 2014**

Amphitheater Reference and Research List
(Originally Compiled for May 2013 Parks and Recreation Board Meeting)

Amphitheater Information and Comparison Reference List

City of Plano, Texas

Oak Point Amphitheater

Michelle Burdeaux

Venue Supervisor

- Event Application
- Security
- Ticket Sales

City of College Station, Texas

Kelly, Kelby

Special Events Supervisor

- Wolf Pen Creek Amphitheater
- Rental Agreement
- Amphitheater Layout

City of Arlington

Parks and Recreation Department

Contact: Kristy Sheikh, CPRP

Rental & Lake Services Coordinator

- Levitt Pavilion
- 5,000 grass seating outdoor amphitheater, festival grounds and exhibition field, parking lot.
- Policies and Procedures
- Rental Application
- Site Plan

Palm Beach County Parks and Recreation

Lake Worth, Florida

- Amphitheater Rental Application
- Insurance and liability
- Advertising
- Equipment use

Greensboro, NC

Special Events Office

- **Special Event Application**
- Facility Rental Policies
- EMS Plan

City of Pensacola, Florida

Neighborhood Services Department

**City Council Meeting
January 21, 2014**

Amphitheater Reference and Research List
(Originally Compiled for May 2013 Parks and Recreation Board Meeting)

Kim Mobley-Carmody

Neighborhood Services Superintendent

- Randall K. and Martha H. Hunter Amphitheater
- 5,000 grass seating outdoor amphitheater, festival grounds and exhibition field, parking lot.
- **Event Application**
- Amphitheater Layout
- No permanent perimeter
- Alcohol Policy

Town of Acton, Massachusetts

Recreation Department

Maura Haberman

Event & Program Coordinator

- 3,000 person outdoor grass amphitheater
- Rental rates and policy
- Ticketing Plan
- No permanent perimeter

Town of Danville, Virginia

Parks and Recreation Department

Jason Bookheimer

Community Recreation Director

- 5,000 person outdoor amphitheater (1,000 covered seats, 4,000 open lawn seating)
- Rental rates and policy
- Ticketing Plan
- No permanent perimeter

City of Bowie, Maryland

Parks & Recreation

Matt Corley

Special Events Coordinator

- Robert V. Setera Amphitheater at Allen Pond Park
- No permanent perimeter
- All events are free to the public
- Rental policy
- General Liability Insurance

Five Rivers Metro Parks, Dayton, Ohio

Brent Anslinger

Program Operations Manager

- Rental Policies

**City Council Meeting
January 21, 2014**

Amphitheater Reference and Research List
(Originally Compiled for May 2013 Parks and Recreation Board Meeting)

Bellevue State Park, Wilmington Delaware

Judi Jeffers

Special Events Superintendent

- In the process of developing a policy, at the time they do not do outside rentals.

Roehr Park Amphitheater, Lake Oswego Oregon

- Rental application
- Facility rates
- Alcohol permit

City Council Meeting
January 21, 2014

Issue

Consider and/or act on revising the Alcohol Policy for the Murphy Community Center (MCC) and Murphy Activity Center (MAC).

Staff Resource/Department

Kristen Roberts, Director of Economic and Community Development

Background

On January 3, 2012, City Council approved MCC and MAC hours of operation, membership rates, room rental rates, and a catering policy. On February 7, 2012, City Council approved alcohol use at the MCC and MAC.

On April 3, 2012, City Council approved the Alcohol Policy for the MCC and MAC.

Considerations

1. Review of the current MCC and MAC Alcohol Policy was requested following the City of Murphy's request for a variance to the current policy's Saturday only requirement.
2. Since the implementation of the MCC/MAC Alcohol Policy, staff has had no issues with alcohol use on premises and continues to adhere to the security component as included within the Alcohol Policy.
 - a. Staff feels removing the Saturday only component would allow flexibility for event scheduling opportunities (Chamber, holiday celebrations, etc....)
3. It is recommended to amend number 2 of the policy as follows:
 - 2) Alcoholic beverages may only be consumed inside the authorized portions of the Facility (Murphy Community Center and/or Murphy Activity Center) and only during the permitted event. ~~Permitted events will only be allowed on Saturday evenings.~~

Staff Recommendation

Motion to amend the Alcohol Policy for the Murphy Community Center and Murphy Activity Center as presented.

Attachments

Amended MCC and MAC Alcohol Policy

Alcohol Use Liability Agreement City of Murphy (revised January 21, 2014)

If alcoholic beverages are to be sold, served and/or consumed at _____ (the "Facility") during the period of this rental agreement or facility use permit, the lessee agrees to the following:

1. The Lessee shall pay a fee of \$50.00 for an alcohol use permit to serve alcoholic beverages at the event. If alcoholic beverages are to be sold at the event, Lessee must pay a fee of \$100.00 in advance for an alcohol use permit to sell alcoholic beverages at the event. Alcoholic beverages shall be considered to be sold under the following circumstances: a) if a fee is charged for the serving of an alcoholic beverage; and/or b) if the Lessee charges a cover charge or other admission fee or donation for the event and alcoholic beverages are then provided to patrons at no additional cost.

2. Alcoholic beverages may only be consumed inside the authorized portions of the Facility (Murphy Community Center and/or Murphy Activity Center) and only during the permitted event. ~~Permitted events will only be allowed on Saturday evenings.~~

3. All sale and service of alcoholic beverages must cease no less than one (1) hour prior to the scheduled end of the event.

4. Lessee fully guarantees, represents and shall be totally responsible, that the sale, serving and/or consuming of alcoholic beverages at the event shall comply with the laws of the State of Texas and the rules and regulations of the Texas Alcoholic Beverage Commission ("TABC"), including, without limitation, ensuring that no alcoholic beverages are dispensed to children, minors or any persons under the age of 21. The Lessee also fully guarantees that the responsible party providing, selling and/or serving alcoholic beverages is licensed by the TABC.

5. At events where alcohol is being served or sold, the Lessee shall be responsible, at its sole cost and expense, for providing uniformed, off-duty Murphy Police Department ("MPD") officers or other police officers as approved by the Chief of Police, to ensure safety and security.

6. LESSEE UNDERTAKES AND AGREES TO SAVE AND KEEP THE CITY OF MURPHY, ITS EMPLOYEES, AGENTS, OFFICERS, OFFICIALS, MAYOR AND CITY COUNCIL MEMBERS, CITY BOARD, COMMISSION AND COMMITTEE MEMBERS, OF AND FROM ANY AND ALL LOSSES, COSTS, EXPENSES AND DAMAGES (INCLUDING WITHOUT LIMITATION ATTORNEY'S FEES AND COSTS), AND FROM ANY AND ALL CLAIMS, ACTIONS, DEMANDS, DAMAGES OR LIABILITY BY OR TO THE PUBLIC, EMPLOYEES OF LESSEE, OR OTHERS, ON ACCOUNT OF OR OCCASIONED BY, NEGLIGENCE OR OTHERWISE, ANY ACTIVITY PERTAINING TO THE LEASE OF THE FACILITY (INCLUDING THE SALE, SERVING OR CONSUMPTION OF ALCOHOL), OR BY ANY ACT OR OMISSION, NEGLIGENCE OR OTHERWISE, OF LESSEE OR OF ANY PATRONS OF LESSEE WHEN ON, OR WHEN ABOUT TO ENTER, OR WHEN JUST LEAVING THE FACILITY, HEREIN LEASED TO LESSEE ON THE FOLLOWING DATES:

_____.

(Print or type Lessee's name)

Approved by: _____
Facility Manager Date

City Council Meeting
January 21, 2014

Issue

Consider and/or act upon designating Council liaisons to boards, commissions and committees of the City of Murphy.

Staff Resource/Department

James Fisher, City Manager
Kristi Gilbert, City Secretary

Summary

Staff is recommending that at least one, and no more than two, councilmembers be designated to serve as a liaison to the various boards and commissions of the City. The goal is provide a means of open communication between the boards and the Council as a whole. The current boards/commissions/committees are as follows:

4B Community Development Corporation
Animal Shelter Advisory Committee
Board of Adjustments (*this may not require a liaison*)
Building and Fire Code Appeals Board (*this may not require a liaison*)
Ethics Review Commission
Murphy Municipal Development District
Park and Recreation Board
Planning & Zoning Commission

Action Requested

Staff is requesting Council appoint liaisons to the boards, commissions and committees of the City.

Attachments

No attachments

City Council Meeting
January 21, 2014

Issue

Consider and/or act upon the adoption of an ordinance requiring a maintenance bond for all public improvement on commercial properties.

Staff Resource/Department

James Fisher, City Manager
Kristi Gilbert, City Secretary

Summary

This item is a housekeeping item in order to clarify the requirements of providing a two year maintenance bond to cover any public infrastructure constructed on a commercial property.

Financial Considerations

There are no anticipated financial impacts to the City of Murphy

Action Requested

Staff is requesting the approval of an ordinance requiring a maintenance bond for all public improvements on commercial properties.

Attachments

Proposed Ordinance

ORDINANCE NO. 14-01-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS BY AMENDING CHAPTER 18 BUILDINGS AND BUILDING REGULATIONS, ARTICLE III BUILDING REGULATIONS, BY ADDING A NEW SECTION 18-52, REQUIREMENTS FOR THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR A COMMERCIAL BUILDING; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 PER DAY; PROVIDING FOR SAVINGS SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Murphy finds and determines that amending Chapter 18 Buildings and Building Regulations, Article III Building Regulations, to provide additional requirements for the issuance of a Certificate of Occupancy is in the best interests of the citizens of the City of Murphy.

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

Section 1. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2. That Chapter 18 Buildings and Building Regulations, Article III Building Regulations, Division 1. Generally, is hereby amended by adding Section 18-52, Requirements for the Issuance of a Certificate of Occupancy for a Commercial Building, to read in its entirety as follows:

Sec. 18-52. Requirements for the issuance of a Certificate of Occupancy

- (a) No certificate of occupancy may be issued for a structure that fails to meet the Technical Code requirements set forth in Article III, Division 2 of this Chapter, as amended and of the City of Murphy Code of Ordinances.
- (b) For commercial projects, the developer shall provide the City with a maintenance bond prior to the issuance of a Certificate of Occupancy. Said maintenance bond shall be in an amount equal to one hundred percent (100%) of the replacement value, as determined by the City, of all public improvements to be dedicated to the City for a period of no less than two (2) years.

Section 3. Any person, firm, corporation or business entity violating this ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined a sum not exceed Two Thousand Dollars (\$2,000), and each and every day that such violation continues shall be considered a separate offense; provided, however, that such penal provision shall not preclude a suit to enjoin such violation. Murphy retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 4. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. Any provision of any prior ordinance of the City whether codified or uncoded, which are in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncoded, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 6. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Murphy, Texas, on this the 21st day of January, 2014.

Eric Barna, Mayor
City of Murphy

ATTEST:

Kristi Gilbert, City Secretary
City of Murphy

City Council Meeting January 21, 2014

Issue

Consider and or act upon authorizing the City Manager to execute a contract for Freese and Nichols, Inc. to provide professional services for the TxDOT Safe Routes to Schools (SRTS) sidewalk and enhanced crosswalk grant projects, Task Authorization #2.

Staff Resource / Department

James Fisher, City Manager

Steven Ventura, Interim Director of Parks and Public Works

Key Focus Area

Community Character; Mobility; Infrastructure

Summary

The City Council authorized a contract with Freese and Nichols on June 18, 2013 for the Safe Routes to School Program. The initial work, Task Authorization #1, was for \$12,769. The Task Authorization was for site visit, site layouts, conceptual layouts, meetings, develop an opinion of probable construction costs and a 30% submittal for review and comment.

Task Authorization # 2, is the Design preparation phase that includes drawings and specifications for the project. I have included a copy of Task Authorization # 2 that details the specifics of this project. This Authorization is for \$125,227.

Background/History

Hike and bike trails and pedestrian mobility is highly supported by the citizens of Murphy. Sidewalks in Murphy are a major part of the pedestrian network for connections to schools, parks, city facilities, and businesses.

TxDOT is funding the Safe Routes to Schools (SRTS) sidewalk and enhanced crosswalks along the North Murphy Road widening project – connecting Murphy Middle School, McMillen High School, Central Park, PSA, and surrounding neighborhoods. The grant will also help with a new sidewalk in the Rolling Ridge subdivision. This project will be coordinated with existing sidewalks/trails, TxDOT sidewalks for the road widening project, and adding the new SRTS sidewalks. Murphy will have sidewalks on both sides of NMR from FM 544 to Parker City limits. A couple of blocks on the west side across from the schools have been recommended by the city to not include sidewalks (too narrow of a space).

Financial Considerations

In 2011, the city council approved grant contracts with TxDOT for the award of two Murphy Safe Routes to School grant projects, Grant Project Number 2009 1800 1 in the amount of \$499,626 and Grant Project Number 2009 1800 3 in the amount of \$500,000, for a total of \$ 999,626. The Opinion of Probable Construction Cost for the SRTS project is \$885,795, which includes approximately \$147,000 in contingency costs. The preliminary engineering estimates are \$137,996. When you add the Construction costs with the engineering costs, the total project cost is \$1,023,791. There is a deficit of \$24,165 between the awarded grants and estimated expenditures.

The City is asking TxDOT to consider adding this amount (\$24,165) back into the contracts, utilize contingencies once the project is completed and/or utilize dollars in the City's 2008 Bond North Murphy Road funds (approximately \$400,000 is remaining).

Action Requested / Staff Recommendation

Authorize the City Manager to execute the contract for SRTS Task Authorization # 2 with Freese and Nichols, Inc. to coordinate with TxDOT, prepared construction documents, design and bid documents, and construction administration for the SRTS Projects.

Attachments

Task Authorization # 2

Grant Project Number 200918001

Grant Project Number 200918003

SRTS Construction Estimate

STRS Renderings

Rev. 06/10



**SCHEDULE A
TASK AUTHORIZATION #2**

Client: City of Murphy Texas 206 N. Murphy Road Murphy, Texas 75094 Attn: James Fisher	FNI Project No.: MUR13380 Phase/Task/Dept. No.: Date: January 6, 2014
This authorization is in accordance with the terms and conditions outlined in the Master Agreement executed on June 26, 2013 and expires on June 30, 2014.	
Project Description: City of Murphy Safe Routes to School Project	
Description of Services: The project will consist of the installation of sidewalks; intersection enhancements including colored stamped concrete crosswalks with in-pavement lighting; and the installation of a Pedestrian Activated Hybrid Beacon. The project limits are defined as the following locations: A. North Murphy Road 1. Sidewalk Improvements from Station 22+26.44 RT to 28+20 RT (Charles Campbell's property) and Stations 49+60 RT to 77+30 RT (along ISD and church properties). 2. Intersection Improvements at Windsor Drive, Spring Ridge Drive, Shirehurst Drive, and Glen Ridge Drive. 3. Installation of Pedestrian Activated Hybrid Beacon at the intersection of Windsor Drive. B. Brentwood Park 1. Sidewalk Improvements from North Murphy Road's right-of-way to the existing sidewalk east of Brentwood Drive (approximately 800 LF). C. Rolling Ridge Drive 1. Sidewalk Improvements from Liberty Ridge Park to the intersection of Rolling Ridge Drive and Oriole Drive (approximately 1,500 LF).	
BASIC SERVICES FNI shall render the following professional services in connection with the development of the Project: Design Phase 1. Prepare drawings and specifications for the project. The construction drawings will be compiled into a single project plan set. The plan set will be 11" x 17" and include the following plan sheets: a. Title Sheet and Index of Sheets (1 sheet) b. General Notes and Quantity Summaries (assume 3 sheets) c. Sidewalk Typical Sections (1 sheet) d. Horizontal Control (assume 4 sheets) Scale 1":80' e. Plan-plan layouts identifying survey control points i. Summary tables identifying each route's horizontal alignment data	

- f. Sidewalk Plan and Plan Layouts (assume 14 sheets) Scale 1":40'
 - i. Provide station and offset information to ADA ramps and sidewalk improvements
 - ii. Provide proposed slopes and elevations where applicable
 - iii. Provide dimensioning at ADA ramps and sidewalk improvements
 - g. Intersection Layouts (assume 4 sheets) Scale 1":20', depicting crosswalk improvements with colored stamped concrete and in-pavement lighting.
 - i. Provide station and offset information to median breaks and crosswalk improvements
 - ii. Provide conduit sizing and wiring information for in-pavement lighting.
 - h. Pedestrian Activated Hybrid Beacon Signal Layout (1 sheet)
 - i. Provide conduit sizing and wiring information.
 - i. Miscellaneous Details (assume 2 sheets)
 - j. TxDOT EPIC (1 sheet)
 - k. Erosion Control Layouts (assume 3 sheets) Scale 1":120'
2. Information required can be combined on sheets if the information can be clearly shown and approved by the OWNER.
 3. Identify and download applicable TxDOT Standards
 4. Calculate project's quantities and revise opinion of probable construction cost.
 5. Prepare the Construction Contract Documents.
 6. Provide QC Reviews
 - a. Complete internal QC Review
 - b. Complete internal Constructability Review
 7. Furnish plan sets to area utility companies whose facilities are located within the project limits. A summary of utility companies shall be provided by the OWNER.
 8. Provide OWNER with a 90% Submittal of the above drawings, specifications, and probable construction cost estimate for review.
 - c. Furnish the OWNER with two (2) sets of drawings and one (1) electronic copy of plans.
 - d. Furnish the TxDOT with eight (8) sets of drawings.
 - e. Attend one (1) review meeting with OWNER and TxDOT to discuss review comments.
 9. Finalize plans and incorporate any 90% review comments from the OWNER and TxDOT.
 10. Revise opinion of probable construction cost
 11. Provide OWNER and TxDOT with a Final Submittal of the above drawings, specifications, and probable construction cost estimate.
 - a. Furnish the OWNER with two (2) sets of drawings and one (1) electronic copy of plans.
 - b. Furnish the TxDOT with eight (8) sets of drawings.

Bid Phase

1. Assist OWNER in securing bids. Issue a Notice to Bidders to prospective contractors and vendors listed in FNI's database of prospective bidders, and to selected plan rooms. Provide a copy of the notice to bidders for OWNER to use in notifying construction news publications and publishing appropriate legal notice. The cost for publications shall be paid by OWNER.
2. Maintain information on entities that have been issued a set of bid documents. Distribute information on plan holders to interested contractors and vendors on request.
3. Assist Owner by responding to questions and interpreting bid documents. Prepare and issue addenda to the bid documents to plan holders if necessary.
4. FNI will assist OWNER in the opening and tabulating the bids received. Recommend award of contracts or other actions as appropriate to be taken by OWNER. Pre-qualification of all prospective bidders and issuing a list of eligible bidders prior to the bid opening is an additional service.
5. Assist the OWNER in conducting a pre-bid conference for the construction projects and coordinate responses with OWNER. Response to the pre-bid conference will be in the form of addenda issued after the conference.
6. Assist OWNER in the preparation of Construction Contract Documents for construction contracts. Provide ten (10) sets of Construction Contract Documents which include information from the apparent low bidders bid documents, legal documents, and addenda bound in the documents for execution by the OWNER and construction contractor. Distribute five (5) copies of these documents to the contractor with a notice of award that includes directions for the execution of these documents by the construction contractor. Provide OWNER with the remaining five (5) copies of these documents for use during construction. Additional sets of documents can be provided as an additional service.

SPECIAL SERVICES

Additional Services to be performed by Engineer, if authorized by the City of Murphy, which are not included in the above-described basic services, are described as follows:

Topographic Survey

1. Perform topographic survey to obtain all existing features and appurtenances. Limits to include a minimum of 15' to either side of the proposed centerline alignment, with widths of 20' or more as conditions necessitate. Survey services shall be performed using GPS and/or conventional methods.
 - a. TxDOT to provide 3D modeling and CAD files for the area along North Murphy Road that is currently under construction.
 - b. Coordinate with DIG-TESS for marking of underground franchise utilities within the study area.

ROW Easement Parcels

1. Preparation of the legal descriptions and exhibits for up to 10 parcels. Exhibits will be 8.5" x 11". Additional exhibits can be provided as an additional service. Each exhibit includes the following preparation and documentation:
2. Field surveying and data processing of the initial parent tract boundary. Followed up by the setting of the final easement monumentation in the field.
3. Boundary determination and resolution through property research at the courthouse, online, and at the city. Includes coordination of geometry and the boundary resolutions.
4. Final deliverables include one (1) original signed and sealed legal description and exhibit per parcel and one (1) electronic, PDF copy.

Rev. 06/10

Gateway Sidewalk Enhancements

1. Preparation of up to 3 elevation options for final selection by the OWNER.
2. Upon selection of preferred option, the preparation of signed and sealed architectural and structural drawings detailing the gateway entry treatment to be located in the North Murphy Road right-of-way or SRTS easement. The detailed design will be suitable for bidding and construction and will include elevation, section views, details and technical specifications notes on the drawing. Exclusions are mechanical, electrical, and architectural renderings.

Compensation shall be as follows:

Compensation for the Basic Services shall be a lump sum amount of seventy nine thousand, two hundred fifteen Dollars (\$79,215). The breakdown by phase includes:

- Design Phase \$ 72,512
- Bid Phase \$ 6,703

Compensation for the Special Services shall be an hourly not to exceed amount of forty six thousand, twelve Dollars (\$46,012). The breakdown by task includes:

- Surveying \$ 9,130
- ROW Easements Documents \$ 17,862
- Gateway Sidewalk Enhancements \$ 19,020

	Amount of this Authorization	\$125,227.00
--	-------------------------------------	---------------------

Schedule shall be as follows:

Services shall be completed according to the following schedule:

- Design Phase – 60 calendar days following the approved Task Authorization, A 90% review submittal shall be submitted within 20 business days following the receipt of the complete survey.
- Bid Phase – 60 calendar days following signed/sealed PS&E package submittal
- Surveying – 10 business days following the approved Task Authorization
- ROW Easements Documents – 15 business days following signed/sealed PS&E package
- Gateway Sidewalk Enhancement – Completed in conjunction with Design Phase

The above described services shall proceed upon return of this Task Authorization. Services will be billed as they are done. All other provisions, terms, and conditions of the agreement for services which are not expressly amended shall remain in full force and effect.

- ☐ A contract modification will be submitted.
- ☒ This Task Authorization will serve as notice to proceed.

FREESE AND NICHOLS, INC.:**CITY OF MURPHY, TEXAS:**

BY: _____

BY: _____

Print or Type Name_____
Print or Type Name

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

Form 2355
(11/09)
Page 1 of 1

Project Number:

2009 18 001

(For TxDOT use only)

Infrastructure Signature Page

Project Title:

North Murphy Road Pedestrian Enhanced Crosswalks, Traffic Calming.

Applicant's Organization:

City of Murphy, Collin County, Texas

An applicant representative must sign the application. The undersigned affirms that the statements made are correct and complete to the best of the applicant's knowledge and that the applicant agrees to participate in the post-completion evaluation process. The signatory also affirms their authorization to undertake a Federal Aid project.

Political Subdivision or State Agency Official (required):

Name:

James Fisher

Date (mm/dd/yy):

Nov 24, 2009

Title:

City Manager

Signature:

TxDOT District Engineer Signature (required for on-system road improvement only):

Name:

WILLIAM L. HALE, P.E.

Date (mm/dd/yy):

01/11/2010

Title:

District Engineer - Dallas Office

Signature:

NOTE: Upon completing signature page, please send original to:

Mailing Address (US Postal Service):

Carol Campa

State Safe Routes to School Program Coordinator

Texas Department of Transportation Traffic Operations Division

125 E 11th. St.

Austin, TX 78701-2483

Physical Address (Commercial Delivery Services):

Carol Campa

State Safe Routes to School Program Coordinator

Texas Department of Transportation Traffic Operations Division

118 E. Riverside

Austin, TX 78704

Ph: (512) 416-3279

Safe Routes to School Program (SRTS)

Infrastructure Application

Project Number:

(For TxDOT use only)

Infrastructure Project Application

(Please refer to the Program Guidance and Application Instructions for details on application submission requirements)
Applications may represent a single school campus, multiple schools, a region, community and/or a school district.

1. Applicant Information:

Name: James Fisher

Title: City Manager

Organization: City of Murphy

Mailing address: 206 North Murphy Road

City, State, Zip: Murphy, TX 75094

Other Information:

Project manager: Kim Lenoir

Title: Parks Development Manager

Agency: City of Murphy

Telephone number: 972.468.4068

Fax number: 972.468.4168

Email: klenoir@murphytx.org

2. Title of project (limit 100 characters)

North Murphy Road Pedestrian Enhanced Crosswalks, Traffic Calming, and sidewalks for Middle School

Which SRTS category(ies) does your project address (check all that apply):

- | | | |
|--|---|---|
| ☒ Sidewalk Improvements | ☒ Ped/Bike Crossing Improvement | ☐ On-Street Bike Facilities |
| ☒ Traffic Diversion | ☐ Off-Street Bike/Ped Facilities | ☒ Traffic Calming (off-system only) |
| ☐ Secure Bicycle-Parking Facilities | | |

3. Project description (limit 200 characters)

Two enhanced crosswalks with traffic calming landscaping and monuments to slow traffic and make drivers aware of pedestrian crossing area.

Specific Location of Proposed Improvement Project:

- ☒ Sketch, map, or aerial photo of project limits attached: (Photographs, cross sections and typical sections may be provided)

School(s) or District: Murphy Middle School, Plano ISD

City/County: Murphy, Collin County

TxDOT District: Dallas

4. Which specific schools are affected by this project?

Murphy Middle School

5. What is the proposed project start date? end date?

6. Which SRTS component(s) does your project address (check all that apply):

☒ Education ☒ Enforcement ☒ Encouragement ☒ Evaluation ☒ Engineering

7. SRTS Plan has been submitted and approved by TxDOT?

☒ Yes ☐ No

If yes, please identify the school, district, or community that submitted the plan.

If no, please note that a SRTS plan must be submitted and approved by the SRTS state coordinator at TxDOT prior to a proposal being accepted for funding consideration.

8. Does the local school(s) or school district have a policy that prohibits or discourages bike & pedestrian travel to school?

☐ Yes ☒ No

If Yes, what measures are proposed to change this policy? (Limit 200 characters)

9. Has a local resolution endorsing the project and committing to provide any maintenance requirements of the city or county been issued and included with this application?

☒ Yes ☐ No

10. Has applicant previously been awarded an SRTS project?

☐ Yes ☒ No

If Yes, has the project been successfully completed?

☐ Yes ☐ No

If No, briefly explain:

Project Number:

(For TxDOT use only)

Problem Identification

Total points available - 25

1. Identify any potential safety problem(s) related to Safe Routes to School by indicating the obstacles (physical or perceived) to walking and/or biking to and from the school site(s):

Please check at least one

- | | |
|---|--|
| ☒ Limited or no cross walks | ☐ On-street parking |
| ☒ Posted speed limits | ☒ Congestion near drop off points |
| ☐ Children walking or biking in street | ☒ Recent changes in adjacent land use and/or development |
| ☒ Roadway safety | ☒ Potential users not traveling due to perceived risk |
| ☐ Commercial driveways/railroads/intersections | ☐ Possible storm water drainage design issues |
| ☒ Width of intersection or roadway | ☒ Missing links, lack of facility, restrictive barriers |
| ☐ Width of shoulder, sidewalk and/or trail | ☒ Other |

Road expansion from 2 lanes to 6 lanes

2. Problem Identification Description (limit 5,000 characters):

Instructions: Use the following space to articulate the SRTS problem so that you can demonstrate why the proposed solution is necessary and appropriate. If documentation such as sketches, pictures, maps, exhibits, diagrams, and tables are submitted, they must be referenced in the text, numbered sequentially and submitted as an attachment (PDF, jpg, etc.).

In addition to describing the problem(s), explain any obstacles (physical or perceived) to walking/biking to school and how they are related to the identified problem(s). Identify risks or hazards facing children who bike and/or walk to school and how they will be addressed by the proposed project. If crashes or incidents have occurred, identify date, time, frequency, type, and severity of crashes that will be addressed by the proposed project. Other information, such as health statistics may also be included as support documentation. Was an engineering study of the problem conducted? If yes, please explain and attach a copy. Provide pedestrian signal warrant analysis for intersections, traffic studies, etc, when applicable.

Describe the student population. Example: What is the percentage of children who currently walk or bike to and from your school(s)? Complete Appendix A: CURRENT ENVIRONMENT (PRE-PROJECT) for each school (included in this application).

Identify current and potential safe walking and biking routes to schools. (Please see the SRTS Program Guidance for assistance in determining safe routes.)

Project Number:

(For TxDOT use only)

Problem Identification Description Continued:

(Insert narrative below)

The City of Murphy is motivated to pursue Safe Routes to School because we highly value student activity and physical health. We are also concerned about the traffic problem and congestion created by the need for almost all students to be driven or bussed to school. Due to the location of the school on the eastern boundary of the Plano ISD territory, most of the students that live within walking distance must cross a dangerous road (FM 2551) that is set to be expanded from two-lanes to a six-lane divided highway within the next year. The widening will greatly increase the traffic on FM 2551 and add to the existing hazards, but it provides the opportunity to address and minimize these hazards before the road is built. We are committed to providing a permanent and continuous safe route to crossing FM 2551 that will allow students to safely go to school and access other important amenities that are currently inaccessible due to the difficulty crossing FM 2551. In developing safe routes to schools in Murphy Texas, there are two major problems that this program can help the city address. First is a continuous series of sidewalks along the major direct routes to the school. Second, FM 2551, a 2 lane arterial, that will soon expand to a 6 lanes that front the Murphy Middle School that separate it from 87% of the student population and it has the absence of a safe crosswalks. The remaining 13% must cross FM 544 a major E-W 6 lane highway with up to 40,000 cars per day. The Plano ISD currently provides bus service to all students due to the unsafe conditions of crossing FM 2551. When these two problems are corrected, the Plano ISD can remove the bus service and parents will be willing to allow their child to walk or ride bike to school. No one will argue the need for more exercise and the need to reduce vehicle emissions with students within one mile of school to walk; it just is not currently an option for 99% of the Murphy Middle School students. Once the one mile radius is determined to be safe and accessible, the City will focus on a two mile radius. The City has a city-wide hike and bike trail master plan that is committed to encouraging more pedestrian traffic. Over 3 miles of trails currently exist and the citizens approved \$1.5 million in bond funds to continue to acquire land and build trails to make the city a model community for pedestrian access for all ages and for all activities year around. The city must reduce traffic congestion in the MMS area, especially during rush hour traffic. FM 2551 is to be a major N-S feeder road for commuter traffic from the surrounding communities to FM 544, SH 75, and the George Bush Tollway. Over 80% of the area residents travel over 10 miles to work daily. FM 2551 is expected to become one of the most heavily travelled roadways in Collin County. See Table 1 – US Labor and Census Data. **CROSSWALKS PROBLEM:** Due to the location of the Murphy Middle School property and access to that property the following "enhanced crosswalks" are being proposed. The Murphy Middle School is in the Plano Independent School District. The school site is bound on the west by a 2 lane local FM 2551 roadway that is expanding in the next year to a 6-lane arterial roadway that will open new access to a large majority of the residents in the cities of Parker, Plano, and Allen. West of this new widen roadway is 99% of all the student residences that attend the middle school. On the north, the school is bound by a 10,000 seat regional athletic stadium, a new Plano 9th and 10th grade high school now under construction (opens August 2011), and McMillen Road. South of the site is the City Municipal Complex, Willow Wood Subdivision, and the city's Commercial District. East of the school is Maxwell Creek and park greenbelt which is the eastern borderline for the school district. The Murphy Middle School is actually like an Island as far as accessing the school on foot or on bike and with the new construction of FM 2551 North Murphy Road the divide is only growing larger. **OBSTACLES:** Unfortunately the obstacles are not perceived, they are actual physical barriers of a 6-lane N-S road FM 2551 and an E-W road of FM 544. With the six-lane expansion and reconstruction of FM 2551, it is a perfect time to address enhanced pedestrian crosswalks as the new road is constructed. The City is proposing an enhanced crosswalk at Spring Ridge Drive and Windsor Drive. **RISKS OR HAZARDS FACING CHILDREN AND HOW ADDRESSED:** The City Police, Fire, and Parks and Recreation Departments are working with the schools to increase physical fitness, involve children in the outdoors, focus on safety in crossing the street, and being aware of your surroundings. The city hosts bike rodeos, safety talks, and recreational programs to encourage fitness of sports, walking, and biking. The city is dedicated to a city-wide hike and bike trail plan.

Project Number:

(For TxDOT use only)

Proposed Improvement Project

Total points available - 40

Description of Proposed Solution (Limit 5,000 characters):

Instructions: Use this space to describe how the proposed improvement project will improve safety and encourage biking and walking to school. The connection between the problem(s) and the proposed improved project must be clearly demonstrated. If documentation such as sketches, pictures, maps, exhibits, diagrams, and tables are to be submitted, they must be referenced in the text and numbered sequentially. There will be a place on the online submission form to identify and attach these documents.

Please attend to, at a minimum, the following:

1. Describe how the proposed project improves safety within two miles of your school(s), with respect to the identified problem(s), including the potential to reduce child injuries and fatalities.
2. Describe how the student population will be affected by the implementation of this infrastructure project. Example: What is the anticipated percent increase of children who will walk or bike to school after the project is implemented? Complete Appendix B: PROPOSED ENVIRONMENT (POST-PROJECT) for each school (Included in this application).
3. Describe any enforcement, encouragement and/or educational components related to your project, either existing or planned. If one or more of the components are not included, please explain why the component is not an integral part of the project.
4. Describe the existing and expected land-use changes, such as new schools, housing and/or commercial developments, which would impact the amount of bicycle and pedestrian travel. For example, a new 100 home subdivision is being built next to an elementary school on a heavily traveled arterial roadway without connecting sidewalks or 100,000 square feet of additional retail is expected to be constructed at the intersection northwest quadrant in the next five years. Please include relevant sections of a comprehensive plan or bicycle and pedestrian plan, if available.

Project Number:

(For TxDOT use only)

Proposed Improvement Project Continued:

(Insert narrative below)

Engineering: We have identified locations for two enhanced crosswalks that can be effectively incorporated into the design for the expansion of FM 2551. The crosswalks would include at a raised crosswalk with flashing lights in the roadway that are activated by someone who presses the button to cross the street, traffic calming devices, landscaping, bollards, and more sidewalks. This will alert the traffic that the children are in the area and provide a safer way to cross the highway. We will also identify appropriate Drop-and-Walk sights that would take advantage of these crosswalks and prevent parents from crossing FM 2551. The cost for this would be \$500,000. We will also look to increase the amount of bike storage. Two traffic studies have been conducted that provide information about the traffic and congestion around Murphy Middle School (see Appendix C in SRTS Plan). A traffic analysis prepared by William "Jack" Hatchell, P.E (2001) showed that an estimated 1200 cars would enter and exit the school complex at Murphy Middle School during peak hour on a typical school day. TxDOT traffic data indicate that traffic counts increased from 4000 per day in 1995 to 12,900 in 2004 – a 14.8% percent average annual growth rate. This figure will continue to grow as the entire region experiences explosive growth and the road is expanded. The student body at the middle school has now increased to nearly 1500 students versus the 1000 students in 2004. The Trail Map of the Parks Master Plan was consulted to ensure that our proposed improvements were consistent with and would contribute to the overall mobility plan for the city (see Appendix D in SRTS Plan). The Safe Routes to School Team will also provided input for the update of the Master Plan and Comprehensive Plan completed by the City in November 2008. The most widely asked for amenity according to a survey conducted by the city was a trail system connecting all areas of Murphy. The proposed site of the crosswalk enhancements would provide an important link across FM 2551 that would allow pedestrian traffic to flow from the east to west sides of the city not only during school but throughout the year. **PROPOSED SOLUTION:** Improves safety within two miles how? The city proposes to have a complete series of sidewalks and crosswalks for students to use within a mile of the school. There will also be identified remote drop-off areas to reduce the traffic from around the school. Maps will identify these routes and they will be markers with signage along with other designated hike and bike trails in the city. Once the one mile distance is complete the city will expand to two miles. **ANTICIPATED ENVIRONMENT – POST-PROJECT:** The enhanced crosswalks, marked routes and continuous links of sidewalks is anticipated to increase walking and biking to school from the current 3% to 30%. Bus traffic can be reduced from the current 69% to 40% and car traffic reduced from 41% to 30%. **LAND-USE CHANGES, NEW HOMES, NEW SCHOOL, NEW RETAIL IN THE NEXT 5 YEARS.** The City of Murphy has a build-out population of 17,000 citizens. The city is land locked by the surrounding communities of Wylie, Parker, Sachse, Richardson, Plano, and Parker. Attached is a map of the commercial and residential areas planned for completion in the next 5 years. See Table 2. **SOURCE:** 2009 SRTS Master Plan includes all surveys, data, and studies referenced above. **Evaluation:** We will track the number of students that walk and ride bikes to Murphy Middle School. We will also measure parents' perception of safety and assess participation in the Walking School Bus and Bike Train programs every two years. The next survey will be done November 2009 and then again after the installation of the proposed crosswalks. **Education:** We will continue to offer support for the City of Murphy's annual bicycle rodeo to teach bicycle safety skills. We will distribute bicycle safety materials to MMS parents and children. We will also help educate parents and caregivers as to the benefits of walking and riding bikes to school. We will educate policy-makers and school officials of the dangers associated with crossing FM 2551. **Encouragement:** We will start a Walking School Bus program for Murphy Middle School. We will also begin a Bike Train program for the school. We will also recruit more people to participate in the Neighborhood Watch program. **Enforcement:** We will promote the creation of an ordinance that would prohibit the crossing of major thoroughfares (including FM 2551), except at marked crosswalks and under the direction of a traffic control device to discourage children (and adults) from crossing major thoroughfares in a dangerous and unpredictable manner.

Detailed Construction Cost Estimate

Total points available - 15

[illegible]

Project Number:

(For TxDOT use only)

Project Type	Qty	Unit	Unit Price (\$)	Requested SRTS Funding (\$)	Committed Local Funds	Total Cost (\$)
Materials						
Concrete Stain for Traffic Table	27,000	sf	1.4	37,800	0	37,800
Concrete Stain for Pedestrian Intersection	13,000	sf	1.4	18,200	0	18,200
Audible Traffic Warning Band	2,400	sf	11	26,400	0	26,400
In Ground LED Crosswalk Warning Lights	2	ls	58,000	116,000	0	116,000
Pedestrian Bollards	48	ea	1,500	72,000	0	72,000
Monument Columns Frame Transition Zone	8	ea	4,000	32,000	0	32,000
Pedestrian Waiting Zone (4 Corners)	6,400	sf	4.5	28,800	0	28,800
Thematic Landscape	2	ls	18,000	36,000	0	36,000
Pedestrian Crossing Signalization Upgrade	2	ls	2,000	4,000	0	4,000
Pedestrian Signage	2	ls	4,000	8,000	0	8,000
Furnishings	2	ls	5,000	10,000	0	10,000
Identity Hardscape	2	ls	8,500	17,000	0	17,000
Concrete - Intersection/Roadway						
Concrete Trail - Toward school						
Concrete Trail - North Murphy Road						
Concrete Trail - Neighborhood Street						
Traffic Signalization						
Totals from Materials	48,868	0	101,018.3	406,200	0	406,200

(For TxDOT use only)

Totals (Prep of Right of Way + Materials + Other Construction Expenses)	48,872	0	147,731.3	499,626	0	499,626
---	---------------	----------	------------------	----------------	----------	----------------

Project Number:

(For TxDOT use only)

PROJECT BUDGET ESTIMATE AND SOURCE OF FUNDS

This is an estimate only, final participation amounts will be based on actual charges to the project.

Description	Requested SRTS Funding	Committed Local Funds	Total Estimate Cost
Preliminary Engineering (PS&E Development)	32,496	0	32,496
Environmental (no cash contribution)			
Right of Way (ROW)			
Construction Totals from Worksheet	406,200	0	406,200
SUBTOTAL	438,696	0	438,696
Construction Contingencies	60,930	0	60,930
TOTAL	499,626	0	499,626

Provide detailed construction cost estimate information presently available. Use Appendix C: "Detailed Construction Cost Estimate," included in this application (an example construction cost estimate is also provided). Please note: while all authorized project costs are eligible for federal reimbursement and must be shown above. The amount of project award will only be for construction cost. If applicable, please list any additional funding resources available that will augment the infrastructure project and describe how these funds will be allocated.

NOTE: Please transfer the totals from the Detailed Construction Cost Estimate Worksheet to the corresponding columns under this Project Budget Estimate Worksheet.

Project Number:

200918003

(For TxDOT use only)

Infrastructure Signature Page

Project Title:

Sidewalks for Safe Walking and Biking Routes to Murphy Middle School

Applicant's Organization:

City of Murphy, Collin County, Texas

An applicant representative must sign the application. The undersigned affirms that the statements made are correct and complete to the best of the applicant's knowledge and that the applicant agrees to participate in the post-completion evaluation process. The signatory also affirms their authorization to undertake a Federal Aid project.

Political Subdivision or State Agency Official (required):

Name:

James Fisher

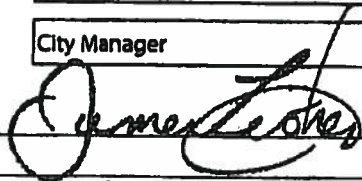
Date (mm/dd/yy):

Nov 24, 2009

Title:

City Manager

Signature:



TxDOT District Engineer Signature (required for on-system road improvement only):

Name:

WILLIAM L. HALE, P.E.

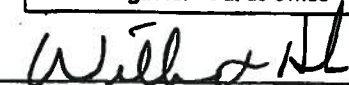
Date (mm/dd/yy):

01/11/2010

Title:

District Engineer - Dallas Office

Signature:



NOTE: Upon completing signature page, please send original to:

Mailing Address (US Postal Service):

Carol Campa

State Safe Routes to School Program Coordinator

Texas Department of Transportation Traffic Operations Division

125 E 11th. St.

Austin, TX 78701-2483

Physical Address (Commercial Delivery Services):

Carol Campa

State Safe Routes to School Program Coordinator

Texas Department of Transportation Traffic Operations Division

118 E. Riverside

Austin, TX 78704

Ph: (512) 416-3279

Safe Routes to School Program (SRTS)
Infrastructure Application

Project Number:

(For TxDOT use only)

Infrastructure Project Application

(Please refer to the Program Guidance and Application Instructions for details on application submission requirements)
Applications may represent a single school campus, multiple schools, a region, community and/or a school district.

1. Applicant Information:

Name: James Fisher
Title: City Manager
Organization: City of Murphy
Mailing address: 206 North Murphy Road
City, State, Zip: Murphy, TX 75094

Other Information:

Project manager: Kim Lenoir
Title: Parks Development Manager
Agency: City of Murphy
Telephone number: 972.468.4068
Fax number: 972.468.4168
Email: klenoir@murphytx.org

2. Title of project (limit 100 characters)

Sidewalks for Safe Walking and Biking Routes to Murphy Middle School

Which SRTS category(ies) does your project address (check all that apply):

- ☒ Sidewalk Improvements ☐ Ped/Bike Crossing Improvement ☐ On-Street Bike Facilities
☐ Traffic Diversion ☐ Off-Street Bike/Ped Facilities ☐ Traffic Calming (off-system only)
☐ Secure Bicycle-Parking Facilities

3. Project description (limit 200 characters)

Install missing links of sidewalks on designated routes that children walk or ride their bikes to school. All sidewalks will be within one mile of Murphy Middle School.

Specific Location of Proposed Improvement Project:

- ☒ Sketch, map, or aerial photo of project limits attached: (Photographs, cross sections and typical sections may be provided)

School(s) or District: Murphy Middle School, Plano ISD
City/County: Murphy, Collin County
TxDOT District: Dallas

4. Which specific schools are affected by this project?

Murphy Middle School, Hunt Elementary School, Boggess Elementary School and Tibbals Elementary School

5. What is the proposed project start date? end date?

6. Which SRTS component(s) does your project address (check all that apply):

☒ Education ☐ Enforcement ☒ Encouragement ☒ Evaluation ☒ Engineering

7. SRTS Plan has been submitted and approved by TxDOT?

☒ Yes ☐ No

If yes, please identify the school, district, or community that submitted the plan.

If no, please note that a SRTS plan must be submitted and approved by the SRTS state coordinator at TxDOT prior to a proposal being accepted for funding consideration.

8. Does the local school(s) or school district have a policy that prohibits or discourages bike & pedestrian travel to school?

☐ Yes ☒ No

If Yes, what measures are proposed to change this policy? (Limit 200 characters)

9. Has a local resolution endorsing the project and committing to provide any maintenance requirements of the city or county been issued and included with this application?

☒ Yes ☐ No

10. Has applicant previously been awarded an SRTS project?

☐ Yes ☒ No

If Yes, has the project been successfully completed?

☐ Yes ☐ No

If No, briefly explain:

N/A

Project Number:

(For TxDOT use only)

Problem Identification

Total points available - 25

1. Identify any potential safety problem(s) related to Safe Routes to School by indicating the obstacles (physical or perceived) to walking and/or biking to and from the school site(s):

Please check at least one

- | | |
|--|--|
| ☒ Limited or no cross walks | ☐ On-street parking |
| ☒ Posted speed limits | ☒ Congestion near drop off points |
| ☒ Children walking or biking in street | ☒ Recent changes in adjacent land use and/or development |
| ☒ Roadway safety | ☒ Potential users not traveling due to perceived risk |
| ☐ Commercial driveways/railroads/intersections | ☐ Possible storm water drainage design issues |
| ☒ Width of intersection or roadway | ☒ Missing links, lack of facility, restrictive barriers |
| ☐ Width of shoulder, sidewalk and/or trail | ☐ Other <input type="text"/> |

2. Problem Identification Description (limit 5,000 characters):

Instructions: Use the following space to articulate the SRTS problem so that you can demonstrate why the proposed solution is necessary and appropriate. If documentation such as sketches, pictures, maps, exhibits, diagrams, and tables are submitted, they must be referenced in the text, numbered sequentially and submitted as an attachment (PDF, jpg, etc.).

In addition to describing the problem(s), explain any obstacles (physical or perceived) to walking/biking to school and how they are related to the identified problem(s). Identify risks or hazards facing children who bike and/or walk to school and how they will be addressed by the proposed project. If crashes or incidents have occurred, identify date, time, frequency, type, and severity of crashes that will be addressed by the proposed project. Other information, such as health statistics may also be included as support documentation. Was an engineering study of the problem conducted? If yes, please explain and attach a copy. Provide pedestrian signal warrant analysis for intersections, traffic studies, etc, when applicable.

Describe the student population. Example: What is the percentage of children who currently walk or bike to and from your school(s)? Complete Appendix A: CURRENT ENVIRONMENT (PRE-PROJECT) for each school (included in this application).

Identify current and potential safe walking and biking routes to schools. (Please see the SRTS Program Guidance for assistance in determining safe routes.)

Project Number:

(For TxDOT use only)

Problem Identification Description Continued:

(Insert narrative below)

The City of Murphy is motivated to pursue Safe Routes to School because we highly value student activity and physical health. We are also concerned about the traffic problem and congestion created by the need for almost all students to be driven or bussed to school. Due to the location of the school on the eastern boundary of the Plano ISD territory, most of the students that live within walking distance must cross a dangerous road (FM 2551) that is set to be expanded from two-lanes to a six-lane divided highway within the next year. The widening will greatly increase the traffic on FM 2551 and add to the existing hazards, but it provides the opportunity to address and minimize these hazards before the road is built. We are committed to providing a permanent and continuous safe route to crossing FM 2551 that will allow students to safely go to school and access other important amenities that are currently inaccessible due to the difficulty crossing FM 2551. In developing safe routes to schools in Murphy Texas, there are two major problems that this program can help the city address. First is a continuous series of sidewalks along the major direct routes to the school. Second, FM 2551, a 2 lane arterial, that will soon expand to a 6 lanes that front the Murphy Middle School that separate it from 87% of the student population and it has the absence of a safe crosswalks. The remaining 13% must cross FM 544 a major E-W 6 lane highway with up to 40,000 cars per day. The Plano ISD currently provides bus service to all students due to the unsafe conditions of crossing FM 2551. When these two problems are corrected, the Plano ISD can remove the bus service and parents will be willing to allow their child to walk or ride bike to school. No one will argue the need for more exercise and the need to reduce vehicle emissions with students within one mile of school to walk; it just is not currently an option for 99% of the Murphy Middle School students. Once the one mile radius is determined to be safe and accessible, the City will focus on a two mile radius. The City has a city-wide hike and bike trail master plan that is committed to encouraging more pedestrian traffic. Over 3 miles of trails currently exist and the citizens approved \$1.5 million in bond funds to continue to acquire land and build trails to make the city a model community for pedestrian access for all ages and for all activities year around. The city must reduce traffic congestion in the MMS area, especially during rush hour traffic. FM 2551 is to be a major N-S feeder road for commuter traffic from the surrounding communities to FM 544, SH 75, and the George Bush Tollway. Over 80% of the area residents travel over 10 miles to work daily. FM 2551 is expected to become one of the most heavily travelled roadways in Collin County. See Table 1 – US Labor and Census Data. **SIDEWALK CONNECTION PROBLEM:** The City is proposing to connect sidewalks that are missing on the designated routes to school that are missing within 1 mile of the school. West of this new widen roadway is 99% of all the student residences that attend the middle school. On the north, the school is bound by a 10,000 seat regional athletic stadium, a new Plano 9th and 10th grade high school now under construction (opens August 2011), and McMillen Road. South of the site is the City Municipal Complex, Willow Wood Subdivision, and the city's Commercial District. East of the school is Maxwell Creek and park greenbelt which is the eastern borderline for the school district. The Murphy Middle School is actually like an island as far as accessing the school on foot or on bike and with the new construction of FM 2551 North Murphy Road the divide is only growing larger. **OBSTACLES:** Unfortunately the obstacles are not perceived, they are actual physical barriers of a 6-lane N-S road FM 2551 and an E-W road of FM 544. With the six-lane expansion and reconstruction of FM 2551, it is a perfect time to address enhanced pedestrian crosswalks as the new road is constructed. The City is also proposing an enhanced crosswalk at Spring Ridge Drive and Windsor Drive. **RISKS OR HAZARDS FACING CHILDREN AND HOW ADDRESSED:** The City Police, Fire, and Parks and Recreation Departments are working with the schools to increase physical fitness, involve children in the outdoors, focus on safety in crossing the street, and being aware of your surroundings. The city hosts bike rodeos, safety talks, and recreational programs to encourage fitness of sports, walking, and biking. The city is dedicated to a city-wide hike and bike trail plan.

Project Number:

(For TxDOT use only)

Proposed Improvement Project

Total points available - 40

Description of Proposed Solution (Limit 5,000 characters):

Instructions: Use this space to describe how the proposed improvement project will improve safety and encourage biking and walking to school. The connection between the problem(s) and the proposed improved project must be clearly demonstrated. If documentation such as sketches, pictures, maps, exhibits, diagrams, and tables are to be submitted, they must be referenced in the text and numbered sequentially. There will be a place on the online submission form to identify and attach these documents.

Please attend to, at a minimum, the following:

1. Describe how the proposed project improves safety within two miles of your school(s), with respect to the identified problem(s), including the potential to reduce child injuries and fatalities.
2. Describe how the student population will be affected by the implementation of this infrastructure project. Example: What is the anticipated percent increase of children who will walk or bike to school after the project is implemented? Complete Appendix B: PROPOSED ENVIRONMENT (POST-PROJECT) for each school (included in this application).
3. Describe any enforcement, encouragement and/or educational components related to your project, either existing or planned. If one or more of the components are not included, please explain why the component is not an integral part of the project.
4. Describe the existing and expected land-use changes, such as new schools, housing and/or commercial developments, which would impact the amount of bicycle and pedestrian travel. For example, a new 100 home subdivision is being built next to an elementary school on a heavily traveled arterial roadway without connecting sidewalks or 100,000 square feet of additional retail is expected to be constructed at the intersection northwest quadrant in the next five years. Please include relevant sections of a comprehensive plan or bicycle and pedestrian plan, if available.

Project Number:

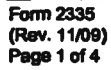
(For TxDOT use only)

Proposed Improvement Project Continued:

(Insert narrative below)

Engineering: We have identified locations for sidewalk sections and crosswalks needed to complete the one mile routes to the MMS. We will also identify appropriate Drop-and-Walk sights that would take advantage of these connections and prevent parents from driving on FM 2551. The proposed sidewalk improvements cost for this phase would be \$523,095. The City will install the needed crosswalks. Two traffic studies have been conducted that provide information about the traffic and congestion around Murphy Middle School (see Appendix C In SRTS Plan). A traffic analysis prepared by William "Jack" Hatchell, P.E (2001) showed that an estimated 1200 cars would enter and exit the school complex at Murphy Middle School during peak hour on a typical school day. TxDOT traffic data indicate that traffic counts increased from 4000 per day in 1995 to 12,900 in 2004 – a 14.8% percent average annual growth rate. This figure will continue to grow as the entire region experiences explosive growth and the road is expanded. The student body at the middle school has now increased to nearly 1500 students versus the 1000 students in 2004.

The Trail Map of the Parks Master Plan was consulted to ensure that our proposed improvements were consistent with and would contribute to the overall mobility plan for the city (see Appendix D in SRTS Plan). The Safe Routes to School Team will also provided input for the update of the Master Plan and Comprehensive Plan completed by the City in November 2008. The most widely asked for amenity according to a survey conducted by the city was a trail system connecting all areas of Murphy. The proposed site of the crosswalk enhancements would provide an important link across FM 2551 that would allow pedestrian traffic to flow from the east to west sides of the city not only during school but throughout the year. **PROPOSED SOLUTION:** Improves safety within two miles how? The city proposes to have a complete series of sidewalks and crosswalks for students to use within a mile of the school. There will also be identified remote drop-off areas to reduce the traffic from around the school. Maps will identify these routes and they will be markers with signage along with other designated hike and bike trails in the city. Once the one mile distance is complete the city will expand to two miles. **ANTICIPATED ENVIRONMENT – POST-PROJECT:** The enhanced crosswalks, marked routes and continuous links of sidewalks is anticipated to increase walking and biking to school from the current 3% to 30%. Bus traffic can be reduced from the current 69% to 40% and car traffic reduced from 41% to 30%. **LAND-USE CHANGES, NEW HOMES, NEW SCHOOL, NEW RETAIL IN THE NEXT 5 YEARS.** The City of Murphy has a build-out population of 17,000 citizens. The city is land locked by the surrounding communities of Wylie, Parker, Sachse, Richardson, Plano, and Parker. Attached is a map of the commercial and residential areas planned for completion in the next 5 years. See Table 2. **SOURCE:** 2009 SRTS Master Plan includes all surveys, data, and studies referenced above. **Evaluation:** We will track the number of students that walk and ride bikes to Murphy Middle School. We will also measure parents' perception of safety and assess participation in the Walking School Bus and Bike Train programs every two years. The next survey will be done November 2009 and then again after the installation of the proposed crosswalks. **Education:** We will continue to offer support for the City of Murphy's annual bicycle rodeo to teach bicycle safety skills. We will distribute bicycle safety materials to MMS parents and children. We will also help educate parents and caregivers as to the benefits of walking and riding bikes to school. We will educate policy-makers and school officials of the dangers associated with crossing FM 2551. **Encouragement:** We will start a Walking School Bus program for Murphy Middle School. We will also begin a Bike Train program for the school. We will also recruit more people to participate in the Neighborhood Watch program. **Enforcement:** We will promote the creation of an ordinance that would prohibit the crossing of major thoroughfares (including FM 2551), except at marked crosswalks and under the direction of a traffic control device to discourage children (and adults) from crossing major thoroughfares in a dangerous and unpredictable manner.



Project Number:

Detailed Construction Cost Estimate

Project Type	Qty	Unit	Unit Price (\$)	Requested SRTS Funding (\$)	Committed Local Funds	Total Cost (\$)
Prep of Right of Way						
NOT NEEDED - IN CITY ROW						
Totals from Prep of Right of Way						

Safe Routes to School Program (SRTS) Infrastructure Project Application

(For TxDOT use only)

Safe Routes to School Program (SRTS) Infrastructure Project Application

(For TxDOT use only)

Safe Routes to School Program (SRTS) Infrastructure Project Application

Project Number:

(For TxDOT use only)

PROJECT BUDGET ESTIMATE AND SOURCE OF FUNDS

This is an estimate only, final participation amounts will be based on actual charges to the project.

Description	Requested SRTS Funding	Committed Local Funds	Total Estimate Cost
Preliminary Engineering (PS&E Development)	\$35,464.00	\$0.00	\$35,464.00
Environmental (no cash contribution)			
Right of Way (ROW)			
Construction Totals from Worksheet	\$443,301.00	\$0.00	\$443,301.00
SUBTOTAL	\$478,765.00	\$0.00	\$478,765.00
Construction Contingencies	\$21,235.00	\$23,095.00	\$44,330.00
TOTAL	\$500,000.00	\$23,095.00	\$523,095.00

Provide detailed construction cost estimate information presently available. Use Appendix C: "Detailed Construction Cost Estimate," included in this application (an example construction cost estimate is also provided). Please note: while all authorized project costs are eligible for federal reimbursement and must be shown above. The amount of project award will only be for construction cost. If applicable, please list any additional funding resources available that will augment the infrastructure project and describe how these funds will be allocated.

NOTE: Please transfer the totals from the Detailed Construction Cost Estimate Worksheet to the corresponding columns under this Project Budget Estimate Worksheet.



SAFE ROUTES TO SCHOOL
CITY OF MURPHY
PRELIMINARY OPCC

OPINION OF PROBABLE CONSTRUCTION COST

JANUARY 8, 2014

ESTIMATOR	CHECKED BY	PROJECT NO
JMR	BCT	MUR13380

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
	MURPHY ROAD IMPROVEMENTS				\$733,425
	SIDEWALK (5" REINFORCED CONCRETE) (WIDTH VARIES)	3,600	SY	\$50	\$180,000
	CURB RAMPS	25	EA	\$2,000	\$50,000
	CONCRETE REMOVAL	1,053	SY	\$20	\$21,060
	BLOCK SODDING	669.00	SY	\$5	\$3,345
	PEDESTRIAN SIGNAL AT WINDSOR DRIVE	1	EA	\$120,000	\$120,000
	IN PAVEMENT MARKERS (4 intersection with 5 total crossings)	5	EA	\$30,000	\$150,000
	8" REINFORCED CONCRETE STAMPED ROADWAY - CROSSWALK	612	SY	\$85	\$52,020
	MODIFY FIRE STATION DRIVEWAY	1	LS	\$35,000	\$35,000
	20% CONTINGENCY				\$122,000
	SUBTOTAL:				\$733,425
	BRENTWOOD PARK IMPROVEMENTS				\$56,450
	SIDEWALK (5" REINFORCED CONCRETE) (8' WIDTH)	730	SY	\$50.00	\$36,500
	BLOCK SODDING	277	SY	\$5.00	\$10,950
	20% CONTINGENCY				\$9,000
	SUBTOTAL:				\$56,450
	ROLLING RIDGE DR IMPROVEMENTS				\$95,920
	SIDEWALK (5" REINFORCED CONCRETE) (4' WIDTH)	687	SY	\$50.00	\$34,350
	BLOCK SODDING	520	SY	\$5.00	\$2,600
	CURB RAMPS	7	EA	\$2,000.00	\$14,000
	CONCRETE REMOVAL	61	SY	\$20.00	\$1,220
	RETAINING WALL	555	SF	\$50.00	\$27,750
	20% CONTINGENCY				\$16,000
	SUBTOTAL:				\$95,920
TOTAL ESTIMATED CONSTRUCTION COST					\$885,795

H:\Projects\Murphy\4025-204\exhibits Master Additions-Subdivision 2011.dwg

REVISED: 4/23/12 - CKERKHOF



NOT SCALE 1:1

NOT STYLE

NOTED BY: CKERKHOF ON 4/25/2012

City Council Meeting
January 21, 2014

Issue

Discussion concerning taking North Murphy Road off of the state highway system.

Staff Resource / Department

James Fisher, City Manager

Key Focus Area

Community Character; Mobility; Infrastructure

Summary

The City of Murphy has been working with the Texas Department of Transportation regarding the improvements of North Murphy Road. The City has also been working to implement the Safe Routes to School program grants that the City received to improve pedestrian safety along this road.

Background/History

During discussions with TxDOT regarding the Safe Routes to School implementation, it was suggested that if the road was taken off-system then the city's request could be implemented. The staff began pursuing that option with TxDOT and briefed City Council in October of this idea. The staff is gathering data concerning maintenance and operation costs for this road, including signal maintenance and striping. The staff has contacted Plano and Wylie to inquire about an interlocal agreement for these services. They have indicated an interest and are putting together a draft for our review. The staff was asked to submit a letter to TxDOT requesting this road be taken off system in December. This letter was sent with the caveat that the City Council had the final say on the request.

Financial Considerations

The staff is still gathering this information and will have something for your review by the meeting on Tuesday.

Action Requested / Staff Recommendation

Direction from City Council.

City Council Meeting January 21, 2014

Issue

Consider and/or act upon authorizing the City Manager to develop plans for the permanent closure of Grant Drive.

Staff Resource / Department

James Fisher, City Manager
Steven Ventura, Interim Director of Parks and Public Works

Key Focus Area

Community Character; Mobility; Infrastructure

Summary

The City Council authorized the closure of Grant Drive last summer and instructed the staff to place temporary barricades on Grant Drive at the city limits. The City Council has asked staff to review options for permanent closure and present them to the City Council for review.

Background/History

The staff presented an overview of the traffic concerns and traffic patterns at the June 11, 2013 City Council meeting. The initial recommendation was to consider speed humps along Moonlight. However, after hearing from residents, the City Council asked staff to look at closing Grant Drive. The temporary barricades were placed in August and staff has received comments, both for and against, regarding this closing.

Financial Considerations

Depending on the type of closure that the City installs, the financial cost will vary from approximately \$500 to approximately \$15,000.

- Sliding Gate (including motors and bricking posts) \$15,000
- Bollards
 - o Steel posts that bolt into concrete \$79.95/post plus shipping
 - o Concrete decorative posts approximately \$245/post plus shipping
 - o Concrete round balls approximately \$1000/ ball plus shipping
- Landscape Island approximately \$11,500

Action Requested / Staff Recommendation

Direction from City Council concerning which permanent closure to implement.

Attachments

Permanent Closure options

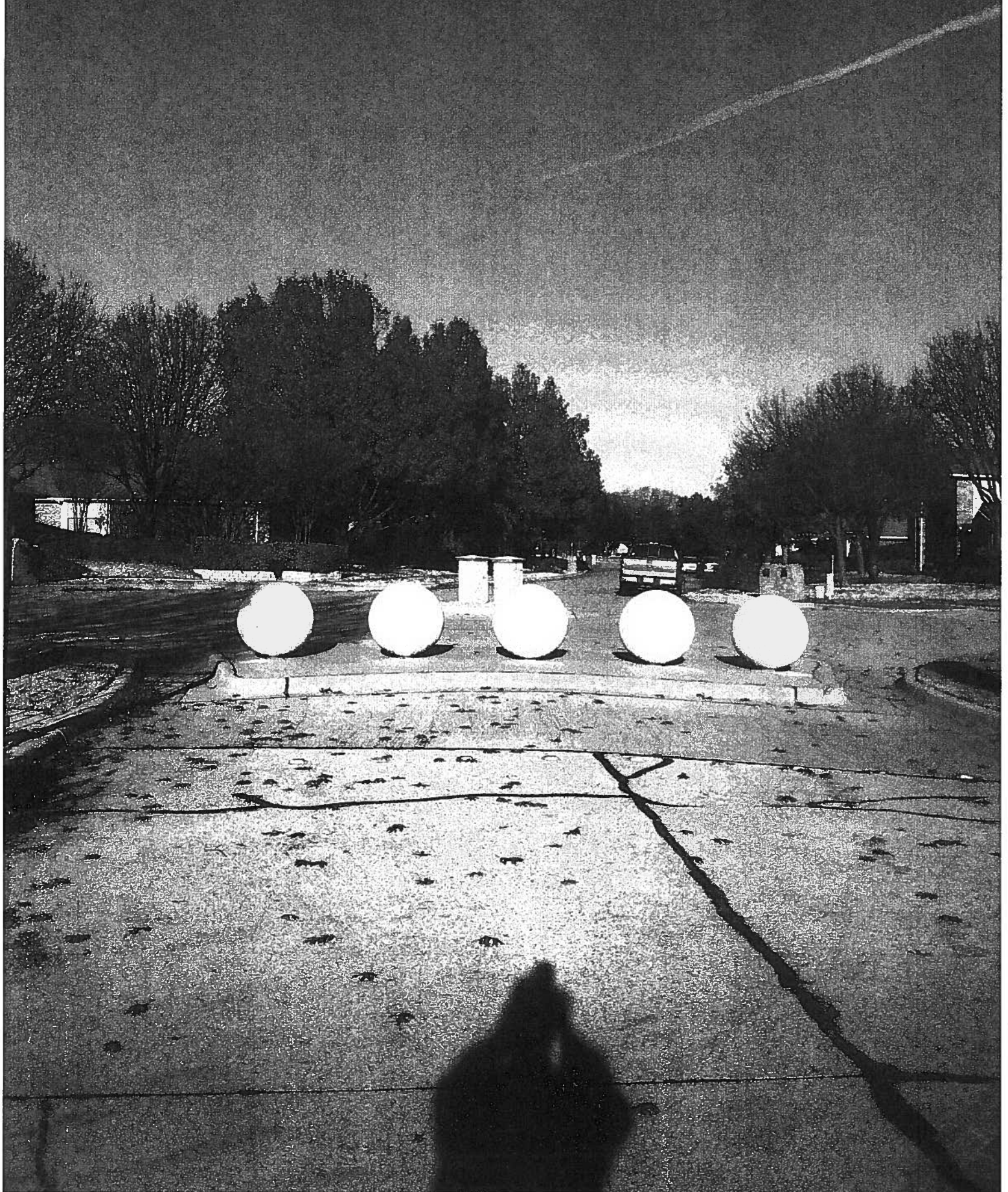




**Preliminary Cost Estimate
BOLLARD OPTION
Murphy, Texas
January 15, 2014**

12' x 28' = 336 S.F. Concrete	\$	2,000.00
56' L.F. Curb	\$	1,500.00
4 Bollards (round)	\$	4,000.00
TOTAL:	\$	7,500.00

Plans/Specs
Bidding or Negotiation



[Top](#) » [Catalog](#) » [Advanced Search's](#) » [Search Results](#)

[Login](#) | [Track Order](#) | [Help](#)
Give us a call **972-641-4911**
CHAT LIVE

[Catalog Request](#) [Sign up for email savings](#)

Shopping Cart: 0 Items

HOME	DESIGN-A-BADGE	DESIGN-A-SIGN	CONTACT US	FAQ	Need a custom quote? GET A QUOTE									
TRAFFIC	Products meeting the search criteria													
SAFETY	Displaying 1 to 1 (of 1 products)													
DESIGN-A-BADGE	Result Pages: 1													
DESIGN-A-SIGN	<table><tr><th>Product Name+</th><th>Price</th><th>Buy Now</th></tr><tr><td></td><td>Steel Bollards</td><td>\$79.95</td></tr><tr><td></td><td></td><td>Buy Now</td></tr></table>					Product Name+	Price	Buy Now		Steel Bollards	\$79.95			Buy Now
Product Name+	Price	Buy Now												
	Steel Bollards	\$79.95												
		Buy Now												
FACILITY & GROUNDS	Displaying 1 to 1 (of 1 products)													
TIMEWISE WHITEBOARDS	Result Pages: 1													

Articles

[Back](#)

- New Articles (0)
- All Articles (3)
- Product News (2)
- Announcements (1)

Home - [Account Login](#) - [About](#) - [Contact Us](#) - [FAQ](#) - [Site Map](#)
Visit our sister companies: [www.acpinternational.com](#) | [www.concretegraphics.com](#)
© 2014 SA-SO ® - All Rights Reserved



- **BOL-1**
- 16" x 16" x 28"H
- Weight: 620 lbs.
- Price: \$225



- **BOL-6**
- 17"D x 36"H
- Weight: 425 lbs.
- Price: \$290



- **BOL-2**
- 16" x 16" x :
- Weight: 650
- Price: \$235



- **BOL-5**
- 12"D x 42"H
- Weight: 400 lbs.
- Price: \$250

- **BOL-3**
- 16"D x 30"H
- Weight: 500 lbs.
- Price: \$245

- **BOL-4**
- 14" x 14" x
- Weight: 425
- Price: \$225

BARRICADE



- **BAR-96.**
- 24"W x 96"L
- Weight: 3,000 lbs.
- Price: \$950



**Preliminary Cost Estimate
LANDSCAPE OPTION
Murphy, Texas
January 15, 2014**

Remove 600 S.F. Concrete	\$	1,500.00	
56 L.F. Curb	\$	1,500.00	
Water Meter (By City)	\$	1,500.00	
RPZ	\$	2,500.00	
Controller / Solar	\$	2,000.00	
Water Service ?			?
2 Crape Myrtles	\$	1,000.00	
30 Dwarf Yaupon	\$	850.00	
Fill Materials	\$	<u>500.00</u>	
TOTAL:			\$ 11,350.00
Plans/Specs			
Bidding or Negotiation			



City Council Meeting
January 21, 2014

Issue

Consider and/or act upon moving the March 4, 2014 Council meeting.

Staff Resource/Department

James Fisher, City Manager
Kristi Gilbert, City Secretary

Summary

March 4, 2014 is the Primary Election Day. Both the Republican Party and the Democratic Party will be utilizing the City Hall Community Room for voting. In the past, voter turnout has been high. This year, record turn-out is expected. Additionally, the second Tuesday in March falls during spring break for both Plano ISD and Wylie ISD.

Action Requested

Staff is requesting Council move the March 4, 2014 Council meeting to Monday, March 3, 2014.

Attachments

No attachments