MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
FEBRUARY 1, 2011 AT 6:00 PM
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on February 1, 2011 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.

CITY OF MURPHY
LIFE LIVED AT YOUR PACE

Bret Baldwin
Mayor

John Daugherty
Mayor Pro Tem

Colleen Halbert
Deputy Mayor Pro Tem

Dennis Richmond
Councilmember

Scott Bradley
Councilmember

Mike Daniel
Councilmember

Dave Brandon
Councilmember

James Fisher
City Manager

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL & CERTIFICATION OF A QUORUM

PUBLIC COMMENTS

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. Approval of January 18, 2011 Minutes.

B. Consider and/or act upon approval of a resolution suspending the February 14, 2011, effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the steering committee of cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals.

INDIVIDUAL CONSIDERATION

1. Consider and/or act on approval of an ordinance annexing a tract of land totaling 18.00 acres located in the Isaac Herring Survey, Abstract No. 403 and the McMillan Survey, Abstract No. 588 located on FM 2551 (North Murphy Road), north of Rolling Ridge Drive.

2. Consider and/or act on the application of the City of Murphy requesting 1) an exception to Section 28-181 (b) of the City of Murphy Code of Ordinances to remove and relocate protected trees; 2) an exception to Section 28-156 (b) of the Code of Ordinances to relocate the requirement of landscape buffer trees along North Murphy Road and 3) an exception to Section 28-52 (b) of the Code of Ordinances to allow a fence in the front yard for the Murphy Community Center; on property located at 205 North Murphy Road. Postponed from January 4, 2011.

3. Hold a public hearing and consider and/or act on a recommendation for Murphy Community Development Corporation (MCDC) capital improvement budget amendments.

4. Hold a public hearing and consider and/or act upon recommendations for improvements to Murphy Central Park and extension of the Maxwell Creek Trails grant project.

5. Consider and/or act on a recommendation from the Park and Recreation Board to rename City Park/Bunny Run.

6. Discuss Murphy Central Park, Liberty Ridge Park, and City Park/Bunny Run concept and phasing proposals and budgets.

7. Update on Capital Projects and Improvement Plan Program.

CITY MANAGER/STAFF REPORTS

- Feb 8 –Utility Fund Work Session
- Feb 11-12 –TML Elected Officials Conference
- Feb 14 –TML Legislative Briefing
- Feb 14 –First Day to File
- Feb 15 –Chamber Lunch
- Feb 24-26 –TML Youth Advisory Commission Summit

EXECUTIVE SESSION

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

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

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:

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

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, TX 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on January 28, 2011 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

____
Aimee Nemer, TRMC, CMC
City Secretary

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

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

January 18, 2011
6:00 P.M.

CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:03 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

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

ROLL CALL & CERTIFICATION OF A QUORUM

Joy Hart certified a quorum with the following:

Council Present
Mayor Bret Baldwin
Mayor Pro Tem John Daugherty
Deputy Mayor Pro Tem Colleen Halbert
Councilmember Scott Bradley
Councilmember Dave Brandon
Councilmember Dennis Richmond
Councilmember Mike Daniel

PUBLIC COMMENTS

No public comments were submitted.

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.

Council Action
Councilmember Halbert moved to approve the Consent Agenda as presented. Councilmember Daugherty seconded the motion. A vote was taken and passed 7-0.

A. Approval of January 4, 2011 Regular Meeting and January 10, 2011 Special Work Session Minutes.

INDIVIDUAL CONSIDERATION

1. Consider and/or act upon approval of a resolution authorizing Texas Coalition for Affordable Power (TCAP) to negotiate an extension to the current electric supply and necessary related services agreement with Next Era for a fixed price per KWh that is lower than contract rates for 2011-2013, said extension to continue until December 31, 2018; authorizing TCAP to act as an agent on behalf of the city to enter into a contract for electricity; authorizing the chairman of TCAP to execute an extension to the current electric supply agreement for deliveries of electricity effective January 1, 2011 or as soon after finalization of a contract as possible; committing to budget for energy purchases and to honor the city's commitments to purchase power through TCAP for its electrical needs through December 31, 2018.

Council Action
Councilmember Daugherty moved to approve the resolution. Councilmember Halbert seconded the motion. A vote was taken and passed, 6-1 with Councilmember Brandon voting in opposition.

2. **Consider and/or act on approval of an ordinance annexing a tract of land totaling 18.00 acres located in the Isaac Herring Survey, Abstract No. 403 and the McMillan Survey, Abstract No. 588 located on FM 2551 (North Murphy Road), north of Rolling Ridge Drive.**

Council Action
Staff recommended to City Council not to approve an ordinance annexing this tract of land. Councilmember Halbert moved to direct the City Attorney to submit a development agreement for this tract of land. Councilmember Daniel seconded the motion and it passed 7-0.

3. **Consider and/or act on approval of an ordinance annexing a tract of land totaling 4.82 acres located in the Mary Scott Survey, Abstract No. 859, located on Dublin Road, north of FM 544.**

Council Action
Councilmember Daugherty moved to postpone this item indefinitely and Councilmember Daniel seconded it. A vote was taken and it passed 5-2 with Councilmember Richmond and Councilmember Brandon voting in opposition.

4. **Consider and/or act on approval of an ordinance annexing a tract of land totaling 12.22 acres located in the Daniel Herring Survey, Abstract No. 402, located on Moonlight Drive, east of South Murphy Road.**

Council Action
Councilmember Brandon moved to approve an ordinance to annex the tract of land. Councilmember Richmond seconded the motion and mentioned he feels that eventually these properties will be annexed and the City could be losing developmental control. After discussion, Councilmember Brandon amended his motion to direct staff to create an annexation ordinance. After further discussion, Councilmember Brandon withdrew his amended motion. A vote was taken on the motion to approve an ordinance to annex the tract of land. The motion passed 4-3 with Councilmembers Daugherty, Halbert, and Daniel voting in opposition.

5. **Consider and/or act on approval of an ordinance annexing a tract of land totaling 17.00 acres located in the Mary Scott Survey, Abstract No. 859, located on Heritage Parkway, north of Ashley Drive.**

Council Action
Councilmember Halbert moved to approve an ordinance annexing the 1.168 acres of the Michele Krantz tract and discontinue annexation of the rest of the property. Councilmember Bradley seconded the motion and it passed 7-0.

WORK SESSION

- North Murphy Road Project – Gary Hendricks, City Engineer, gave a presentation to the City Council with alternative plans to TxDOT's six lane plan. Mr. Hendrick's suggested altering the plans from six lanes to four lanes. Ruben Delgado, Engineer for Collin County, addressed the City Council with reasons for a six lane highway, the setbacks for changing the plans, and the impact on air pollution. John Hudspeth, TxDOT Engineer, addressed the City Council and stated that building a four lane highway does not meet the mobility plan that is in place. After further discussion, it was agreed that staff will request a meeting with the Federal, County, and State engineers and administrators to discuss the option of changing the plans.

- After a short recess at 8:05 p.m., the meeting was called back to order at 8:13 p.m.
- Council Calendar – The City Council discussed important dates for the upcoming months.

CITY MANAGER/STAFF REPORTS

City Manager Fisher reported on the following:

- **Jan 18 –CLC Quarterly Meeting –** The CLC will meet quarterly instead of monthly.
- **Jan 28 - Chamber Banquet** -let staff know if you will be attending
- **Feb 14 –** First day to file for office
- **Financial Update**

ADJOURNMENT

With no further business, the meeting was adjourned at 8:23 p.m.

APPROVED BY:

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Bret M. Baldwin, Mayor

ATTEST:

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Aimee Nemer, City Secretary

Issue

Consider and/or act upon approval of a resolution suspending the February 14, 2011, effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the steering committee of cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals.

Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about January 7, 2011 with cities retaining original jurisdiction seeking to increase system-wide transmission and distribution rates by $353 million. The Company asks the City to approve a 14.6% increase in residential rates, a 15.5% increase in commercial rates, and a 25.9% increase in street lighting rates. According to Oncor, annual rates would increase by approximately $60 for an average residential customer.

The resolution suspends the February 14, 2011 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.

The City of Murphy is a member of a 146-city coalition known as the Steering Committee of Cities Served by Oncor ("Steering Committee"). The Steering Committee has been in existence since the late 1980s. It took on a formal structure in the early 1990s when cities served by the former TXU gave up their statutory right to rate case expense reimbursement in exchange for higher franchise fee payments. Empowered by city resolutions and funded by *per capita* assessments, the Steering Committee has been the primary public interest advocate before the Public Utility Commission, the Courts, and the Legislature on electric utility regulation matters for the last 20 years.

The current filing comes 15 months following the implementation of Oncor's last rate increase. That case is currently on appeal.

Explanation of "Be It Resolved" Paragraphs:

Section 1. The City is authorized to suspend the rate change for 90 days after the date that the rate change would otherwise be effective for any legitimate purpose. Time to study and investigate the application is always a legitimate purpose. Please note that the resolution refers to the suspension period as "the maximum period allowed by law" rather than ending by a specific date. This is because the Company controls the effective date and can extend the deadline for final city action to increase the time that the City retains jurisdiction if necessary to reach settlement on the case. If the suspension period is not otherwise extended by the Company, the City must take final action on Oncor's request to raise rates by February 14, 2011.

Section 2. This provision authorizes the Steering Committee, consistent with the City's resolution approving membership in the Steering Committee, to act on behalf of the City at the local level in settlement discussions, in preparation of a rate ordinance, on appeal of the rate ordinance to the PUC, and on appeal to the Courts. Negotiating clout and efficiency are enhanced by the City cooperating with the Steering Committee in a common review and common purpose. Additionally, rate case expenses are minimized when the Steering Committee hires one set of attorneys and experts who work under the guidance and control of the Executive Committee of the Steering Committee.

Section 3. The Company will reimburse the Steering Committee for its reasonable rate case expenses. Legal counsel and consultants approved by the Executive Committee of the Steering Committee will submit monthly invoices that will be forwarded to Oncor for reimbursement. No individual city incurs liability for payment of rate case expenses by adopting a suspension resolution.

Section 4. This section merely recites that the resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.

Section 5. This section provides that both Oncor and Steering Committee counsel will be notified of the City's action by sending a copy of the approved and signed resolution to certain designated individuals.

Staff Recommendation
Approval of the resolution suspending the February 14, 2011, effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the steering committee of cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals.

Attachments
1) Resolution
2) Letter and Petition and Statement of Intent from Oncor Electric Delivery Company
3) Rate Review 2011 from Oncor
4) Memo from Geoffrey Gay and Thomas Brocato representing Steering Committee
5) List of Steering Committee Cities

Linda Truitt, Finance Director ______________________
Submitted By **City Manager Approval**

RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY SUSPENDING THE FEBRUARY 14, 2011, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

WHEREAS, on or about January 7, 2011, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Murphy a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective February 14, 2011; and

WHEREAS, the City of Murphy is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 146 similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to setting reasonable rates and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

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

1. That the February 14, 2011 effective date of the rate request submitted by Oncor on or about January 7, 2011, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

2. As indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of the Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

3. That the City's reasonable rate case expenses shall be reimbursed by Oncor on a monthly basis.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Oncor, care of Autry Warren, Oncor Electric Delivery Company, LLC, 1601 Bryan St., 23rd Floor, Dallas, Texas 75201 and to Geoffrey Gay, General Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this the 1st day of February, 2011.

____

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

____

Aimee Nemer, City Secretary
City of Murphy

Autry Warren
Senior Director
Transmission & Municipal Relations

Oncor Electric Delivery
1601 Bryan St.
Suite 23-045C
Dallas, Texas 75201

Tel 214 486 3863
Fax 214 486 2180
awarren1@oncor.com

January 7, 2011

The Honorable Bret Baldwin
City of Murphy
206 North Murphy Road
Murphy TX 75094

Dear Mayor Baldwin:

Attached for filing please find a Petition and Statement of Intent of Oncor Electric Delivery Company LLC for Authority to Change Rates in accordance with Public Utilities Regulatory Act (PURA) § 36.102. This rate request is identical to those being filed today with other regulatory authorities and affects all customers served by Oncor Electric Delivery Company LLC.

Enclosed is a single volume that contains the Petition and Statement of Intent filed with the Public Utility Commission of Texas ("Commission") (including a Summary of Proposed Rates by Customers and Rate Class), proposed tariffs, and summaries of testimony.

As a regulatory authority with jurisdiction over Oncor's rates, operations and services within your city limits, Oncor is requesting that the City take action with regard to this rate change request as expeditiously as possible. If the City does not act to either suspend the effective date for 90 days or take a final action prior to the effective date of February 14, 2011, the rates would be considered approved by operation of law. It is Oncor's intent to have system-wide rates in effect and towards that end intends to appeal to the Commission any action taken by the City, and request consolidation into one proceeding at the Commission. Once the appeal is granted, the City would have standing as a party to participate fully in the proceeding at the Commission.

Should you have any questions concerning this filing, or would like to request a copy of the full 11-volume rate filing package, please contact your local area manager.

Very truly yours,

Autry Warren

Receipt Acknowledged By:

Aimee Nemer

Title: City Secretary

Date: 1/7/2011

City of Murphy

Petition and Statement of Intent of Oncor Electric Delivery Company LLC for Authority to Change Rates

APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY LLC FOR AUTHORITY TO CHANGE RATES	§ § §	**BEFORE THE GOVERNING BODY OF THE CITY OF MURPHY**

PETITION AND STATEMENT OF INTENT OF
<u>ONCOR ELECTRIC DELIVERY COMPANY LLC</u>

TO THE HONORABLE GOVERNING BODY OF THE CITY OF MURPHY:

COMES NOW Oncor Electric Delivery Company LLC ("Oncor" or "Company"), an electric utility within the terms of the Public Utility Regulatory Act, Texas Utilities Code Title 2 ("PURA"),[3] and hereby submits this Petition and Statement of Intent ("Petition"), respectfully showing the following:

I. INTRODUCTION AND REQUESTED ACTION

In accordance with PURA § 36.102 and P.U.C. PROC. R. 22.243, Oncor hereby files this Petition and related materials demonstrating that Oncor's existing rates do not permit the Company to recover its reasonable cost of service and earn a reasonable return.

The Company has prepared its filing on a system-wide basis using actual July 1, 2009 through June 30, 2010 test year books and records, adjusted for known and measurable changes, and using traditional and widely-accepted ratemaking principles. The proposed revenue requirement and rate design are factually supported, and the Company strongly believes that an increase is appropriate and justified. Therefore, Oncor is hereby requesting that the Honorable Governing Body approve the changes in the Company's rates proposed in this proceeding. A detailed Summary of Proposed Rates by Customers and Rate Class is included as Exhibit 1 to this Petition. Simultaneous with this filing, Oncor is filing a system-wide rate case and related Rate Filing Package ("RFP") with the Public Utility Commission of Texas ("Commission") in Docket No. 38929 (the "Commission Petition").

II. CONTACT INFORMATION AND AUTHORIZED REPRESENTATIVES

Oncor's business address and telephone numbers are:

[3] Tex. Util. Code Ann. §§ 11.001-66.017 (Vernon 2007 & Supp. 2010).

Oncor Electric Delivery Company LLC
Energy Plaza
1601 Bryan Street
Dallas, Texas 75201-3411
(888) 313-6862

Oncor's authorized representative is:

Don J. Clevenger
Oncor Electric Delivery Company LLC
1601 Bryan Street, Suite 22-070
Dallas, Texas 75201-3411
Telephone: (214) 486-3008
Facsimile: (214) 486-3221

Oncor's legal representatives in this proceeding are:

Matthew C. Henry
Vinson & Elkins LLP
Trammell Crow Center
2001 Ross Avenue, Suite 3700
Dallas, Texas 75201-2975
Telephone: (214) 220-7700
Facsimile: (214) 486-3221

and

Howard V. Fisher
Oncor Electric Delivery Company LLC
1601 Bryan Street, Suite 23-035C
Dallas, Texas 75201-3411
Telephone: (214) 486-3026
Facsimile: (214) 486-3221

General inquiries concerning this filing should be directed to Mr. Clevenger at the above-stated address and telephone number. All pleadings, motions, orders, and other documents filed in this proceeding should be served upon Mr. Henry at the above-stated address.

III. JURISDICTION

Each municipality in Oncor's service area that has not ceded jurisdiction to the Commission has exclusive original jurisdiction over the rates, operations, and services of Oncor in such municipality pursuant to PURA § 33.001. Oncor is filing this Petition with all of its original jurisdiction cities, a list of which is included as Exhibit 3 to the Commission Petition included in this package. The Commission has exclusive jurisdiction over the rates, operations, and services of Oncor in areas outside municipalities pursuant to PURA § 32.001(a)(1) and for those municipalities that have ceded jurisdiction to the Commission pursuant to PURA § 33.002(b). A list of such municipalities is included as Exhibit 2 to the attached Commission Petition.

Oncor anticipates that it will appeal the actions of its original jurisdiction cities to the Commission and that it will seek consolidation of those appeals with the pending Commission Petition. It is Oncor's intention to seek one set of system-wide rates for all customer classes served on the Oncor system.

IV. EFFECTIVE DATE

The proposed effective date of the requested rate change is February 14, 2011, which is more than 35 days after the filing of this Petition as allowed under PURA § 36.102.

V. TEST YEAR

The test year upon which this filing is based is the 12-month period from July 1, 2009, through June 30, 2010.

VI. FILING OVERVIEW

This filing consists of a cover letter, this Petition (including Exhibit 1 - Summary of Proposed Rates by Customers and Rate Class), table of contents, the Petition filed with the Commission and the Exhibits thereto, proposed tariffs, and testimony summaries.

WHEREFORE, PREMISES CONSIDERED, Oncor respectfully prays that this Honorable Governing Body approve and authorize the changes in the Company's rates proposed herein and grant Oncor such other and further relief to which it may be justly entitled.

Respectfully submitted,

Oncor Electric Delivery Company LLC

By: Howard V. Fisher

Matthew C. Henry
State Bar No. 00790870
Vinson & Elkins LLP
Trammell Crow Center
2001 Ross Avenue, Suite 3700
Dallas, Texas 75201-2975
Telephone: (214) 220-7700
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Facsimile: (214) 486-3221

ATTORNEYS FOR ONCOR ELECTRIC DELIVERY COMPANY LLC

ONCOR

Rate Review 2011

PUC Docket No. 38929

January 7, 2011

Docket No. 38929 Overview

- The RFP supports an ~$353m (12.6%) annual increase over current, adjusted/normalized base rate revenues
- If Interim TCOS adjustments approved or pending after the test year end are not included in base rate revenues, the filing represents an ~$441m (16.2%) annual increase over test year, adjusted/normalized base rate revenues
- Oncor's total calculated annual revenue requirement based on a test year ended June 30, 2010, as adjusted for known and measurable changes, is ~$3.162b
- The annual revenue requirement includes a proposed ROE of 11.25% and a proposed overall weighted cost of capital of 55% debt and 45% equity on a rate base of ~$8.1b
- If the full increase as proposed in the RFP were to be implemented in retail rates, the impact on an average residential customer using 1,300 kWh per month would be an increase of approximately $5.00 per month
- A customer with a retail plan that charges 10.0 cents per kWh would see their rate go to 10.4 cents per kWh

Recent Trends Since Docket No. 35717

ONCOR

- Since December 31, 2007 (test year for Docket No. 35717), Oncor has invested over $1.0 billion in new distribution capital and other non-TCOS investment not currently in rates
- Annual customer growth has declined from a historical 2% to 0.9% and total demand per customer is down significantly due to energy efficiency and conservation
- Last rate case:
  - Oncor granted $115 million increase; excluding transmission investment previously approved by the Commission, increase was closer to $70 million
  - Depreciation rates were adjusted for the first time in 17 years
  - Property insurance reserve accrual & amortization
  - Pension & healthcare costs accrual & amortization
  - ***Reduced*** Oncor's net income
- Based on the 12 months ending June 30, 2010, Oncor reported an ROE of 8.17%; based on the 12 months ending September 30, 2010, Oncor reported an ROE of only 8.93%

Revenue Requirement: Overview

ONCOR

[illegible] x [illegible] = Depreciation Expense $497

Transmission - 2.70
Distribution - 3.91
General - 3.80

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$4,367

\+

$590

\-

[illegible]

=

$8,118 x Rate of Return 8.76% = Return $711

Depreciation Expense $497
\+
O&M Expenses $1,321
\+
Federal Income Tax $243
\+
Other Taxes $390
=
Total Operating Expense $2,451
\+
Return $711
=
[illegible] $3,162

Revenue Requirement: Key Components

- Oncor's substantial investment in new, non-TCOS plant since December 31, 2007
- Amortization of deficit balance of ~$252m in Oncor's self-insurance or "storm" reserve account (~$36m)
- An increase in Oncor's annual accrual for the self-insurance reserve (~$25m)
- Amortization of the unfunded balance in Oncor's pension and OPEB accounts (~$8.7m)
- An increase in Oncor's annual accrual for pensions and OPEBs (~$37.8m)
- A proposed capital structure reflecting a 55% debt to 45% equity capitalization
- A proposed increase in Oncor's ROE from 10.25% to 11.25%
- A proposed known and measurable adjustment for vegetation management ("VM") expense (~$34.6 m)

Rate Impacts

ONCOR

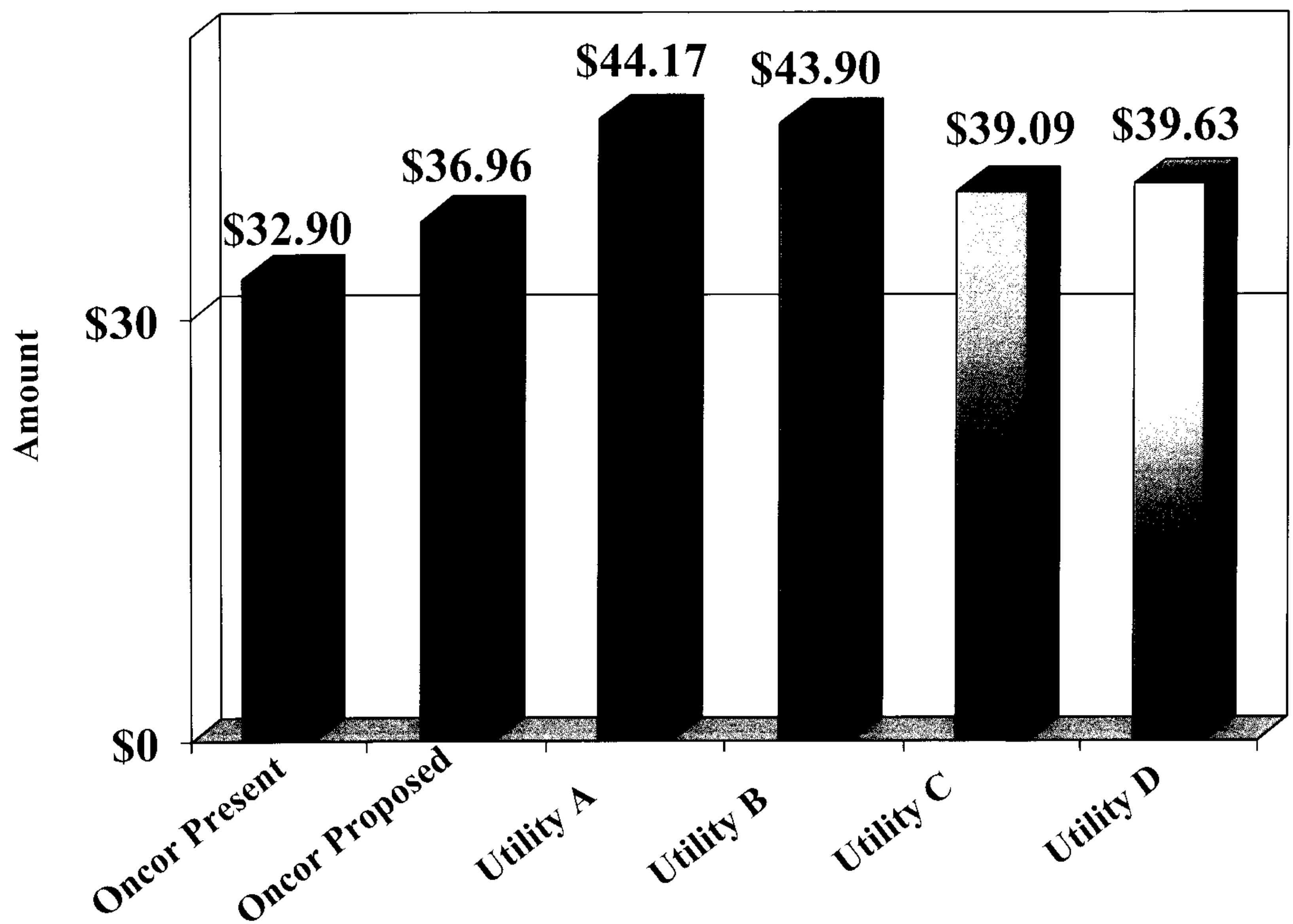
PUC DOCKET NO. 38929
ONCOR ELECTRIC DELIVERY COMPANY LLC
SUMMARY OF PROPOSED RATES BY CUSTOMERS AND RATE CLASS

SPONSOR: J. M. SHERBURNE

Line No.	Rate Class Description	Number of Customers	Present Rates	Proposed Rates	Proposed Increase	% Increase
	(a)	(b)	(c)	(d)	(e)	(f)
1	Residential	2,685,933	$1,042,474,076	$1,194,263,603	$151,789,527	14.6%
2	Secondary ≤ 10 kW	218,606	$50,820,513	$57,653,212	$6,832,699	13.4%
3	Secondary > 10 kW	179,563	$871,493,769	$1,006,530,175	$135,036,406	15.5%
4	Primary ≤ 10 kW	1,924	$551,514	$681,094	$129,580	23.5%
5	Primary > 10 kW Dist. Line	4,035	$112,365,844	$118,591,790	$6,225,946	5.5%
6	Primary Substation	66	$11,815,877	$12,952,993	$1,137,116	9.6%
7	Transmission	174	$47,123,142	$49,445,501	$2,322,359	4.9%
8	Lighting	69,125	$51,701,265	$65,075,117	$13,373,852	25.9%
9	Total	3,159,426	$2,188,346,000	$2,505,193,485	$316,847,485	14.5%
10	Wholesale Substation	16	$459,606	$537,307	$77,701	16.9%
11	Wholesale DLS	64	$2,038,454	$2,383,076	$344,622	16.9%
12	Other Revenue	-	$49,146,271	$48,703,390	($442,881)	-0.9%
13	Grand Total	3,159,506	$2,239,990,331	$2,556,817,258	$316,826,927	14.1%
	Network Transmission Revenue		$544,310,069	$579,617,311	$35,307,242	6.5%
	Transmission Related Other Revenues		$24,942,038	$25,594,919	$652,881	2.6%
	Total Cost of Service		$2,809,242,438	$3,162,029,488	$352,787,050	12.6%

[1] Test-year revenues have been adjusted to annualize the Docket No. 35717 rate increase, to normalize billing units, to remove the revenues associated with Oncor's Advanced Metering Cost Recovery Factor, Energy Efficiency Cost Recovery Factor, and Rate Case Expense surcharge, and to increase test-year revenues to reflect TCOS and TCRF adjustments approved or pending after June 30, 2010.

Residential Bill – 1000 kWh



Proposed Procedural Schedule

ONCOR

▪ Filing Date	January 7, 2011
▪ Intervention Deadline	February 21, 2011 (Day 45)
▪ Deadline for Discovery on Oncor Direct	March 24, 2011 (Day 76)
▪ Intervenor direct testimony	March 29, 2011 (Day 81)
▪ Staff Direct	April 5, 2011 (Day 88)
▪ Staff and Intervenor cross-rebuttal and objections to Intevenor and Staff direct testimony	April 12, 2011 (Day 95)
▪ Deadline for discovery on Intervenor and Staff direct and cross-rebuttal testimony, and response to objections to Intervenor and Staff direct testimony	April 18, 2011 (Day 101)
▪ Oncor rebuttal testimony	April 21, 2011 (Day 104)
▪ Deadline for discovery on Oncor rebuttal testimony, and objections to Intervenor and Staff cross-rebuttal and Oncor rebuttal testimony	April 26, 2011 (Day 109)
▪ Prehearing Conference and response to objections to Intervenor and Staff cross-rebuttal and Oncor rebuttal testimony	April 29, 2011 (Day 112)
▪ Hearing on the Merits	May 2-6, 2011 (Days 115-119)
▪ Briefs	May 17, 2011 (Day 130)
▪ Reply Briefs	May 27, 2011 (Day 140)
▪ PFD	June 30, 2011 (Day 174)
▪ Open Meeting Date	July 14 or 21, 2011 (est.) (Day 188 or 195)
▪ Jurisdictional Deadline	July 31, 2011 (Day 205)

Key Contacts

ONCOR

- Teri Smart (Oncor Regulatory Support) 214-486-4832
- Steve Ragland (Oncor Lead) 214-486-5255
- Matt Henry (Legal Lead) 214-220-7726 (V&E)
- Howard Fisher (Oncor Legal) 214-486-3026
- Facsimile Number 214-486-3221

Lloyd Gosselink
ATTORNEYS AT LAW

816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532
www.lglawfirm.com

Mr. Brocato's Direct Line: (512) 322-5857
Email: tbrocato@lglawfirm.com

MEMORANDUM

TO: Steering Committee of Cities Served by Oncor Members

FROM: Geoffrey Gay
Thomas Brocato

DATE: January 7, 2011

RE: Oncor Electric Delivery Company's Statement of Intent to Increase Rates
Suspension Packet

ACTION REQUIRED TO SUSPEND THE EFFECTIVE DATE BY FEBRUARY 14, 2011

Oncor is filing a Statement of Intent to Increase Rates today with all cities in its service area that retain original jurisdiction. The Company is seeking a $353 million rate increase. If approved, the $353 million increase would raise rates for the average residential customer by $60 per year.

The rate increase requested by Oncor will become effective on February 14, 2011, unless the city takes action to suspend the effective date. The statute permits cities to extend the effective date by up to 90 days in order to study the filing. **The city must take action to suspend the effective date by February 14, 2011.** If your city does not have a regular council meeting scheduled before February 14th or is otherwise unable to take action on the suspension resolution by February 14th, please contact me as soon as possible.

Attached to this memo is a model suspension resolution and staff report. In the past, Oncor local managers have provided cities with a model denial resolution and may recommend that the city immediately deny the rate request. If this occurs, we do not recommend that you deny the request at this time. Suspending the effective date allows cities more time to review the application and decide on the final action, including settlement or denial of Oncor's requested rate increase.

The Steering Committee of Cities Served by Oncor will hold a conference call of all Steering Committee members later this month to discuss Oncor's rate request. During the call there will also be an opportunity for Steering Committee members to discuss strategy with Steering Committee consultants and attorneys.

If you have any questions, please feel free to contact Geoffrey (512/322-5875, ggay@lglawfirm.com) or Thomas (512/322-5857, tbrocato@lglawfirm.com).

1669-23

STEERING COMMITTEE CITIES (146)

Addison
Allen
Alvarado
Andrews
Anna
Archer City
Argyle
Arlington
Bedford
Bellmead
Belton
Benbrook
Beverly Hills
Big Spring
Breckenridge
Bridgeport
Brownwood
Buffalo
Burkburnett
Burleson
Caddo Mills
Cameron
Canton
Carrollton
Cedar Hill
Celina
Centerville
Cleburne
Coahoma
Colleyville
Collinsville
Comanche
Commerce
Coppell
Copperas Cove
Corinth
Crowley
Dallas
Dalworthington Gardens
DeLeon
De Soto
Denison
Duncanville
Early
Eastland
Edgecliff Village
Euless
Everman
Fairview
Farmers Branch
Fate
Flower Mound
Forest Hill
Fort Worth
Frisco
Frost
Gainesville
Garland
Glenn Heights
Grand Prairie
Granger
Grapevine
Gunter
Haltom City
Harker Heights
Henrietta
Hewitt
Highland Park
Honey Grove
Howe
Hurst
Hutto
Iowa Park
Irving
Jolly
Josephine
Justin
Kaufman
Keller
Kerens
Krum
Lake Worth
Lakeside
Lamesa
Lancaster
Lewisville
Lindale
Little Elm
Little River Academy
Malakoff
Mansfield
McKinney
Mesquite
Midland
Midlothian
Murchison
Murphy
Nacogdoches
New Chapel Hill
North Richland Hills
Oak Leaf
Oak Point
Odessa
O'Donnell
Ovilla
Palestine
Pantego
Paris
Plano
Pottsboro
Prosper
Ranger
Rhome
Richardson
Richland Hills
River Oaks
Roanoke
Robinson
Rockwall
Rosser
Rowlett
Sachse
Saginaw
Seagoville
Sherman
Snyder
Southlake
Springtown
Stephenville
Sulphur Springs
Sunnyvale
Sweetwater
Temple
Terrell
The Colony
Tyler
University Park
Venus
Waco
Watauga
Waxahachie
White Settlement
Wichita Falls
Willow Park
Woodway
Wylie

567089_1

Issue

Consider and/or act on approval of an ordinance annexing a tract of land totaling 18.00 acres located in the Isaac Herring Survey, Abstract No. 403 and the McMillan Survey, Abstract No. 588 located on FM 2551 (North Murphy Road), north of Rolling Ridge Drive.

Background

Chapter 43 of the Texas Local Government Code requires that two public hearings be held prior to property being annexed into the City. The first public hearing was held on October 4, 2010 and the second public hearing was held on October 18, 2010. During the course of the public hearings, it was discovered that the subject property has an agricultural exemption for tax purposes. Section 43.035 of the Texas Local Government Code requires the City to offer a development agreement in lieu of annexing the property. In essence, this is a "non-development" agreement where the City agrees not to annex the subject property for a period of time (usually 15 years) in exchange for the property owner's promise to not develop the land. The agreement provides that if an application is submitted for development during the term of the agreement, the agreement becomes null and void and the City will proceed to annex the property. The City has offered a development agreement to the property owner; however, the City has received no response to date. Therefore, Section 43.035 allows the City to annex the subject property.

Financial Considerations

N/A

Other Considerations

N/A

Staff Recommendation

Staff recommends approval of the annexation ordinance as submitted.

Attachments

1) Annexation Ordinance
2) Development Agreement

Jeff Bickerstaff, Asst. City Manager ______________________________
Submitted By **City Manager Approval**

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; ADOPTING A SERVICE PLAN; FINDING AND DETERMINING THAT TWO PUBLIC HEARINGS WERE CONDUCTED; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, § 43.028 of the Texas Local Government Code authorizes the annexation of territory, subject to the law of this state; and

WHEREAS, in accordance with Chapter 43 of the Texas Local Government Code, § 43.035, a development agreement was offered to the property owner and said property owner declined said development agreement; and

WHEREAS, in accordance with Chapter 43 of the Texas Local Government Code, a service plan was prepared and two public hearings were noticed and held in accordance with § 43.052 of the Texas Local Government Code to consider comments from the public for and against the annexation of such property into the City of Murphy; and

WHEREAS, the City of Murphy believes that annexation of the property hereinafter described is in the best interests of the citizens of Murphy, and the owners and residents of the area seeking annexation.

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

SECTION 1. Annexation

That the following described territory, to wit:

Being a 18.00 acre tract of land for annexation into the City of Murphy, in the Isaac Herring Survey, Abstract No. 403 and in the McMillan Survey, Abstract No, 588, Collin County, Texas, and that part of same herein conveyed and being more particularly described in Exhibit “A” attached hereto and incorporated herein by reference for all purposes.

Be and the same is hereby annexed into the City of Murphy, Collin County, Texas, and that the boundary limits of the City of Murphy, Texas, be and the same hereby extended to include the above-described territory within the city limits of the City of Murphy, Texas, and that same shall hereafter be included within the territorial limits of said City and said land and the inhabitants thereof shall be hereafter entitled to all rights and privileges of other citizens of the City of Murphy, Texas, and shall be bound by the acts and ordinances of said City.

SECTION 2. Service Plan

The Service Plan attached hereto as Exhibit "B" is hereby adopted and the same shall govern the delivery of the City of Murphy's municipal services to the annexed territory.

SECTION 3. Severability

It is hereby declared by the City Council of the City of Murphy that if any of the sections, paragraphs, clauses, phrases or provisions of this ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of a court of competent jurisdiction, such event shall not affect any remaining sections, paragraphs, sentences, clauses or phrases of this ordinance.

SECTION 4. Public Meeting

It is hereby officially found and determined that two public hearings were conducted before passage of this ordinance, and that the meeting at which this ordinance was passed was open to the public as required by law.

SECTION 7. Filing Instructions

The City Secretary is directed to file a certified copy of this Ordinance and the petition requesting annexation by landowner with the County Clerk of Collin County, Texas, and with the Collin County Central Appraisal District.

PASSED AND APPROVED on the __ day of _______, 2011.

____
Mayor, Bret M. Baldwin
City of Murphy

ATTEST:

____
City Secretary, Aimee Nemer

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE DEVELOPMENT AGREEMENT

This Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code by and between the **City of Murphy, Texas** (the "City") and **Carpenter Farms, Ltd.** (the "Owner"). The term "Owner" includes all owners of the Property.

WHEREAS, the Owner owns a parcel of real property (the "Property") in Collin County, Texas, which is more particularly and separately described in the attached **Exhibit "A"**; and

WHEREAS, the City has begun the process to institute annexation proceedings on all or portions of Owner's Property and has held public hearings on October 4, 2010, and October 18, 2010; and

WHEREAS, the Owner desires to have the Property remain in the City's extraterritorial jurisdiction, in consideration for which the Owner agrees to enter into this Agreement; and

WHEREAS, this Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, in order to address the desires of the Owner and the procedures of the City; and

WHEREAS, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term (defined below) of this Agreement; and

WHEREAS, this Development Agreement is to be recorded in the Real Property Records of Collin County.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

Section 1. The City guarantees the continuation of the extraterritorial status of the Owner's Property, its immunity from annexation by the City, and its immunity from City property taxes, for the term of this Agreement, subject to the provisions of this Agreement. Except as provided in this Agreement, the City agrees not to annex the Property, agrees not to involuntarily institute proceedings to annex the Property, and further agrees not to include the Property in a statutory annexation plan for the Term of this Agreement. However, if the Property is annexed pursuant to the terms of this Agreement, then the City shall provide services to the Property pursuant to Chapter 43 of the Texas Local Government Code.

Section 2. The Owner covenants and agrees not to use the Property for any use other than for agriculture, wildlife management, and/or timber land consistent with Chapter 23 of the Texas Tax Code, except for existing single-family residential use of the property, without the prior written consent of the City.

The Owner covenants and agrees that the Owner will not file any type of subdivision plat or related development document for the Property with Collin County or the City until the Property has been annexed into, and zoned by, the City.

The Owner covenants and agrees not to construct, or allow to be constructed, any buildings on the Property that would require a building permit if the Property were in the city limits, until the Property has been annexed into, and zoned by, the City. The Owner also covenants and agrees that the City's AG - Agricultural Zoning District zoning requirements apply to the Property, and that the Property shall be used only for AG - Agricultural Zoning District zoning uses that exist on that Property at the time of the execution of this Agreement, unless otherwise provided in this Agreement. However, the Owner may construct an accessory structure to an existing single family dwelling in compliance with all applicable City ordinances and codes.

THE OWNER ACKNOWLEDGES THAT EACH AND EVERY OWNER OF THE PROPERTY MUST SIGN THIS AGREEMENT IN ORDER FOR THE AGREEMENT TO TAKE FULL EFFECT, AND THE OWNER WHO SIGNS THIS AGREEMENT COVENANTS AND AGREES, JOINTLY AND SEVERABLY, TO INDEMNIFY, HOLD HARMLESS, AND DEFEND THE CITY AGAINST ANY AND ALL LEGAL CLAIMS, BY ANY PERSON CLAIMING AN OWNERSHIP INTEREST IN THE PROPERTY WHO HAS NOT SIGNED THE AGREEMENT, ARISING IN ANY WAY FROM THE CITY'S RELIANCE ON THIS AGREEMENT.

Section 3. The Owner acknowledges that if any plat or related development document is filed in violation of this Agreement, or if the Owner commences development of the Property in violation of this Agreement, then in addition to the City's other remedies, such act will constitute a petition for voluntary annexation by the Owner, and the Property will be subject to annexation at the discretion of the City Council. The Owner agrees that such annexation shall be voluntary and the Owner hereby consents to such annexation as though a petition for such annexation had been tendered by the Owner.

If annexation proceedings begin pursuant to this Section, the Owner acknowledges that this Agreement serves as an exception to Local Government Code Section 43.052, requiring a municipality to use certain statutory procedures under an annexation plan.

Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken in violation of Section 2 herein.

Section 4. Pursuant to Sections 43.035(b)(1)(B) of the Texas Local Government Code, the City is authorized to enforce all of the City's regulations and planning authority that do not materially interfere with the use of the Property for agriculture, wildlife management, or timber, in the same manner the regulations are enforced within the City's boundaries. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

Section 5. The term of this Agreement (the "Term") is fifteen (15) years from the date that the City Manager's signature to this Agreement is acknowledged by a public notary.

The Owner, and all of the Owner's heirs, successors and assigns shall be deemed to have filed a petition for voluntary annexation before the end of the Term, for annexation of the Property to be completed on or after the end of the Term. Prior to the end of the Term, the City may commence the voluntary annexation of the Property. In connection with annexation pursuant to this section, the Owners hereby waive any vested rights they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any plat or construction any of the owners may initiate during the time between the expiration of this Agreement and the institution of annexation proceedings by the City.

Section 6. Property annexed pursuant to this Agreement will initially be zoned AG - Agricultural pursuant to the City's Code of Ordinances, pending determination of the property's permanent zoning in accordance with the provisions of applicable law and the City's Code of Ordinances.

Section 7. Any person who sells or conveys any portion of the Property shall, prior to such sale or conveyance, give written notice of this Agreement to the prospective purchaser or grantee, and shall give written notice of the sale or conveyance to the City. Furthermore, the Owner and the Owner's heirs, successor, and assigns shall give the City written notice within 14 days of any change in the agricultural exemption status of the Property. A copy of either notice required by this section shall be forwarded to the City at the following address:

City of Murphy
Attn: City Manager
206 N. Murphy Road
Murphy, Texas 75094

Section 8. A certified copy of this Agreement shall be recorded in the real property records of Collin County, Texas, and this Agreement s run with the Property.

Section 9. If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect. In the event any section, subsection, paragraph, sentence, phrase or word herein is held invalid, illegal or unconstitutional, the balance of this Agreement shall be enforceable and shall be enforced as if the parties intended at all times to delete said invalid section, subsection, paragraph, sentence, phrase or word.

Section 10. This Agreement may be enforced by any Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

Section 11. No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

Section 12. The validity of this Agreement and any of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall only be in Collin County, Texas.

Section 13. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

Section 14. This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 3, 4, and 5 herein.

Section 15. This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written, previous and contemporary agreements between the parties and relating to the matters in this Agreement, and, except as otherwise provided herein, cannot be modified without written agreement of the parties to be attached to and made a part of this Agreement.

Section 16. The determinations recited and declared in the preambles to this Agreement are hereby incorporated herein as part of this Agreement.

Section 17. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

Section 18. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement as of the date last set forth below:

[The remainder of this page is left blank intentionally]

OWNER

Carpenter Farms, Ltd.

BY: **Carpenter Farms Management Co., LLC**

Its: General Partner

By: ______________________________

NAME: ___________________________

ITS: ______________________________

DATE: _______________________

OWNER'S ACKNOWLEDGMENTS

STATE OF TEXAS §
§
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of ______________, 2010, by ______________________, ________________ of **Carpenter Farms Management Co., LLC, General Partner of Carpenter Farms, Ltd**., the Owner**.**

____
Notary Public in and for the State of Texas

____
Name printed or typed

CITY OF MURPHY, TEXAS:

BY: ______________________________________

NAME: __________________________________

TITLE: ___________________________________

DATE: _________________________

CITY'S ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF COLLIN §

This instrument was acknowledged before me on the _____ day of ______________, 2010, by _________________, ______________ of the **City of Murphy, Texas**, on behalf of the **City of Murphy, Texas**.

____
Notary Public in and for the State of Texas

____
Name printed or typed

ATTEST:

BY: ____
Aimee Nemer, City Secretary, City of Murphy, Texas

DATE: _________________________

APPROVED AS TO FORM:

BY: ____
City Attorney

<u>EXHIBIT “A”</u>

AN ORDINANCE PROVIDING FOR THE ANNEXATION INTO THE CITY OF MURPHY OF TERRITORY GENERALLY DESCRIBED BELOW AND COMPRISING OF APPROXIMATELY 18.00 ACRES SITUATED IN THE ISAAC HERRING SURVEY ABST. 403 AND MC MILLAN SURVEY ABST. 588, COLLIN COUNTY, TEXAS;

GENERAL DESCRIPTION FOR THE ANNEXATION INTO THE CITY OF MURPHY OF TERRITORY GENERALLY DESCRIBED BELOW AND COMPRISING OF APPROXIMATELY 18.00 ACRES SITUATED IN THE ISSAC HERRING SURVEY ABST. 403 AND Mc MILLAN SURVEY ABST. 588, COLLIN COUNTY, TEXAS;

Being an 18.00 acre tract of land for annexation into the City of Murphy, Texas, in the Isaac Herring Survey Abst. 403 and Mc Millan Survey Abst. 588, Collin County, Texas;

A called 9.87 acre remainder tract of an original 10.94 acre tract conveyed to R.E. Carpenter by deed recorded in Volume 577, Page 28 dated September 24, 1959 of the Collin County Deed Records, Texas (CCDRT), and shown by Collin Central Appraisal District Property Identification Number 359542;

A called 5.84 acre tract of land, being a portion of the remainder an original 7.05 acre tract of land originally owned by Ruth Miller by deed recorded in Volume 290, Page 580 and dated October 18, 1932 and later conveyed to Maxine Carpenter by deed recorded in Volume 670 Page 809 dated July 27, 1933 of the Collin County Deed Records, Texas (CCDRT), and shown by Collin Central Appraisal District Property Identification Number 427309;

A called 1.00 tract of land, also being a remaining portion of the remainder of an original 7.05 acre tract of land originally owned by Ruth Miller by deed recorded in Volume 290, Page 580 and dated October 18, 1932 and later conveyed to Maxine Carpenter by deed recorded in Volume 670, Page 809 dated July 27, 1933 of the Collin County Deed Records, Texas (CCDRT), and shown by Collin Central Appraisal District Property Identification Number 364848;

A called 1.16 acre tract of land for the right of way of F.M. 2551 (Murphy Road), out of the original 10.94 R.E. Carpenter and 7.05 acre Maxine Carpenter tracts, conveyed to Texas Department of Transportation (TXDOT) by deed recorded in Volume 677 Page 651 of the Collin County Deed Records, Texas (CCDRT) and also shown on Sheet No. 5 in TXDOT Right Of Way Plans for F.M. 2551 from Parker to F.M. 544, Project No. C-2056-1-4 filed at the Dallas TXDOT Office, Mesquite;

A called 0.114 acre tract of land from the called Maxine Carpenter's original 7.05 acre tract, said 0.114 acres also being a part of the 5.410 acres out of Ruth Miller's original 108.87, 23.88 & 7.05 acre tracts for the right of way of F.M. 2551 (Murphy Road), conveyed to Texas Department of Transportation (TXDOT) by deed recorded in Volume 653 Page 576 & 595 of the Collin County Deed Records, Texas (CCDRT) and also shown on Sheet No. 5 in TXDOT Right Of Way Plans for F.M. 2551 from Parker to F.M. 544, Project No. C-2056-1-4 filed at the Dallas TXDOT Office, Mesquite;

Said 18.00 acres being more particularly described as follows:

BEGINNING at the northwest corner of the called 9.87 acre R.E. Carpenter tract, said point also being in the present City Limit Line of the City of Murphy, said point also being the northeast corner of Lot 15, Block G of the Rolling Ridge Estates – Phase 2 recorded in Cabinet O, Page 306, Map Records, Collin County, Texas, said point also being in the south property line of a 61.30 acre tract conveyed to Harrington/Turner Enterprises LP., recorded in Instrument number 1223870 and shown by Collin Central Appraisal District Property Identification Number 353218, said point also being the common survey boundary line between P. Anderson Survey Abst # 10 & Isaac Herring Survey Abst # 403 and said common survey line also being the Mutual ETJ Boundary line agreement between the Cities of Parker and Murphy as described in City of Murphy's Resolution 263 dated 10/20/1997;

Thence S 90° 0'0" E, leaving the said Murphy City Limit line and along the north property of the said 9.87 acre R.E. Carpenter tract, said line also being the south property line of a 19.03 acre tract conveyed to Maxine Carpenter (Volume and Page unknown) and shown by Collin Central Appraisal District Property Identification Number 353227, and said line also following the south property line of a 5.85 acre tract conveyed to Maxine Carpenter (Volume and Page unknown) and shown by Collin Central Appraisal District Property Identification Number 1149732, touching the Parker City Limit Line at approximately 692.50 feet, and then along the said City Limit Line, passing the West Right of Way line of F.M. 2551 (Murphy Road) at 782 feet, then continuing in the same direction for a total distance of 886 feet to a point for a corner, said point being the northwest corner of the called 5.84 acre Maxine Carpenter tract, said point being the said Parker City Limit , said point also being in the common survey boundary line between S. Herring Survey Abst. 404 and Mc Millan Survey Abst. 588 and said point still being in the said Mutual ETJ Boundary Line;

Thence S 89° 30'0" E, along the north property line of the said 5.84 Maxine Carpenter tract, said line also being the said Parker City Limit Line, said line also being the said Herring and Mc Millan common survey boundary line, and said line also being the said Mutual ETJ Boundary Line, for a distance of 244 feet along the said Parker City Limit Line, then leaving the City Limit Line and continuing in total for a distance of 577.50 feet to a point for corner, said point being the northeast corner of the said 5.84 acre tract, said point still in the common survey boundary line between S. Herring Survey Abst. 404 and Mc Millan Survey Abst. 588 and said point also being in the present City Limit Line of the City of Murphy;

Thence S 0° 30'40" E, leaving the said common survey boundary line and Mutual ETJ Boundary Line, and along City Limit Line of Murphy, said line also being the east property line of the said 5.84 Maxine Carpenter tract, and said line also being the west property line of a 93.6 acre tract of land conveyed to Dr. Horton by deed recorded in Volume 4799 Page 2252, a distance of 425 feet to a point for a corner, said point being the most easterly corner of the said 5.84 Maxine Carpenter tract, said point also being in the City Limit line of Murphy and the said point also being in the west property line of the said 93.6 acre Dr. Horton tract;

Thence N 89° 29' 20" W, continuing along the said Murphy City Limit Line, said line also being the westerly leg of the east property line of the said 5.84 Maxine Carpenter tract, and said line also being the north property line of 3.13 acre tract owned by Southfork Properties L.P. and conveyed by deed recorded in File # 95-0073717 of the Collin County Deed Records and shown by Collin Central Appraisal District Property Identification Number 2119510, a distance of 313.50 feet to a point for corner, said point being in the Murphy City Limit Line, said point also being the northwest corner of the said 3.13 acre Southfork tract and said point also being an inner corner of the said 5.84 acre tract;

Thence S 0° 30' 40" W, continuing along the Murphy City Limit Line, said line also being the east property line of the said 5.84 Maxine Carpenter tract, and said line also being the west property line of the said 3.13 acre Southfork tract, a distance of 268.55 feet to a point for corner, said point being the southeast corner of the said 5.84 acre tract and said point also in the said City Limit Line;

Thence N 89° 29' 20" W, continuing along the Murphy City Limit Line, and said line also being the south property line of the called 1 acre Maxine Carpenter tract, passing the northeast corner of a 3.85 acre tract conveyed to Randy J. Roller by deed recorded in Volume 4935 Page 3833 of the Collin County Deed Records and shown by Collin Central Appraisal District Property Identification Number 364867 at 30 feet, and also passing the east right of way line of F.M. 2551 at approximately 236.85 feet, and continuing in the same direction for a total distance of 231.93 feet to a point for corner, said point being the southwest corner of the said 1 acre Maxine Carpenter tract and said also being in the said Murphy City Limit Line;

Thence N 0° 37' 7" E, continuing along the said Murphy City Limit Line, said line also being the west property line of the said 1 acre Maxine Carpenter tract, a distance of 154.83 feet to a point for corner, said point in the City Limit Line and being the southeast corner of the said 9.87 R.E. Carpenter tract;

Thence N 90° 0' 0" W, continuing along the said Murphy City Limit Line, and said line also being the north property lines of Lots 5,6 & 7, Block F and Lot 1, Block G of the Rolling Ridge Estates, for a distance of 91.50 feet to a point, and continuing in the same direction for a total distance of 886 feet to a point for corner, said point being the southwest corner of the said 9.87 acre R.E. Carpenter tract, said point being in the City Limit Line and said point also being the southeast corner of Lot 12, Block G of the said Rolling Ridge Estates;

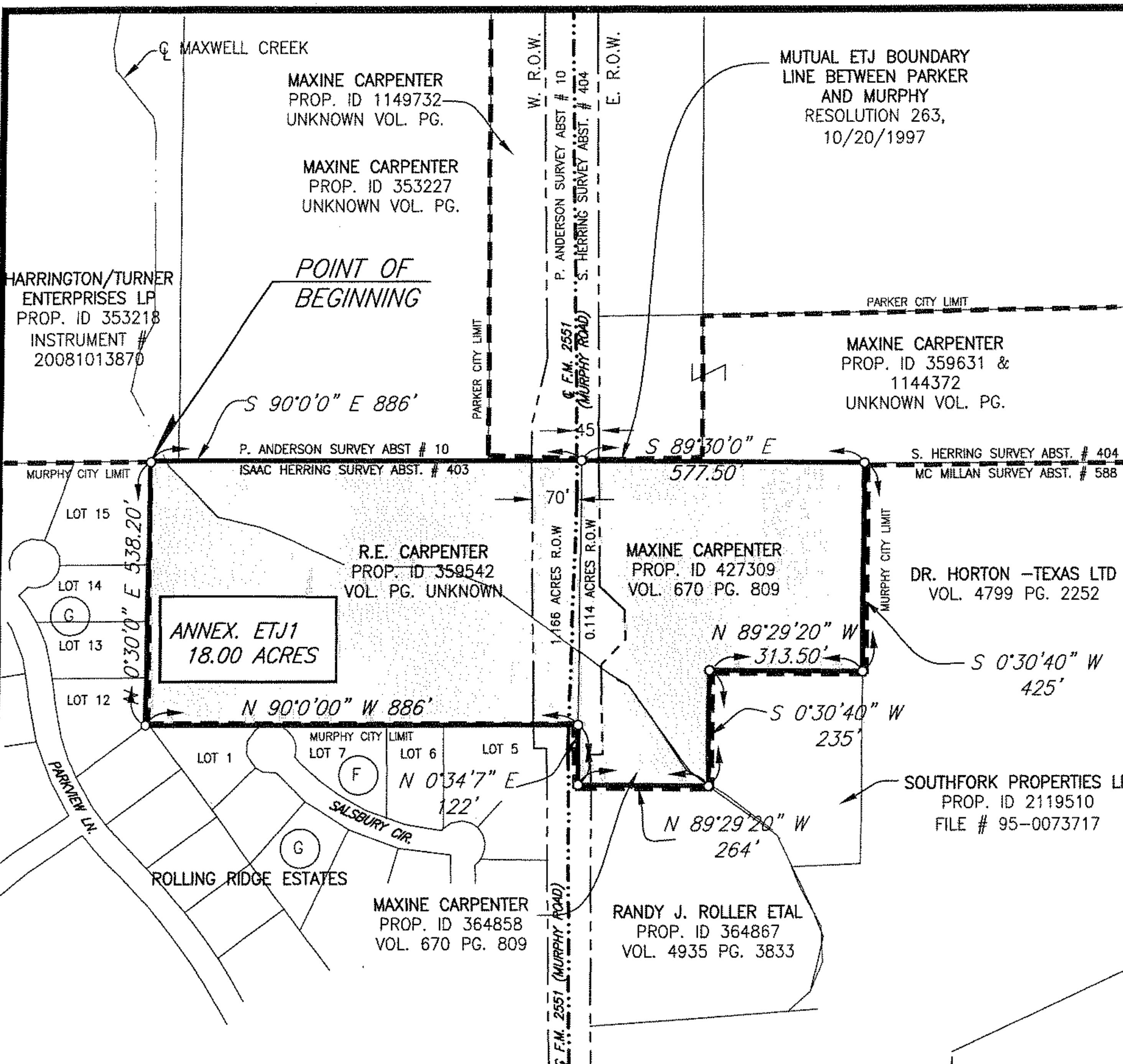
Thence N 0° 30' 00" E, continuing along the said Murphy City Limit Line, said line also being the west property line of the said 9.87 acre R.E.Carpenter tract, and said line also being east property line of Lots 12 through 15, Block G of the said Rolling Ridge Estates, a distance of 538.20 feet to a point for corner, said point being the northwest corner of the said 9.87 acre R.E.Carpenter tract, said point also being in the said Murphy City Limit Line and the POINT OF BEGINNING, containing 18.00 acres more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which is was prepared.

A plat map of even date herewith accompanies this field note description.

STATE OF TEXAS
REGISTERED
GARY CLINTON HENDRICKS
5073
PROFESSIONAL
LAND SURVEYOR

02/19/10



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STATE OF TEXAS REGISTERED GARY CLINTON HENDRICKS 5073 PROFESSIONAL LAND SURVEYOR

02/19/10

H:\Projects\Murphy\4025-182 2010 Annexation Description\Annexation Plats\ETJ1.dwg

REVISED: 2/10/10 - SRI BENIKI

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS TEXAS FIRM F526
11910 GREENVILLE AVE., SUITE 600
DALLAS, TEXAS 75243 214-361-7900

CITY OF MURPHY, TEXAS

2010 ANNEXATIONS
ANNEXATION PLAT - ETJ 1

Feb,2010

PLOT SCALE: 1:300 PLOT STYLE: 11x17c.ctb PLOTTED BY: SRI BENIKI ON 2/16/2010

Issue
Consider and/or act on the application of the **City of Murphy** requesting 1) an exception to Section 28-181 (b) of the City of Murphy Code of Ordinances to remove and relocate protected trees; 2) an exception to Section 28-156 (b) of the Code of Ordinances to relocate the requirement of landscape buffer trees along North Murphy Road and 3) an exception to Section 28-52 (b) of the Code of Ordinances to allow a fence in the front yard for the Murphy Community Center; on property located at 205 North Murphy Road. **Postponed from January 4, 2011**

Background
The City is planning to remodel the Old Murphy School Building located at 205 North Murphy Road and use the building as a community center. As part of the planning process, the consultant team hired by the City has requested that the existing trees located in the front yard be relocated to other City property (as yet to be determined). Section 28-181 (b) of the Code of Ordinances state that prior to the removal of protected trees, permission must be granted. Therefore, the applicant is requesting permission to remove and relocate the existing trees in the front yard.

As part of the redevelopment of the site, Section 28-156 (b) of the Code of Ordinances requires that a 15 foot landscape buffer be designated along North Murphy Road. Within that buffer, one large shade tree and four (4) small ornamental trees are required for every 50 linear feet of frontage along North Murphy Road. Therefore, the applicant is requesting an exception to the prohibition of fencing in the front yard.

Also as a part of the redevelopment of the site, the consultant team recommended erecting a low height fence in the front yard. Section 28-52 (b) of the Code of Ordinances states that no fence shall be erected in the front yard, which is adjacent to a public street (in this case North Murphy Road). Therefore, the applicant is requesting an exception to the prohibition of fencing in the front yard. As proposed, the Community Center would comply with all other requirements of Chapter 28.

Financial Considerations
N/A

Other Considerations
1. The following existing trees are proposed to be removed from the front yard.

- 14” Oak
- 20” Spanish Red Oak
- 12” Pine
- 3” – 8” Oak (multi trunk)
- 6” Bradford Pear
- 8” Bradford Pear
- 6” Bradford Pear
- 6” Redbud

The trees proposed to be removed total 80 caliper inches. The consultant team has recommended that in order to enhance the view of the historic building façade, that the existing trees in the front yard be removed.

2. Based on the amount of frontage on North Murphy Road, 4 large shade trees and 16 small ornamental trees would be required to be planted in the landscape buffer. These trees are proposed to be relocated to the rear of the subject property and incorporated into the parking lot landscaping plan. The consultant team has recommended that again, in order to enhance the view of the historic building façade, that the required buffer trees be relocated to an area behind the building façade, leaving no large shade trees in the front yard.

3. The proposed front yard fence would serve as an area that would hold outdoor events. The proposed fence would serve as a safety barrier to children and North Murphy Road. The height of the fence is proposed to be 3 feet, constructed of ornamental iron with 40” brick columns. The proposed fence would be in keeping with fence design of the late 1930’s.

4. The existing trees on the site, while they soften the landscape around the building, will serve to block a substantial portion of the building facade. The requirement of 4 additional large trees and 16 small ornamental trees in the landscape buffer would also serve to block a substantial view of the building. The proposed fence would enhance the aesthetic appearance of the property and serve as an outdoor gathering area.

5. At the January 4, 2011 meeting, Council requested that staff provide building elevations that show how the building would look with no trees, some trees and all trees. This is attached for your review.

Staff Recommendation

Therefore, staff recommends the following.

1. Approval of the request to remove and relocate existing trees in the front yard.
2. Approval of the request to relocate North Murphy Road landscape buffer trees to the rear parking lot landscape area.
3. Approval of the erection of a fence in the front yard.

Board Recommendation

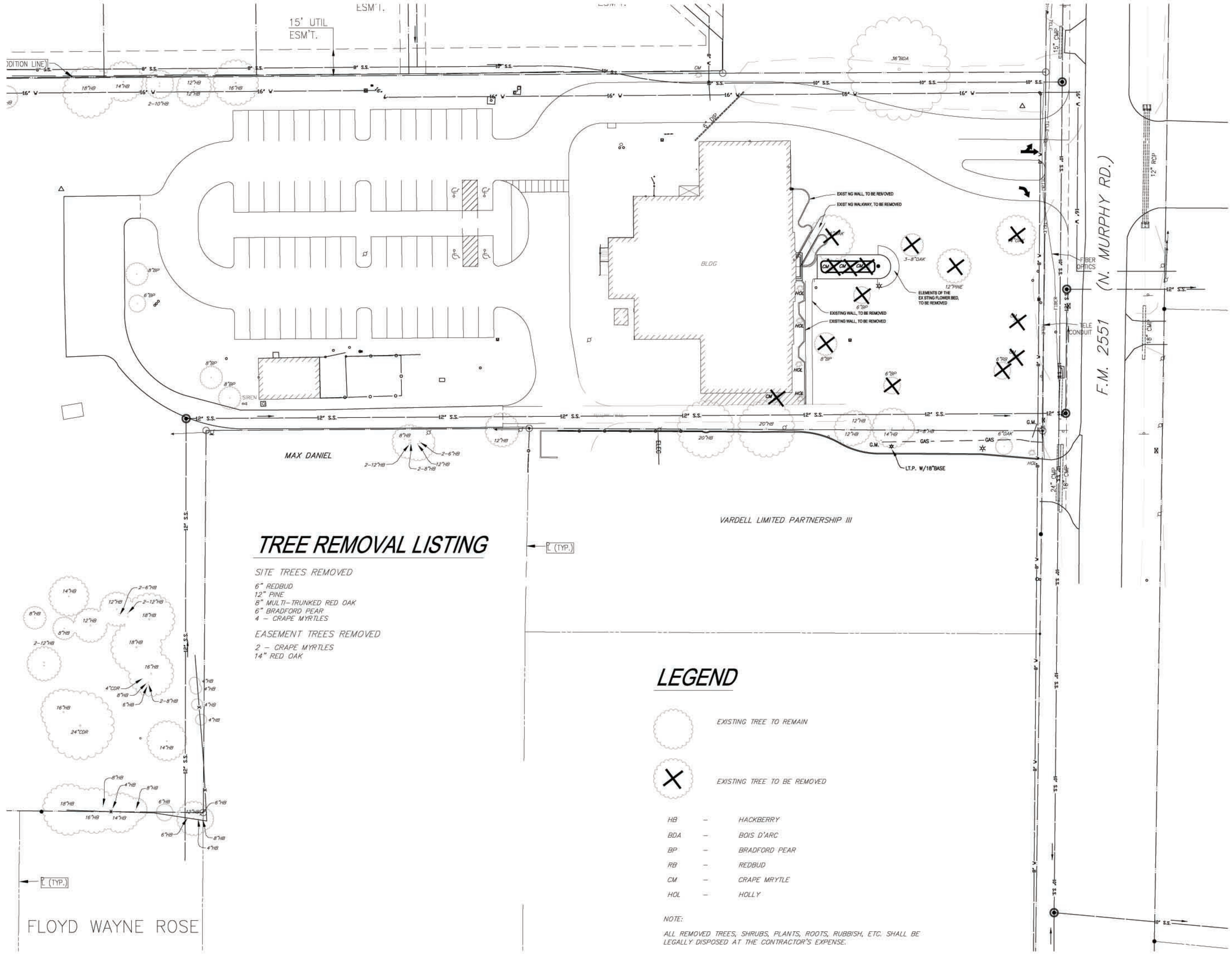
At their December 13, 2010 meeting, the Planning and Zoning Commission, by a [3] to [1] vote; recommended to approve the request as recommended by staff.

Attachments

1) Existing Tree Survey
2) Landscape Plan
3) Ornamental Fence Plan
4) Proposed Plat
5) Building Elevations
6) Consultant Team Letter

Jeff Bickerstaff, Asst. City Manager
Submitted By

____
City Manager Approval



TREE REMOVAL LISTING

SITE TREES REMOVED

6" REDBUD
12" PINE
8" MULTI-TRUNKED RED OAK
6" BRADFORD PEAR
4 – CRAPE MYRTLES

EASEMENT TREES REMOVED

2 – CRAPE MYRTLES
14" RED OAK

LEGEND

EXISTING TREE TO REMAIN

EXISTING TREE TO BE REMOVED

HB	–	HACKBERRY
BDA	–	BOIS D'ARC
BP	–	BRADFORD PEAR
RB	–	REDBUD
CM	–	CRAPE MRYTLE
HOL	–	HOLLY

NOTE:

ALL REMOVED TREES, SHRUBS, PLANTS, ROOTS, RUBBISH, ETC. SHALL BE LEGALLY DISPOSED AT THE CONTRACTOR'S EXPENSE.

VARIANCE REQUEST

WHR ARCHITECTS
Architecture with People in Mind

1111 Louisiana 26TH Floor
Houston, Texas 77002
713.665.5665 phone · whrarchitects.com

DUNKIN SIMS STOFFELS, INC.
LANDSCAPE ARCHITECTS/PLANNERS
9603 White Rock Trail, Suite 210
Dallas, Texas 75238
Phone: (214) 553-5778
Fax (214) 553-5781

Revisions		
No.	Date	Description

REGISTERED LANDSCAPE ARCHITECT
ROBERT P. STOFFELS
7025
STATE OF TEXAS

12/2/10

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0 10 20 40 60
SCALE 1"= 20'-0"

KEY PLAN

Old Murphy School Community Center

CITY OF MURPHY
LIFE LIVED AT YOUR PACE

205 North Murphy Road
Murphy, Texas

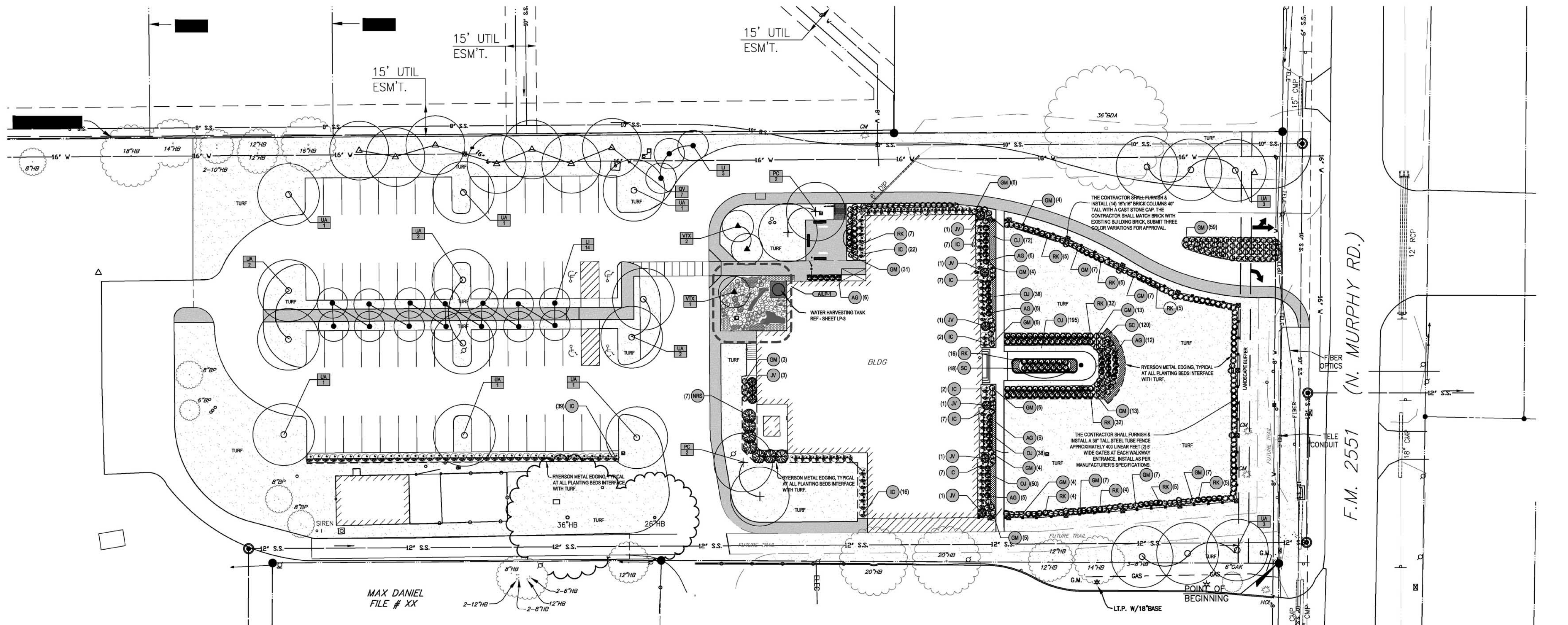
LANDSCAPE SITE PREPARATION PLAN

PHASE: 100% CD
DATE: 12/13/10

PROJECT NO.
D10300-00

LP-1

11/4/2010 9:48:57 AM

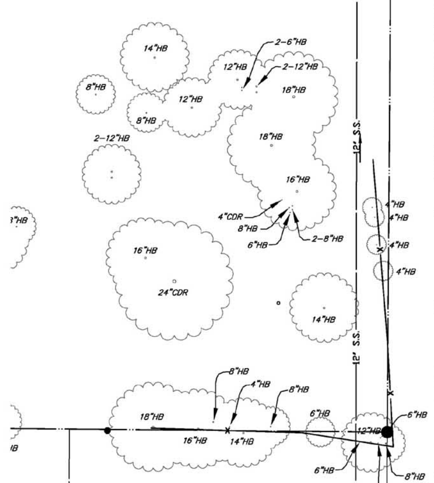


VARDELL LIMITED PARTNERSHIP III

VOL. 5189, PG. 329

36,232 S.F.

0.832 AC.



[redacted]

FLOYD WAYNE ROSE

FILE # XXX

241,789 S.F.

0.25 AC.

LANDSCAPE REQUIREMENTS:

AREA	TOTAL	LANDSCAPE REQUIREMENT	PROVIDED
LANDSCAPE BUFFER (TREE REQUIREMENT)	211 L.F.	1 CANOPY TREE & 4 ORNAMENTAL TREES / 50 L.F. (5 CANOPY TREES & 20 ORNAMENTAL TREES)	10 CANOPY TREES & 20 ORNAMENTAL TREES

PLANT SCHEDULE

SYM	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	COMMENTS
JV	9	JUNIPERUS VIRGINIANA 'SKYROCKET'	SKYROCKET JUNIPER	30 GALLON	5' HT.
LI	17	LAGERSTROMIA INDICA 'DALLAS RED'	DALLAS RED CRAPE MYRTLE	45 GALLON	(M.T. 4 CANES MAX.) (3 - 1" CANES MIN.) 10' HT. / 5' SP.
PC	4	PISTACIA CHINENSIS	CHINESE PISTACHE	65 GALLON	3" CAL., 7' BRANCH HT. / 12' MIN. HT.
QV	7	QUERCUS VIRGINIANA	LIVE OAK	65 GALLON	3" CAL., 7' BRANCH HT. / 12' MIN. HT.
UA	18	ULMUS CRASSIFOLIA	CEDAR ELM	65 GALLON	3" CAL., 7' BRANCH HT. / 12' MIN. HT.
VTX	3	VITEX AGNUS-CASTUS	CHASTE TREE	45 GALLON	(M.T. 4 CANES MAX.) (3 - 1" CANES MIN.) 10' HT. / 5' SP.
NRS	7	ILEX X 'NELLIE R. STEVENS'	NELLIE R. STEVENS HOLLY	30 GALLON	5' HT.
AG	41	ABELIA X GRANDIFLORA 'PROSTATA'	DWARF ABELIA	5 GALLON	3'-6" O.C. / 24" MIN. HT.
IC	109	ILEX CORNUTA 'BURFORDI NANA'	DWARF BURFORD HOLLY	5 GALLON	3'-6" O.C. / 24" MIN. HT.
RK	137	ROSA 'KNOCK OUT'	KNOCK OUT ROSE	5 GALLON	3'-0" O.C. / 24" MIN. HT.
GM	217	MUHLENBERGIA CAPILLARIS	GULF MUHLY	2 GALLON	3'-0" O.C. / 24" MIN. HT.
LM	5	MUHLENBERGIA LINDHEIMER	LINDHEIMER MUHLY	5 GALLON	4'-0" O.C.
TC	10	MALVAVISCUS ARBOREUS V. DRUMMONDII	TURKS CAP	5 GALLON	3'-0" O.C.
MBS	28	SALVIA FARINACEA	MEALY BLUE SAGE	5 GALLON	2'-6" O.C.
AS	13	SALVIA GREGGII	AUTUMN SAGE	5 GALLON	2'-6" O.C.
ZX	80	WEDELIA HISPIDA	ZEXMENIA	1 GALLON	1'-6" O.C.
BW	49	ASCLEPIAS TUBEROSA	BUTTERFLY WEED	3 GALLON	1'-6" O.C.
BES	70	RUDBECKIA HIRTA	BLACK EYED SUSAN	1 GALLON	12" O.C.
PA	25	PENNISETUM ALOPECUROIDES 'HAMELN'	HAMELN'S FOUNTAIN GRASS	3 GALLON	2'-0" O.C.
FA	32	ASTER FRIKARTI	FRIKARTI ASTER	1 GALLON	12" O.C.
OJ	198	OPHIAPOGAN JAPONICUS	MONDO GRASS	4" POT	12" O.C.
SC	F.V.	SEASONAL COLOR	SEASONAL COLOR	4" POT	12" O.C.
	F.V.	DISTRUBED AREA CYNODEN DACTYLON	COMMON BERUMDA GRASS	N.A.	

**** QUANTITIES MUST BE VERIFIED BY CONTRACTOR***

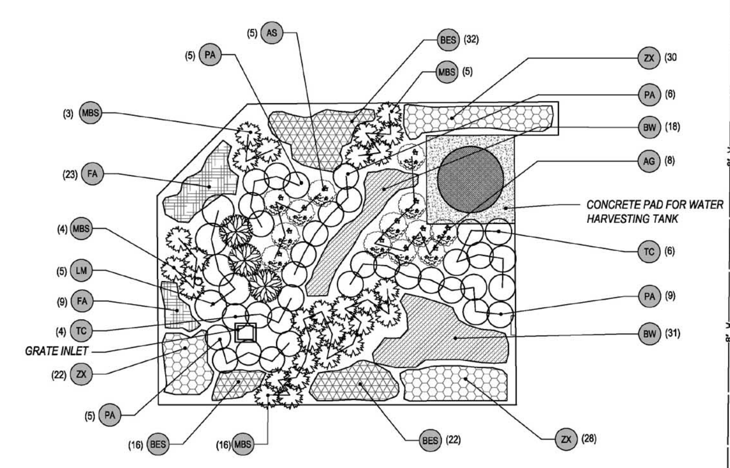
NOTE:

SOLID SOD BERMUDA GRASS SHALL BE APPLIED IN THOSE AREAS THAT ARE STIPPLED AND IN ALL AREAS DISTURBED BY CONSTRUCTION.

NOTE:
QUANTITIES MUST BE VERIFIED BY CONTRACTOR.
SEE SHEET LP-5 FOR PLANTING DETAILS

PLANTING NOTES:

1. Locate existing underground utilities and obstructions prior to commencing work. Repair damage to utilities resulting from installation of work at no additional expense to Owner.
2. Notify Landscape Architect immediately upon encountering unknown obstructions, grade differences or conditions not indicated on drawings. Make necessary revisions as required to conform to plans and specifications due to failure to provide such notification.
3. Coordinate with other trades and subcontractors as required to accomplish the planting installation.
4. Plant material shall be tagged or approved at the site by Landscape Architect prior to installation. Install plant material free of pest and diseases. Guarantee plant material for a period of 365 calendar days from date of final acceptance by the Owner.
5. Layout proposed planting beds and receive Landscape Architect's approval prior to installation. Notify Landscape Architect of layout conflicts. Failure to notify Landscape Architect will result in Contractor's liability to relocate materials as directed by Landscape Architect, at no additional cost to the Owner.
6. Landscape Bed Areas - Kill and completely remove any existing vegetation unless directed otherwise. Excavate to a depth of 4 inches, backfill with 4 inches of Professional Bedding Soil as available from Living Earth Technology Co. and rototil to a depth of eight (8") inches producing a homogeneous mixture.
7. Final locations of plant material shall be subject to approval by Landscape Architect. Install groundcover 12 inches from edge of shrubs and tree root balls and 4 inches from edge of paving, walls and other structures.
8. Stake tree locations and acquire written approval from Landscape Architect prior to installation of irrigation system. Do not locate tree(s) within 10 feet of an irrigation rotary spray head. Install tree(s) in area covered by irrigation system. Provide supplemental watering as required until final acceptance by the Owner. Locate tree(s) 4 feet minimum from walls, headers, property lines and other trees within project. Notify Landscape Architect of location conflicts for resolution. Failure to notify Landscape Architect will result in Contractor's liability to relocate materials as directed by Landscape Architect, at no additional cost to the Owner.
9. Stake trees immediately upon installation and within the same day as planted.
10. Mulch planting beds and tree pits with finely shredded cypress mulch- 3" minimum settled depth.
12. Notify Landscape Architect 48 hours in advance of commencement of work to coordinate project inspection schedules.
13. All landscape areas are to be watered by an automatic landscape irrigation system.



A ENLARGEMENT: XERISCAPE AREA
SCALE 1/8" = 1'-0"

VARIANCE REQUEST

WHR ARCHITECTS
Architecture with People in Mind

1111 Louisiana 26TH Floor
Houston, Texas 77002
713.665.5665 phone · whrarchitects.com

DUNKIN SIMS STOFFELS, INC.
LANDSCAPE ARCHITECTS/PLANNERS
9603 White Rock Trail, Suite 210
Dallas, Texas 75238
Phone: (214) 553-5778
Fax (214) 553-5781

Revisions		
No.	Date	Description

REGISTERED LANDSCAPE ARCHITECT ROBERT P. STOFFELS 1025 STATE OF TEXAS

Robert P. Stoffels 12/2/10

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0 15 30 60 90
SCALE 1" = 30'-0"

KEY PLAN

Old Murphy School Community Center

CITY OF MURPHY
LIFE LIVED AT YOUR PACE

205 North Murphy Road
Murphy, Texas

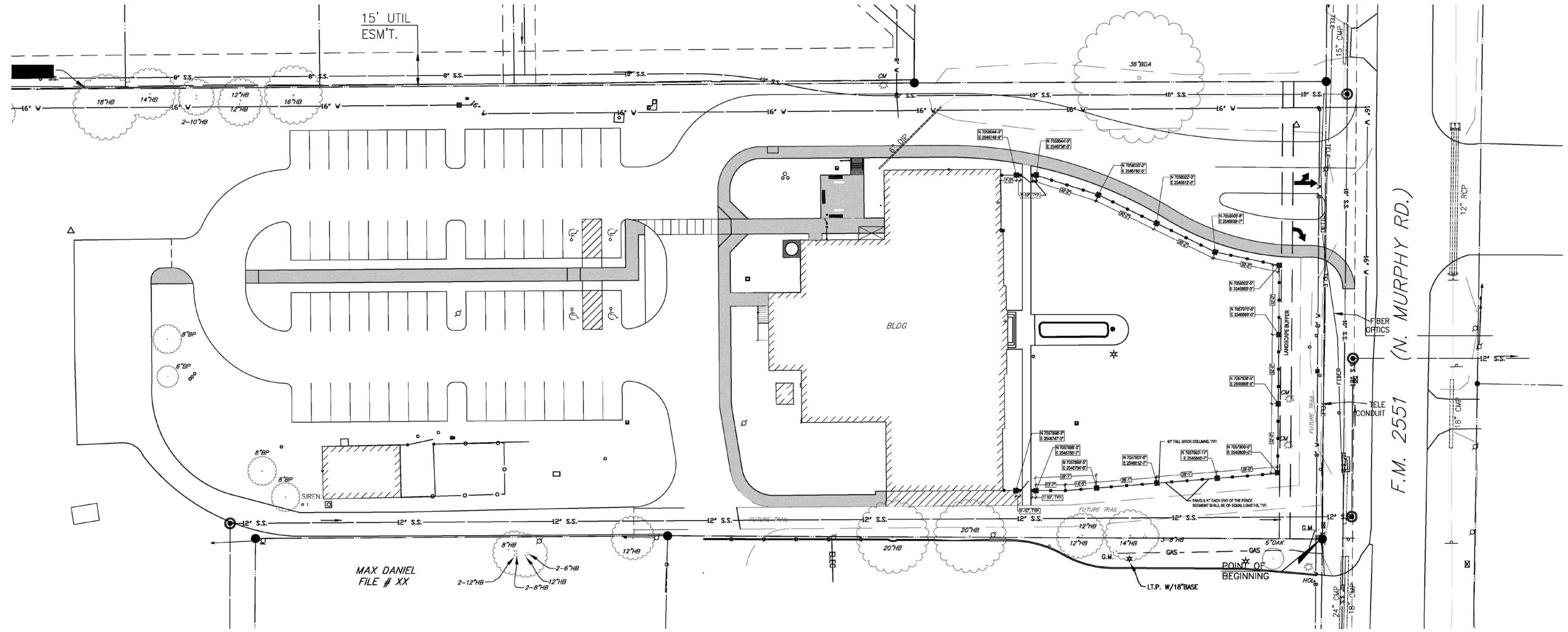
LANDSCAPE PLAN

PHASE: 100% CD
DATE: 12/13/10

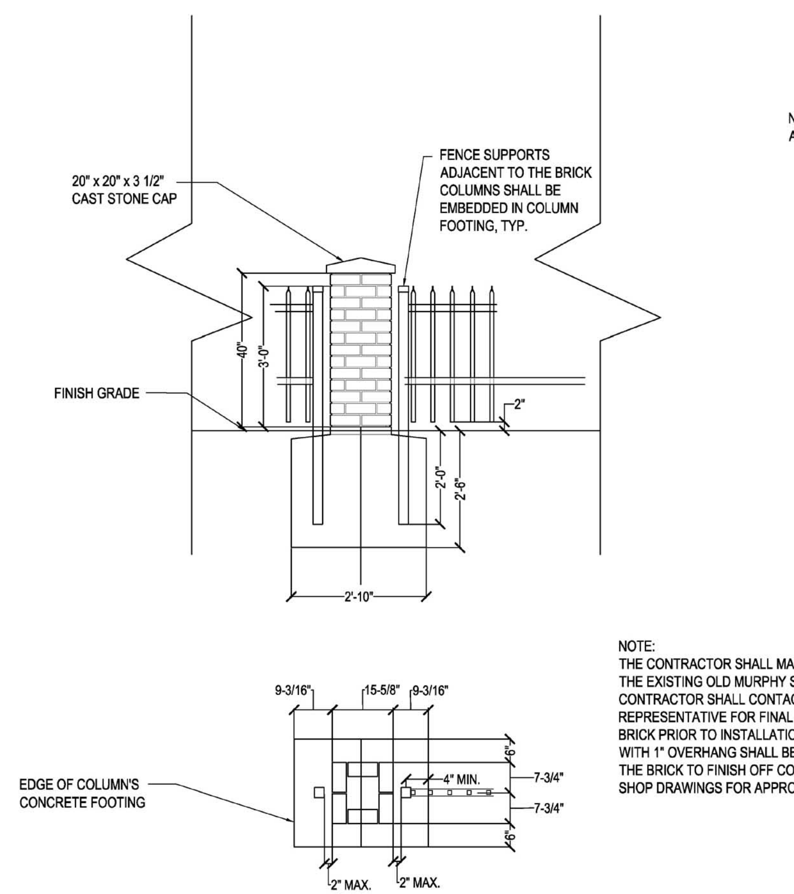
PROJECT NO. D10300-00

LP-2

11/4/2010 8:48:57 AM

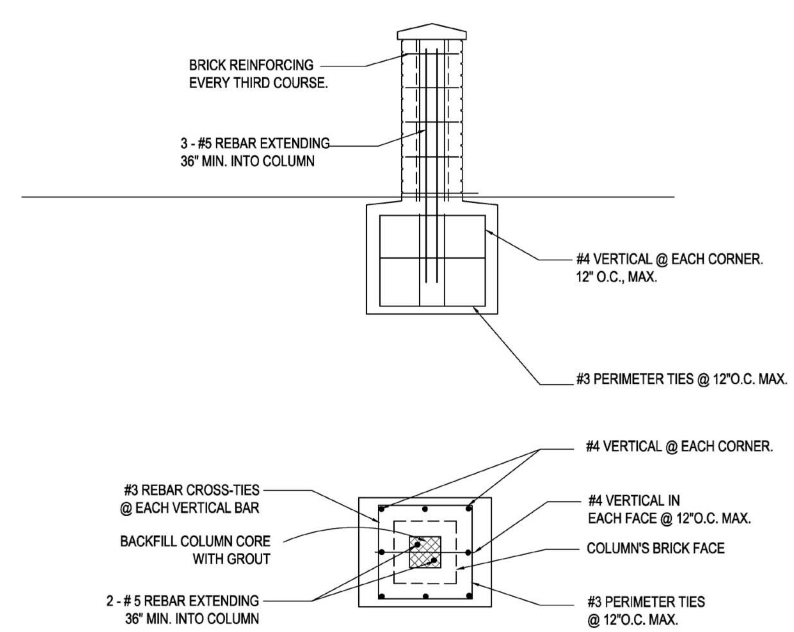


NOTE: BACKFILL ALL COLUMNS WITH MORTAR AFTER THE COLUMN IS CONSTRUCTED.



NOTE:
THE CONTRACTOR SHALL MATCH THE BRICK ON THE EXISTING OLD MURPHY SCHOOL BUILDING. THE CONTRACTOR SHALL CONTACT THE OWNER'S REPRESENTATIVE FOR FINAL APPROVAL OF THE BRICK PRIOR TO INSTALLATION. A CAST STONE CAP WITH 1" OVERHANG SHALL BE PLACED ON TOP OF THE BRICK TO FINISH OFF COLUMNS, SUBMIT SHOP DRAWINGS FOR APPROVAL.

A SECTION: Typical Brick Columns w/Steel Tube Fence
SCALE: 1/2" = 1'-0"



B SECTION: Column & Footing Reinforcing
SCALE: 1/2" = 1'-0"

VARIANCE REQUEST

11/4/2010 8:48:57 AM

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Revisions		
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ROBERT P. STOFFELS
7025
STATE OF TEXAS
12/2/10

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North

0 15 30 60 90
SCALE 1"= 30'-0"

KEY PLAN

Old Murphy School Community Center

CITY OF MURPHY
LIFE LIVED AT YOUR PACE

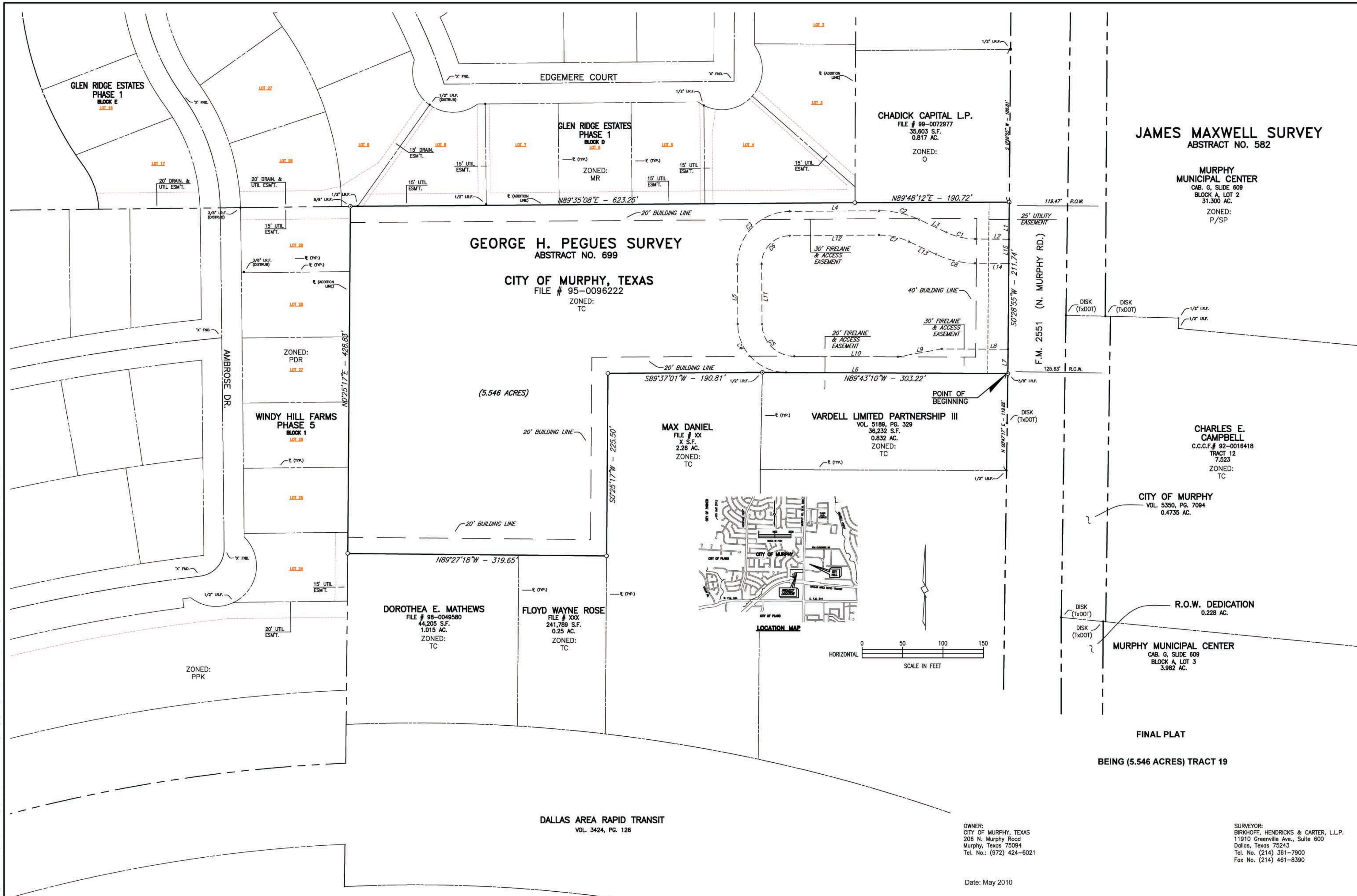
205 North Murphy Road
Murphy, Texas

36" ORNAMENTAL FENCE

PHASE: 100% CD
DATE: 12/13/10

PROJECT NO.
D10300-00

LP-3



These plans and related specifications were prepared for construction of this specific project only. Reuse of these documents is not permitted without written authorization of Birkhoff, Hendricks, & Carter, L.L.P.

REVISED: 6/9/10 - RLOWE H:\Projects\Murphy\2010113\Sheets\2010113-PLAT-1 OF 2.dwg PLOT SCALE: 1:1 PLOT STYLE: 22X34.ctb PLOTTED BY: KBURKS ON 12/1/2010

WHR ARCHITECTS

Northeast Perspective View

Old Murphy School Community Center

WHR ARCHITECTS

Northeast Perspective View

Old Murphy School Community Center

WHR ARCHITECTS

Northeast Perspective View

Old Murphy School Community Center

Northeast Perspective View

Old Murphy School Community Center

DUNKIN
SIMS
STOFFELS
Inc.

December 8, 2010

Mr. Jeff Bickerstaff
Asst. City Manager
City of Murphy
206 N. Murphy Road
Murphy, Texas 75094

Dear Mr. Bickerstaff:

The following narrative will briefly explain the reason for our variance requests for the Murphy Community Center. In general, the requests are based on the historical significance of the Old Murphy School House / Murphy Community Center.

Request for Variance of Front Yard Street Trees

We are requesting the street trees required by your ordinance be relocated to another part of the site. The reason for this is as follows:

> The Landscape Planting Plan concept was to enhance and open the view of the historic building façade. The planting of the required street trees would block this view from Murphy Road and pedestrians. It is not our intent or request to eliminate the street trees; we are simply relocating the trees to another location on-site.

Request for Variance for Font Yard Fence

As the consulting team was preparing concepts for the Murphy Community Center, the team proposed the concept of building a small steel tube with brick columns in the front yard of the Murphy Community Center. There were a couple of reasons for construction of the fence and they are as follows:

1. The City may hold events in the front yard area with children and the fence will act as a safety barrier.
2. The design of the fence is a low height steel tube with small brick columns. The design is intended to set a theme of the late 1930's and the concept was to enhance the overall design theme for the site and building.

Overall Site Tree Mitigation

All of the trees removed from the front yard area will be either transplanted or replaced within the City, on a per inch replacement with new planting.

I will be in attendance at the December 13, 2010 meeting to present these variance requests to the Planning and Zoning Commission for their consideration.

Sincerely,

Dennis Sims, ASLA
Principal

Issue
Hold a public hearing and consider and/or act on a recommendation for Murphy Community Development Corporation (MCDC) capital improvement budget amendments.

Background
The MCDC Board received comments from the Park Board and staff for funding priorities and needs for Park and Recreation facilities. In November, on the tour of parks and at the December and January Park and Recreation Board meetings, the members discussed and agreed on broad initiatives for the city park facilities.

In priority order they are as follows:

Priority 1: Signage: Directional road signage
Priority 2: Entrance features/signage at parks and a single park rules sign
Priority 3: Basic Amenities: Large BBQ Grills, benches, picnic tables, and individual BBQ grills
Priority 4: Athletic/recreational equipment: soccer goals, unique play equipment
Priority 5: Pavilion seating: bench seating like in Mustang Park Pavilion
Priority 6: Landscaping: more trees, more landscaped beds
Priority 7: Signature or unique amenity for each park: i.e. sculpture, sundial, timber playground

January 19, MCDC held a public hearing and are recommending the following projects and budget amendments to the 4B FY 2011 budget.MCDC is proposing to reallocate the $500,000 that was set aside in the FY 2011 budget and are recommending the following reallocation:

Priority 1: Signage: brown directional signs for each park that will have the city logo and arrow and a park name, located just before a right or left turn off of North or South Murphy Road, Betsy Lane, and/or Heritage Parkway.
Priority 2: Entrances to parks: rules signs, entry way signs at 6 parks
Priority 3: Basic Amenities: 2 large BBQ Grills with Rock counter service area for North Hill and The Preserve Pavilions
Priority 4: Athletic/recreational equipment: soccer goals (for Mustang Park), unique play equipment (balance beam log for Brentwood).

Additional needs discussed:

More Street Banners (need Spring banners; Picnic by the Pond; and Movies in the Park) See current banner schedule below.

City Street Banner Schedule:
Jan/Feb – Buy Murphy
Mar/April – NEED
May/June/July – Red, White, Blue, (Picnic & Movie NEED)
Aug/Sept – Maize Days

Oct/Nov – Buy Murphy
Dec – Christmas (Need to also budget labor and equipment to change out banners 6 times per year at $600 each for a grand total of $3,600 per year in operations budget.)

The Murphy Activity Center (MAC):
Initial interior painting
Paint Restrooms over spring break (restrooms have a stale smell)
Replace Carpet
Waiting Room Furniture, clocks, white board, desk, etc
Set-up electronic door locking
Signage
The Murphy Activity Center (MAC) for closing/attorney costs
Grand Total of Recommended Expenses approved by MCDC: $101,220

The remaining funds are to be allocated as follows:

1) Murphy Community Center FF&E estimated $250,000 (March 15 is scheduled for construction bid award, then staff will know if more or less 4B funds are needed for the Community Center project)
2) August 2011 – MAC first tax certificate payment estimated $8,900 interest only payment

Grand Total $360,120 of the $500,000 budget line item

Financial Considerations

Item	Quantity	Total NTE
Street Road Signs	26 signs @ $70 each	$ 1,820
Entrance and Park Rule Signs	6 parks @ $5,000 each	30,000
Large BBQ Grills with Counters	2 parks @ $6,000 each	12,000
Athletic / Recreation Equipment	2 parks	15,000
Street Banners	Spring, Movies, Picnic	3,300
MAC – Interior Painting	Completed 12/30/10	1,500
MAC – Restroom Painting	Spring Break	2,000
MAC – Replace Carpet		3,000
MAC – Waiting Room Furniture, etc.		1,600
MAC – Electronic Door Locking		5,000
MAC - Signage		1,000
MAC – Closing cost		25,000
GRAND TOTAL OF EXPENSES PROPOSED		**$101,220**
August 2011 – MAC Tax Certificate	Interest Only	8,900
Murphy Community Center FF&E	Finalize March 16	250,000
Budget Line Item - subtotal		$360,120
Unallocated to date		$139,880
Budget Line Item – Community Center		$500,000

Staff Recommendation
Staff recommends approval.

Attachment
1) MCDC Minutes January 19, 2011

Kim Lenoir, Community Services Manager
Submitted By

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City Manager Approval

Murphy 4B Community Development Corporation Regular Meeting Minutes - DRAFT
206 North Murphy Road
Murphy, Texas 75094

January 19, 2011

CALL TO ORDER

Vice President Hemphill called the meeting to order at 6:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Director Westhora gave the Invocation and led the Pledge of Allegiance.

ROLL CALL AND CERTIFICATION OF A QUORUM

Directors Present:	Eric Hemphill, Brian Epstein, Bernard Grant, Katie Westhora, Brian Jones, Michael Kim, who arrived at 6:32 p.m.
Directors Absent:	President Cary Walker
City Staff Present:	Kim Lenoir, Community Services Manager Marie Pulford, Administrative Assistant

Marie Pulford certified a quorum with all Directors present except for President Cary Walker.

PUBLIC COMMENTS

There were no public comments received.

INDIVIDUAL CONSIDERATION

1. Consider and/or act on the Minutes from the regular meeting November 17, 2010.

Action/Discussion
Director Grant made a motion to approve the Minutes from the regular meeting of November 17 20, 2010 meeting. Director Westhora seconded the motion. Motion passed 6-0.

2. Discuss monthly financial statements.

Action/Discussion
Kim Lenoir presented the financial reports prepared by the Finance Director. Director Grant would like the Board to consider adding a one (1) year reserve to reflect one (1) year MAC tax certificate payment. Vice President Hemphill agreed and would like the staff to research and provide a plan at a future meeting. During discussion the Board expressed concerns about the budget and questioned the numbers that were presented. Vice President Hemphill requested a copy of the approved budget from the last 4B meeting to help understand the proposed budget. In addition, this could help answer Agenda Item 4. Ms. Lenoir departed the meeting to obtain a copy of the approved budget for the Board to review.

3. Review Murphy Central Park, Liberty Ridge Park, and City Park/Bunny Run concept plans and phasing proposals.

Action/Discussion
Kim Lenoir presented the projected budget that would be needed to fund Park projects. Ms. Lenoir gave a brief presentation and displayed the concept plan for Murphy Central Park. She recommended a $2M budget for Murphy Central Park. Ms. Lenoir also discussed the potential phases for Liberty Ridge Park and what the projected cost would be. She recommended a $1M budget for the 2 phases and to do both phases as soon as possible. Ms. Lenoir proposed for City Park/Bunny Run to get a Parks & Wildlife Grant and a Collin County Grant. Begin initial planning, and then next year to start the construction process.

Vice President Hemphill requested a breakdown of the funds and an action plan to be reviewed at the next 4B meeting for budget projection purposes.

4. Hold a public hearing and consider and/or act on a recommendation to City Council for MCDC capital improvement projects.

Action/Discussion
Public hearing opened at 7:25 p.m. Julia Baldwin, Park Board Chair, was present to represent the Park Board and answer any questions from the 4B Board. Public hearing closed at 7:28 p.m.

Ms. Lenoir discussed financial considerations as follows:

- **Priority 1**: Signage: 26 @ $70 each advance street signs, Budget of $1,820
- **Priority 2**: Entrances to parks: rules signs, entry ways $5,000 x 6. Budget of $30, 000
- **Priority 3**: Basic Amenities: 2 Large BBQ Grills with Rock counter service area for North Hill and The Preserve Pavilions. Budget of $6,000.00 each
- **Priority 4**: Athletic/recreational equipment: Soccer goals for Mustang Park, unique play equipment (balance beam log for Brentwood). Budget of $15,000

- **Priority 5**: Pavilion seating, bench seating. Budget of $33,000 (Aviary $12,000 & North Hill $21,000)
- **Priority 6**: Landscaping: more trees and more landscaped beds for North Hill. Budget of $40,000
- **Priority 7**: Signature or unique amenity for each park: i.e. sculpture, sundial, timber playground, and an item needed for North Hill. Budget of $20,000

Director Westhora made a motion to recommend to City Council to approve Priority 1, 2, 3, and 4. Vice President Hemphill amended the motion to clarify that Priority 3 is for 1 grill in The Preserve. Director Westhora retracted the motion to clarify Priority 3. Motion was withdrawn.

Vice President Hemphill made a motion to recommend to City Council to move forward with Priority 1: Signage not to exceed $, 1820. Director Grant seconded the motion.
Motion passed 6-0.

Vice President Hemphill made a motion to recommend to City Council to move forward with Priority 2: Entrances to Parks not to exceed $30,000. Director Grant seconded the motion. Motion passed 6-0.

Vice President Hemphill made a motion to recommend to City Council to move forward with Priority 3: Basic Amenities not to exceed $12,000. Director Grant seconded the motion.
Motion passed 6-0.

Vice President Hemphill made a motion to recommend to City Council to move forward with Priority 4: Athletic/recreational equipment not to exceed $15,000. Director Grant seconded the motion. Motion passed 6-0.

Vice President Hemphill motioned that an approved expenditure of $3,800 for the Banners not to be funded by Promotional funds. Director Westhora seconded the motion. After further discussion, Vice President Hemphill would like to further research the legalities on Promotional funds spending. Motion was withdrawn.

Director Westhora made a motion to recommend to City Council funding for the Murphy Activity Center to include the following:

- Move in set up not to exceed $1,500
- Restroom paint not to exceed $2,000
- New carpet not to exceed $3,000
- Waiting room furniture not to exceed $1,600
- Electronic door set up not to exceed $5,000
- Signage not to exceed $1,000

- Closing attorney fees of $25,000

Director Grant seconded the motion. Motion passed 6-0.

Director Grant asked to go back and revisit the budget for the banners.
Director Grant made a motion to approve an expenditure on the Spring Banners, Picnic on the Pond Banners, and Movie Banners not to exceed $3,300 and that it not be included in the line item of promotional expense. Director Westhora seconded the motion. Motion passed 6-0.

5. Consider the need for the February 16 and March 16, 2011 meetings.

Action/Discussion
Director Epstein would like to request a meeting with Kim Lenoir and Linda Truitt, Finance Director, to discuss the proposed budget to obtain a more detailed plan for budgetary purposes.

The Board agreed that no meeting will be held in February. Next 4B Board meeting will be held on March 16, 2011.

MCDC BOARD OF DIRECTORS REQUESTS/UPDATES

- Future agenda requests
- Tennis Courts Joint Use Agreement
- Request for Proposals as needed
- Update from Parks and Recreation Board and City Council meetings

STAFF REQUESTS/UPDATES

- Budgets to be added to Agenda packets
- Copy of current Park names and maps

ADJOURNMENT

With no other business before the Corporation, Vice President Hemphill adjourned the meeting at 8:20 p.m.

APPROVED: DATE:

____ ____________________

Cary Walker, President

ATTESTED: DATE:

____ ____________________

Kim Lenoir, Community Services Manager

Issue

Hold a public hearing and consider and/or act upon recommendations for improvements to Murphy Central Park and extension of the Maxwell Creek Trails grant project.

Background

Dunkin Sims Stoffels Landscape Architects presented concept plans prepared in 2009 to a Town Hall meeting on December 14, 2010. The Park and Recreation Board received public comments and directed Park Planner, Dennis Sims, to revise the plans as discussed. At the January 11, 2011 meeting, Park Board reviewed the revised plans and recommended the following:

Park Board Action/Discussion

Eric Lopez made a motion on the Murphy Central Park concept plan to start Phase 1 with two (2) multi-use fields on the west side, eliminate the pond on option B for more open space, and to rotate the amphitheatre ¼ turn clockwise toward the City Hall. Phase 2 will consist of two (2) additional multi-use fields on the east side and the city hall water feature area. Sherry Pace seconded the motion. Motion passed 5-0.

Both meetings were well attended by citizens from Willow Wood Ranch Estates and Lacrosse Association members. Dennis Sims will be present to discuss the new concept plan.

Financial Considerations

Phase I project is estimated to cost $1.9 million, including the $500,000 TPWD grant, $1,000,000 from 2008 series 1 and 2 Bonds, and $500,000 from a Collin County grant. If Collin County decides not to sell Park Bonds this year, then the $500,000 will need to come from the 2008 series 3 Bond Sale.

Staff Recommendation

Murphy Central Park, is now in its second year of a three year TPWD grant contract. This park is also under the restriction of the PISD agreement to begin construction in 180 days. Staff recommends to proceed with construction plans to bid this project early this summer.

Attachment

1) Concept plan
2) Park Board Minutes

Kim Lenoir, Community Services Manager
Submitted By

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City Manager Approval

Murphy Central Park Master Plan

Conceptual Plan Revised

Presented to Park & Recreation Board January 11, 2011

CITY OF MURPHY

LIFE LIVED AT YOUR PACE

Dunkin Sims Stoffels, Inc.

Murphy Central Park

Murphy Central Park

Dunkin Sims Stoffels, Inc.

CITY OF MURPHY
LIFE LIVED AT YOUR PACE

PARK AND RECREATION BOARD
Regular Meeting Minutes
206 North Murphy Road
Murphy, Texas 75094

January 11, 2011

CALL TO ORDER

Board Member Cary Walker called the meeting of the Park and Recreation Board to order at 6:39 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

Board Member Walker gave the Invocation and led the Pledge of Allegiance.

ROLL CALL & CERTIFICATION OF A QUORUM

Board Members Present:	Cary Walker, Paula Harper, Jasmine Bayliss, Sherry Pace, and Eric Lopez, who arrived at 6:42 p.m.
Board Members Absent:	Julia Baldwin and Brian Jones
City Staff Present:	Kim Lenoir, Community Services Manager; Joy Hart, Senior Executive Assistant, Marie Pulford, Administrative Assistant

Marie Pulford certified a quorum with all Members present except for Julia Baldwin and Brian Jones.

PUBLIC COMMENTS

There were no public comments.

INDIVIDUAL CONSIDERATION

1. Approval of the Minutes from the regular meeting of December 14, 2010.

Board Action/Discussion
Board Member Lopez made a motion to approve the Minutes. Board Member Walker seconded the motion. The motion passed 5-0.

2. Consider and/or act upon recommendations for improvements to Murphy Central Park and extension of the Maxwell Creek Trails project.

Board Action/Discussion
Dennis Sims, of Dunkin Sims Stoffels Landscape Architects, presented the new concept plan/design for Murphy Central Park and extension of the Maxwell Creek Trails project.

Public Comments:

Tye Holmes of 342 N. Maxwell Creek Rd expressed concerns with the depth of amphitheater, in addition to concerns regarding the lighting and the traffic flow off of Tom Clevenger Rd.
Mr. Holmes suggested the possibility of rotating the amphitheater ¼ turn to direct sound toward the City Hall. Mr. Holmes paid compliments to Mr. Dennis Sims for taking the feedback from the last meeting and improving the Plans. He asked the Board to consider the potential increase of traffic flow on N. Maxwell Creek Rd.

Gus Delaloye of 430 Poindexter was pleased to see the design improvement to represent the interest of Willow Wood residents in regards to the parking areas; that were removed from the previous plans. Mr. Delaloye addressed that he would prefer to see only three (3) fields and the fields to be placed closer to the west side of the plan. He was pleased with the new concept plans.

Margaret Malone of 421 N. Maxwell Creek Rd. stated that she was impressed with the new plan, but expressed concerns about the parking spaces provided. Mrs. Malone is concerned that an event will cause the increase of traffic that would generate parking on N. Maxwell Creek Rd. and Tom Clevenger Rd. Mrs. Malone also expressed concerns about the lighting and wants the Board to consider and ensure that the facilities are robust and able to accommodate parking for typical use.

Kevin Herlihy of 435 Poindexter expressed concerns about the lighting plans and asked if there would be flood lights. Mr. Herlihy asked what were the exit plans for leaving the fields on North Murphy Rd.

Brad Lapsley of 375 Willow Wood expressed his liking of the ponds on the concept plan and feels that it will be an attractive feature. Mr. Lapsey is concerned with the amount of fields that are on the plan, and feels that 3 fields are more reasonable. Mr. Lapsey also agreed with others to turn the amphitheatre towards the south for noise and lighting purposes.

Keith Patton of 451 Poindexter expressed concerns of having five (5) fields and would rather see three (3) fields. Mr. Patton feels that if five (5) fields are considered, that the Board consider accommodation for additional parking. He mentioned combining the two ponds. Mr.

Patton also expressed concerns about the noise level. He went on to say that he can hear the noise from the games that are played at Kimbrough Stadium.

Richard Swartz of 1206 Crestwood Drive addressed that the more fields that are accommodated, the more activity the City of Murphy could obtain, which could be very beneficial. Mr. Swartz understands the concerns of residents with the lighting and noise level, but made suggestions to consider placing enforcement signs in non-parking areas, such as North Maxwell Creek Rd, and not light the fields on the east side to eliminate evening noise/light concerns.

Board Action/Discussion

Eric Lopez made a motion on the Murphy Central Park concept plan to start Phase 1 with two (2) multi-use fields on the west side, eliminate the pond on option B for more open space, and to rotate the amphitheatre ¼ turn clockwise toward the City Hall. Phase 2 will consist of two (2) additional multi-use fields on the east side and the city hall water feature area. Sherry Pace seconded the motion. Motion passed 5-0.

3. Consider and/or act upon a recommendation for Liberty Ridge Park and City Park/Bunny Run Park and phasing plans.

The Board discussed design plans, phasing options, and budgets to make recommendations to the City Council. Kim Lenoir provided the HOK presentation for phasing of Liberty Ridge Park and City Park/Bunny Run Park. Mrs. Lenoir explained the desire to prepare $1 million construction budget projects for efficient and cost effective/competitive bidding.

Board Action/Discussion

Cary Walker made a motion to defer this consideration to another meeting with a full quorum present, as Julia Baldwin and Brian Jones were not present for this meeting. Eric Lopez seconded the motion. Motion passed 5-0.

4. Consider and/or act upon a recommendation to City Council to rename City Park/Bunny Run.

Board Action/Discussion

Board Members reviewed the suggested short list: Bunny Run Nature Preserve, Discovery Park, Clevenger Park, Meadowlands Park, and Coyote Run Park. During discussion, Maggie Whitt of 316 Heatherbrook recommended the name to be Timbers Nature Preserve. All board members present liked the name and felt that it was a good fit.

Board Member Walker made a motioned that the name Timbers Nature Preserve be recommended to City Council for City Park/Bunny Run. Board Member Harper seconded the motion. Motion passed 5-0.

5. Consider and/or act upon a recommendation to Murphy Community Development Corporation for capital park improvement projects.

Board Action/Discussion

Ms. Lenoir made suggestions to the Board regarding projects, and asked the Board to prioritize the initiatives as well as providing a budget number for each project to present to the 4B Board.

- Priority 1: Signage: Directional advance street signs for each park, approximately 20 total signs.
- Priority 2: Entrances to parks: rules signs, entry way signs for 6 parks.
- Priority 3: Basic Park Amenities: Two large BBQ Grills
- Priority 4: Athletic/recreational equipment: 2 sets of soccer goals, climbing log
- Priority 5: Pavilion seating: bench seating like in Mustang Park Pavilion for Aviary and North Hill Pavilions.
- Priority 6: Landscaping: more trees, more landscaped beds for North Hill Park.
- Priority 7: Signature or unique amenity for North Hill Park: i.e. sculpture, sundial, etc.

Board Member Walker made a motion to present these priorities and budget numbers to the 4B Board, and Board Member Lopez seconded the motion. Motion passed 5-0.

6. Consider and/or act upon a recommendation to City Council to add certifying city parks as Wildlife Habitats under the National Wildlife Federation program as a *Friends of the Parks* project.

Board Action/Discussion

Maggie Whitt, Timbers Homeowners Representative was present to discuss the requirements and process to certify a habitat. The certification process and application is $60 and the habitat sign is $20. The habitat area is to be maintained under the honor system. Board members suggested that the Wildlife Habitat could fall under the Friends of the Parks program.

Board Member Walker recommended that City staff comprise a procedure and process plan for the Wildlife Habitat program and to get information on the legal implications of becoming a member of the Wildlife Habitat. This is to be presented at the next meeting.

No action taken.

AGENDA REQUESTS FROM PARK AND RECREATION BOARD

- Wildlife Habitat Procedures
- Special Meeting for all Board Members to attend to consider and/or act on recommendations for Liberty Ridge Park and City Park/Bunny Run Park budget and phasing plans, if needed.

STAFF REQUESTS/REPORTS

- Joint-use Recreation Center with City of Richardson
- City Council Meeting-January 4, 2011
- Capital Construction Status Report

ADJOURN

With no further business, the meeting was adjourned at 9:21 p.m.

APPROVED:	**ATTESTED:**
______________________________	______________________________
Cary Walker, Secretary	Kim Lenoir, Community Services Manager

Issue
Consider and/or act on a recommendation from the Park and Recreation Board to rename City Park/Bunny Run.

Background
The City Council adopted a Park Naming Policy in November 2009. On January 11, the Park and Recreation Board selected a new name for City Park/Bunny Run.

Suggested short list:

Bunny Run/ City Park
Bunny Run Nature Preserve
Discovery Park
Clevenger Park
Meadowlands Park
Coyote Run Park.

Citizen and Timbers COA Chair, Maggie Whitt, suggested *The Timbers Nature Preserve Park*. Everyone liked it and the Park Board voted unanimously to recommend it to the City Council.

If approved, City Park and Bunny Run will be renamed as one park – The Timbers Nature Preserve Park.

Financial Considerations
A new temporary sign will be installed with the new name. A permanent sign will be installed when the park undergoes reconstruction in 2012 at the earliest. Approximately $900 is budgeted for a new temporary park sign.

Staff Recommendation
Staff recommends approval.

Kim Lenoir, Community Services Manager
Submitted By

____
City Manager Approval

Issue

Discuss Murphy Central Park, Liberty Ridge Park, and City Park/Bunny Run concept and phasing proposals and budgets.

Background

This will be an opportunity for discussion of the concept designs, phasing and budgets of each of these future park projects. HOK and DDS have completed conceptual design. Staff is ready to proceed to the next level of design. 2008 Bond funds need to be reallocated to these projects and the third series of 2008 Bonds must be sold to proceed with these projects.

Financial Considerations

Most of the funds for these projects are from the approved 2008 Bond funds. Several can qualify for state and county grants, if available. And 4B funding may be considered to supplement these projects. Staff will share a recommended reallocation of park and trail bond funds and possible grants to be pursued.

Staff Recommendation

Murphy Central Park is now in its second year of a three year TPWD grant contract. This park is also under the restriction of the PISD agreement to begin construction in 180 days. Staff recommends to proceed with construction plans to bid this project early this summer.

Liberty Ridge and Bunny/Run City Park must rely on funds from the third series of the approved 2008 Bonds. Staff recommends proceeding with the entire Liberty Ridge Park plan as presented and to hire HOK to proceed with the construction document phase. At 35% construction documents a revised cost estimate will be established and more accurate budget figures presented.

Staff is recommending that for Bunny Run/City Park the City immediately apply for a $500,000 Outdoor Texas Parks Grant, due March 1, 2011, awards announced August 31, 2011, and preliminarily schedule construction for this park in 2012. HOK needs to proceed now with 35% construction documents to establish if permits will be required, which can take up to one year to acquire, and to obtain a more accurate construction estimate.

Attachments

1) Master Plans
2) Phasing Plans

Kim Lenoir, Community Services Manager ______________________
Submitted By **City Manager Approval**

1. PLAYGROUNDS
   - Code Upgrades
2. EXTENDED DRAINAGE
   - Fill & Plant Over Extended Structure
3. REFURBISHED FIELDS
   - East Fields Raised 12"
   - New Infield Clay
4. CREATED MARSH
   - Off-Channel Marsh Excavated & Planted
5. SILTATION POND
   - Excavated to Retain Silt During Storm Events, Protecting Fishing Pond
6. DRAINAGE SEPARATION
   - Remove Bridge & Create Separation Between North & South Drainage Areas
7. RESTROOM / PAVILION
   - Combined Structure w/ Utilities Connected From Demolished Residence
8. PIER
   - Fishing Pier Can Also Act As Stage For Informal Amphitheatre
9. FISHING PIER / OVERLOOK
   - Deck At Water's Edge For Fishing & Informal Gatherings
10. OUTDOOR CLASSROOM
    - Covered Seating Area Incorporated Info Overlook Structure
11. ISLAND
    - Picnic Stations w/ Tables & Grills
12. FISHING POND
    - Existing Pond Expanded & Silt Removed
13. SPLASH POND
    - Created & Stabilized Structure to Limit Erosion
14. SOFT SURFACE INTERPRETIVE TRAIL
    - Stabilized Crushed Limestone 6' Trail w/ Interpretive Signage Through Native Habitats
15. MARSH / WETLAND HABITAT
    - Educational Stop # 1 On Trail
16. PRAIRIE HABITAT
    - Educational Stop # 2 On Trail
17. STREAM / RIPARIAN HABITAT
    - Educational Stop # 3 On Trail
18. WOODLAND HABITAT
    - Educational Stop # 4 On Trail
19. TRAIL MAP KIOSK
20. PARKING
    - 20 Space Concrete Lot w/ School Bus Pull Out
21. INTER-CITY TRAIL
    - 14' Concrete Hike & Bike Spine Trial - Hawthorne to Maxwell Creek
22. STREAM STABILIZATION
    - Bank Stabilized to Limit Erosion
23. SPINE TRAIL CONNECTION
    - 6' & 10' Concrete Connections
24. BERMS
    - Ornamental Earthwork w/ Excavated Earth From Ponds / Marshes
25. POND TRAIL LOOP
    - 10' Concrete Loop Around Pond & Amenities
26. PARKING OPTION # 1
    - Add 22 Angled Stalls & Connect Bunny Run to Pine Top
27. PARKING OPTION # 2
    - Added 30 Spaced to Base 20 Spaces
28. PARKING OPTION # 3
    - Added 30 Spaced & Access Drive
    - Temporary, Stabilized Crushed Limestone Drive & Lot

CITY OF MURPHY | BUNNY RUN PARK

CITY OF MURPHY

Pacheco Koch
DALLAS • FORT WORTH • HOUSTON

Murphy Central Park Master Plan

Conceptual Plan Revised

Presented to Park & Recreation Board January 11, 2011

CITY OF MURPHY

LIFE LIVED AT YOUR PACE

Dunkin Sims Stoffels, Inc.

Murphy Central Park

Dunkin Sims Stoffels, Inc.

Murphy Central Park

Dunkin Sims Stoffels, Inc.

(1) WATER JETS
- Add Additional Circulation Jets to Improve Water Quality & Visual Appeal

(2) SLOPE
- Excavate to Provide Gentle Slope From Corner
- Provides Vehicular View of Terraced West Bank, Pavilion & Pond

(3) OPEN PLAY FIELD
- Retain Level Surface As Practice Sports Field

(4) PLAYGROUND
- Recessed Playground For 2 Age Groups (-4' From Curb Elevation)

(5) SEATING AREA
- Large Trees Shading Seating For Parents

(6) PAVILION
- 1200 SF Min. Structure w/ Power Connections & Barbeque Facilities

(7) TERRACE
- Paved Terrace Area For Gatherings, Recessed Into Slope (-2' Below Playground)

(8) RAMP ACCESS TO TERRACE

(9) TERRACE SLOPE
- Cut Ledges Into Existing Limestone to Water's Edge

(10) FISHING LEDGE
- Stone Ledge Into Pond For Fishing

(11) SAFETY LEDGE
- 10' Ledge of 12-18" Water Depth Around Pond Perimeter

(12) POND IMPROVEMENTS
- Removal of Silt to Increase Pond Depth - Improves Water Quality For Fishing

(13) BERMS
- 3-4' Gentle Landforms to Improve Aesthetics & Interest

(14) WALKS
- 6' Concrete Walks Throughout

Potential Phasing

Phase 1: +/- $650,000
- Blue area
- Playground
- Pavilion
- Terrace
- Water access
- General site work
- Pond de-silting

Phase 2: +/- $400,000
- Lighting
- Additional pond jets
- East side site work
- Stone fishing pier

Potential Phasing

Phase 1 (red): +/- $1.1 m
• Parking
• Nature trail and signs
• Outdoor classroom
• Pond edge/overlook
• Pavilion/restroom

Phase 2 (blue): +/- $650 k
• Pond enlargement
• Marshes and stream
• Field and playground
• Pond edge/overlook
• Earthwork

Phase 3 (remaining): +/- $960 k
• Major trail
• Secondary Parking
• Prairie restoration
• Bridges

Issue
Update on Capital Projects and Improvement Plan Program.

Background
This item was placed on the agenda to give staff the opportunity to brief you on the status of our Capital Project and Improvement Program. Staff is preparing a spreadsheet, which will be sent to you on Friday, January 28th, that outlines the 2008 Bond allocated dollars, the 2009 & 2010 Issuances, project expenditures, and the fund dollars available to date. The spreadsheet will also show the proposed 2011 Issuance, potential tax dollars impact, and staff's proposed reallocation of project dollars.

Financial Considerations
Staff will be presenting a recommendation to reallocate dollars throughout the Capital Projects & Improvement Plan projects. The reallocation gives the City a greater opportunity to initiate projects that will make a significant impact in all parts of the City. Staff will also be recommending the 2011 Issuance of the remaining bond dollars to allow the projects to continue.

Staff Recommendation

Attachments
1) Spreadsheet – Friday, January 28th

James Fisher, City Manager
Submitted By