

MURPHY CITY COUNCIL AGENDA  
REGULAR CITY COUNCIL MEETING (COUNCIL CHAMBERS)  
FEBRUARY 2, 2016 AT 6:00 PM  
206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094



Eric Barna  
Mayor

Scott Bradley  
Mayor Pro Tem

Owais Siddiqui  
Deputy Mayor Pro Tem

Ben St. Clair  
Councilmember

Betty Spraggins  
Councilmember

Sarah Fincanon  
Councilmember

Rob Thomas  
Councilmember

James Fisher  
City Manager

Susie Quinn  
City Secretary

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 2, 2016 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**1. CALL TO ORDER**

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

**3. ROLL CALL & CERTIFICATION OF A QUORUM**

**4. PUBLIC COMMENTS**

**5. CONSENT AGENDA**

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

- A. Consider and/or act on the January 19, 2016 regular meeting minutes.

**6. INDIVIDUAL CONSIDERATION**

- A. Hold a public hearing and consider and/or act on the application of LCD Capital Investments, LLC., to re-plat Lot 4R, Block B – Murphy Village Addition (The Learning Experience). This property is located at the SWC of Village Drive and Brand Road.
- B. Hold a public hearing and consider and/or act on the application of Clark Knippers / PBK Murphy Propco LLC, to re-plat Lot 1R, Block 1 – McCraw Corner (PDQ). This property is located 104 E. FM 544 at the southeast corner of FM 544 and South Murphy Road.
- C. Hold a public hearing and consider and/or act on the application of Wal-Mart Real Estate Business Trust requesting Ordinance No. 16-02-1007 to amend PD (Planned Development) District No. 12-02-905 to allow for a Professional Service (primarily limited to massages and facials and excluding nail services) as a permitted use on property located on the eastern outparcel of Walmart on N. Murphy Road.

- D. Consider and/or act upon Resolution Number 16-R-826 authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing James Fisher, City Manager or Linda Truitt, Finance Director or Jay Doegey, Executive Director of Texas Coalition for Affordable Power (TCAP) to execute an electric supply agreement for deliveries of electricity effective January 1, 2018 and committing to budget for energy purchases in 2018 through 2022 and to honor the city's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP.
- E. Consider and/or act upon approval of Ordinance Number 16-02-1008 ordering a General Election to be held on May 7, 2016, for the purpose of electing Council Members for Place 1, Place 2, Place 4, and Place 6 to a three (3) year term of office.
- F. Discussion on the City's Water Utility System.
- G. Consider and/or act upon the recommendations from the Council Interview Panel regarding appointing board members to the Murphy Municipal Development District.

## **7. CITY MANAGER/STAFF REPORTS**

- A. Timbers Nature Preserve
- B. Betsy Lane Road Widening Project
- C. South Maxwell Creek Parallel Trunk Sewer Line
- D. North Murphy Road

## **8. EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will now recess into Executive Session (closed meeting) to discuss the following:

- A. §551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Profession Conduct of the State Bar of Texas clearly conflicts with this chapter re: Safe Routes to School issues.
- B. §551.087 Deliberation regarding Economic Development Negotiations: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting

economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

- C. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Murphy Municipal Development District Members.

**9. RECONVENE INTO REGULAR SESSION**

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

- A. § 551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Profession Conduct of the State Bar of Texas clearly conflicts with this chapter re: Safe Routes to School issues.
- B. §551.087 Deliberation regarding Economic Development Negotiations: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Murphy Municipal Development District Members.
- D. Take Action on any Executive Session Items.

**10. ADJOURNMENT**

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on January 29 by 5:30 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

  
Susie Quinn, TRMC  
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 squinn@murphytx.org.

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

CITY COUNCIL MINUTES  
REGULAR CITY COUNCIL MEETING  
JANUARY 19, 2016 AT 6:00 PM

**1. CALL TO ORDER**

Mayor Eric Barna called the meeting to order at 6:01 PM.

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

Reverend Brendon Kimbrough gave the invocation and Mayor Barna led the Pledge of Allegiance.

**3. ROLL CALL & CERTIFICATION OF A QUORUM**

City Secretary Susie Quinn certified a quorum with the following Councilmembers present:

Mayor Eric Barna  
Mayor Pro Tem Scott Bradley  
Councilmember Ben St. Clair  
Councilmember Betty Nichols Spraggins  
Councilmember Sarah Fincanon  
Councilmember Rob Thomas

Absent:

Deputy Mayor Pro Tem Owais Siddiqui

**4. PUBLIC COMMENTS**

***Reverend Brendan Kimbrough, St. Timothy's Episcopal Church***, expressed his gratitude to the Council and Staff for allowing them to use the Murphy Activity Center for their Church since August, 2014. He also requested to have a meeting with Council and Staff regarding their future plans for the MAC building for possible purchase in the future.

***Jon Lashbrook, resident*** addressed Council regarding the Chamber Corner Honor Garden located in Central Park. He thanked the City for their support in this project and other projects they have done in the past. He gave a description where the brick honor garden is located, and the bench dedicated to deceased Officer Kyle Kucacus. He gave more background on the brick garden, on its purpose to honor people with an engraved brick. The bricks are engraved with three lines of wording and cost \$100 per brick. The funds raised from the sale of bricks in the brick garden go towards scholarships; this year they were able to award \$10,000 to deserving High School Seniors. Lashbrook invited everyone to see and enjoy the Honor Garden.

***Robert Wynn, resident*** is requesting the green light at S Maxwell Creek by the RaceTrac gas station be looked into the timing for this light. He would also like for the evergreen/landscaping along N Murphy road to be looked into for other options.

***Ray Shahan, resident*** presented his thoughts on PD10-5-390 screening and also his thoughts regarding requested rezone of The Ranch, and the Planning and Zoning meeting on September 8<sup>th</sup>, 2003. He presented highlighted documents to the Mayor and Council of minutes from various meetings.

## 5. PRESENTATIONS

- A. Presentation of Keep Murphy Beautiful 3<sup>rd</sup> Annual Mascot and Poster Contest Winners.

The Keep Murphy Beautiful Team presented the winners of this year's Recycle Poster Contest.

**Kindergarten -2<sup>nd</sup> grade winners:**

1<sup>st</sup>: Ava Arvizu (iPad Mini & artwork displayed on truck)

2<sup>nd</sup>: Ifra Anam Kalam (\$50 gift card winner)

**3<sup>rd</sup> – 6<sup>th</sup> grade winners:**

1<sup>st</sup>: Megan Trieu (\$300 Visa gift card & artwork displayed on truck)

2<sup>nd</sup>: Joshua Roy Jr. (\$50 gift card winner)

**7<sup>th</sup> – 10<sup>th</sup> grade winners:**

1<sup>st</sup>: Cedric Zhou (\$300 Visa gift card & artwork displayed on truck)

2<sup>nd</sup>: Thomas Dang (\$50 gift card winner)

- B. Presentation of the Annual Traffic Contact Report for 2015 for the Murphy Police Department (also known as the Racial Profiling Report).

Police Chief Cotten explained this is a yearly required report, and gave a brief background of this report. He compared the last 3 years of this report and the percentages are very similar each year. He explained the data, and the breakdown, 52% of stops were Caucasian this year as opposed to 53% last year. Cotten explained there have been no stops where the officer knew the race of the person being stopped prior to approaching the vehicle. He also confirmed we have not had any complaints regarding racial profiling in the last year. There were no discussion/questions from council.

- C. Presentation of financial report and investment report as of December 31, 2015.

Finance Director, Linda Truitt explained the financials as of December 31, 2015. The interest rate has increased to .15% and is expected to grow. The two percent (2%) sales tax dollars has collected 1.1 million dollars which is an increase of about \$60,000 over last year. Total revenues so far are over 5 million dollars, which mostly come from property taxes and we are at 60% collection. Permits and Licenses are up slightly due to commercial building permits, there have been no residential building permits issued for December. For expenses in the General Fund, we have used about 21% of our budget, and the Utility Fund we are at about 22%.

## 6. CONSENT AGENDA

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

- A. Consider and/or act on the January 6, 2016 regular meeting minutes.

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

**APPROVED**

**Mayor Pro Tem Bradley moved to approve the consent agenda as presented. Councilmember Fincanon and Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.**

**7. INDIVIDUAL CONSIDERATION**

- A. Consider and/or act on postponement of action until February 2, 2016 of the application of Anshu Jain requesting to amend the Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended by Ordinance No. 14-04-975, located on FM 544 approximately 800' west of Heritage Parkway for Lots 2-3, Block A, Nelson Addition.

Director of Economic and Community Development, Kristen Roberts explained the applicant discussed the Concept Plan with staff regarding the possible changes based on the feedback from the last meeting. The applicant has requested to speak tonight to council due to absences on council the last time. The applicant spoke to Council and gave their background as business owners/residents in Murphy. He spoke to some of the concerns by council and citizens regarding the view and privacy for the residents on the rear side of the proposed PD, and the trees on the property. He explained he is aware of the setbacks and his plan is in accordance with them. He said there will be no floodlights in the back of the building, and the businesses would be used for daytime operators with office hours of 9 to 5 not like retail or restaurants which are open much later. The applicant also showed the tree survey he had done to show the difference between the current PD that is approved and what he is proposing in regards to the trees that would have to be removed in each plan. The applicant also spoke to the elevation issues for the property, and explained if their building was not graded to the same height as the surrounding buildings his building will not be visible. Council asked the applicant if they were aware of the elevation prior to purchasing the property. The applicant said that was not something that was known to them prior to buying.

Public Hearing opened: 7:05PM

**Dwight Johnson, resident** opposed to new plan, would like to stick with the original plan.

**Vickie Johnson, resident** opposed to new plan, would like to stick with original plan.

**Dr. Carbonel, business owner and resident** opposed to new plan, would like to stick with original plan.

**Tammy Maxey, resident** read comments directly from her neighbors that were unable to attend this Council meeting. Jeff Hanson, resident is opposed to the new concept plan. Chris Hanton, resident is opposed to the new concept plan. Dr. Thomas, resident is opposed to the new concept plan. For Maxey's comments she opposes the new plan, would like to stick with original plan.

**Dennis Richmond, resident** thanked council for their hard work and service to the community. He is opposed to the new plan and expressed wishes to use the original plan.

**Diane Tingle, resident** opposed to the new concept plan, wishes to use the current plan.

**Terry Larson, resident** explained she is not in support or opposed to either plan but to think about a 3<sup>rd</sup> plan.

Public Hearing closed: 7:43PM

Council expressed interest in having a third plan developed.

City Manager, James Fisher asked for clarification and specific guidance from council regarding what their input and wishes for the new plan are. Fisher also explained to remand it back to the Planning and Zoning Commission they need specific guidance from Council on items to address.

Council expressed their wishes being the distance of the building to the building next to it in regards to building elevation and the additional 65 feet closer to the buffer line. Changing the building layout to provide better sight lines to traffic, additionally the entrance to the building being offset needs to be addressed.

**COUNCIL ACTION (7.A.):**

**APPROVED**

**Mayor Pro Tem Bradley moved to remand this request back to the Planning and Zoning Commission for evaluation with some guidance from council is to review how close the proposed building is to the vet's office with an eye on the elevation of the properties and to review the encroachment of the additional 65 feet getting close to the buffer line and the creek. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.**

- B. Hold a public hearing and consider and/or act on the application of Ryan Betz of 4B & W Land, LLC., Ronald and Patricia Williford and Kevin McAllister requesting a change in zoning from SF-20 (Single Family 20 Residential) to Retail on approximately 5.56 acres of property located southeast of FM 544 and Maxwell Creek Road. **(This item was continued from January 5, 2016 City Council Meeting).**

Director of Economic and Community Development Kristen Roberts gave a brief history of this item including the December 28<sup>th</sup> meeting from Planning and Zoning with a 6-0 opposition vote. It was on the City Council agenda January 5<sup>th</sup> at which time there was not an appeal received. The letter of appeal has been filed within the appropriate time frame and the applicant is requesting this item to be remanded back to Planning and Zoning for further review, and to come back before Council approximately in a June timeframe. Ryan Betz, one of the landowners spoke to council regarding Kristen's comments, confirming their position.

**Richie Earl, resident** opposed

**Barbara Harless, resident** opposed

**David Cole, resident** opposed

**Yolanda Luna, resident** opposed

**Martha Gallion, resident** opposed

**Keith Huyck, resident** opposed

**Warren Gallion, resident** opposed

**Barbara Krumholtz, resident** opposed

**Helen Shankle, resident** opposed

**John Doyle, resident** opposed

**Carlos Gabriel, owner of property #31 on the map,** opposed

**Ray Weyandt, resident** opposed

Public hearing closed at 8:38PM

Council addressed the residents and explained they understand their frustration, and will continue to work with the applicant and residents to achieve a conclusion.

Guidance from council to remand back to planning and zoning includes creating a Planned Development with specific business types, buffers to the creek west and south excluding property #44. Expand the PD to also include the property #33 with how that would be developed. The question was raised to address what will happen with Oak Glen specifically regarding emergency vehicle access options.

City Manager Fisher, clarified council is okay with having retail along FM 544 with a large buffer to the west.

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

**APPROVED**

**Mayor Pro Tem Bradley moved to remand this request back to the Planning and Zoning Commission with some guidance, within any submission of a Planned Development. I would like to see business types classified that would be allowed in that location, specific plans for buffering to the creek, buffer to the west, buffer residents to the south, and I would like included in the PD all the property to the retail line to be locked in at SF 20+, I would like to see options for Oakglen specifically. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.**

- C. Consider and/or act upon the Agreement for Video Streaming Services between the City of Murphy and Swagit Productions, LLC; consider adding additional video streaming for Boards/Commissions meetings.

City Manager James Fisher explained the history of this item and suggested adding Planning and Zoning to see how it goes.

Council asked if this was budgeted, Fisher confirmed this is within our budget and has room in our contract to make this work. Council asked for clarification if this is helping. Fisher confirmed it is a useful tool to Council, staff and residents and has had a good response.

**COUNCIL ACTION (7.C.):** **APPROVED**  
**Mayor Pro Tem Bradley moved to add Planning and Zoning meetings to the streaming services contract with Swaggit Productions LLC. Councilmember St Clair Seconded the motion. For: 6. Against 1. The motion carried by a vote of 6 to 1 (Councilmember Fincanon voted against).**

- D. Consider and/or act upon the Board and Commission Orientation/Work Session on Saturday, February 6<sup>th</sup> from 9:00 AM until noon at the Murphy Community Center.

City Manager James Fisher clarified the training will be located in the Murphy Activity Center. Fisher asked for guidance from Council regarding the direction and expectations they want for the boards. Council would like to see a councilmember liaison for each one of the boards. Fisher explained he wants to go over our guiding principles and vision statement as well. He also asked council to give him any information they have regarding specific items they hear that need to be resolved or discussed.

**COUNCIL ACTION (7.D.):** **NO ACTION**  
**NO ACTION AS THIS ITEM IS BEING CONTINUED**

- E. Consider and/or act upon the recommendations from the Council Interview Panel regarding appointing board members to the Murphy Municipal Development District.

There is no action taken on this item.

**COUNCIL ACTION (7.E.):** **NO ACTION**

- F. Consider and/or act upon advertising board members to the Charter Review Commission.

City Manager James Fisher explained there isn't anything too significant in this review just mostly clarification items. Council asked to give this item attention as it only happens every 6 years. Fisher explained he would like council to suggest people to be on this board for a total of at least 11.

Consensus was reached by Council for staff to begin the advertising for Charter Review Commission members.

**COUNCIL ACTION (7.F.):** **NO ACTION**

**8. CITY MANAGER/STAFF REPORTS**

A. Timbers Nature Preserve

This project is moving forward, working on laying sod, and strengthening the granite trails.

B. Betsy Lane Road Widening Project

This project is 28% complete. The contract expires in March, and will be asking for an extension.

C. South Maxwell Creek Parallel Trunk Sewer Line

This project is 89% complete, the railings are being completed.

D. North Murphy Road

Items are being worked on for this project, we are waiting to hear about the meetings Jodie Laubenberg will be having with the HOAs. The turn lane is currently being worked on at the intersection of FM 544 and Murphy Road.

**9. EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 9:00 p.m. to discuss the following:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Murphy Municipal Development District Members and Charter Review Commission.

**10. RECONVENE INTO REGULAR SESSION**

The City Council reconvened into Regular Session at 9:10 p.m., pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Murphy Municipal Development District Members and Charter Review Commission.
- B. Take Action on any Executive Session Items.

***COUNCIL ACTION (8.A.):***

***NO ACTION***

**11. ADJOURNMENT**

With no further business, the regular council meeting was adjourned at 9:20 PM.

APPROVED BY:

\_\_\_\_\_  
Eric Barna, Mayor

ATTEST:

\_\_\_\_\_  
Susie Quinn, City Secretary

**City Council Meeting**  
**February 2, 2016**

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**Issue**

Hold a public hearing and consider and/or act on the application of LCD Capital Investments, LLC, to re-plat Lot 4R, Block B – Murphy Village Addition (The Learning Experience). This property is located at 151 Brand Road at the SWC of Village Drive and Brand Road.

**Considerations**

1. The re-plat for Lot 4R – Block B – Murphy Village Addition is a re-plat of a final plat.
  - a. This re-plat creates The Learning Experience property as a standalone platted property with one owner.
2. A re-plat shall meet the same submittal and approval requirements as a final plat.
  - a. All public improvements have been completed.
  - b. The Learning Experience recently received their Certificate of Occupancy.
3. Following Planning & Zoning and City Council approval, the re-plat shall be filed at the county by the property owner in the same manner as a final plat.

**Board Discussion/Consideration**

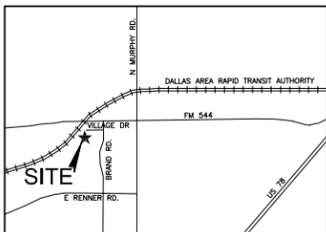
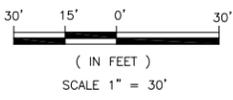
On January 25, 2016, the Planning & Zoning Commission approved this item unanimously.

**Staff Recommendation**

Staff recommends approving the re-plat as presented.

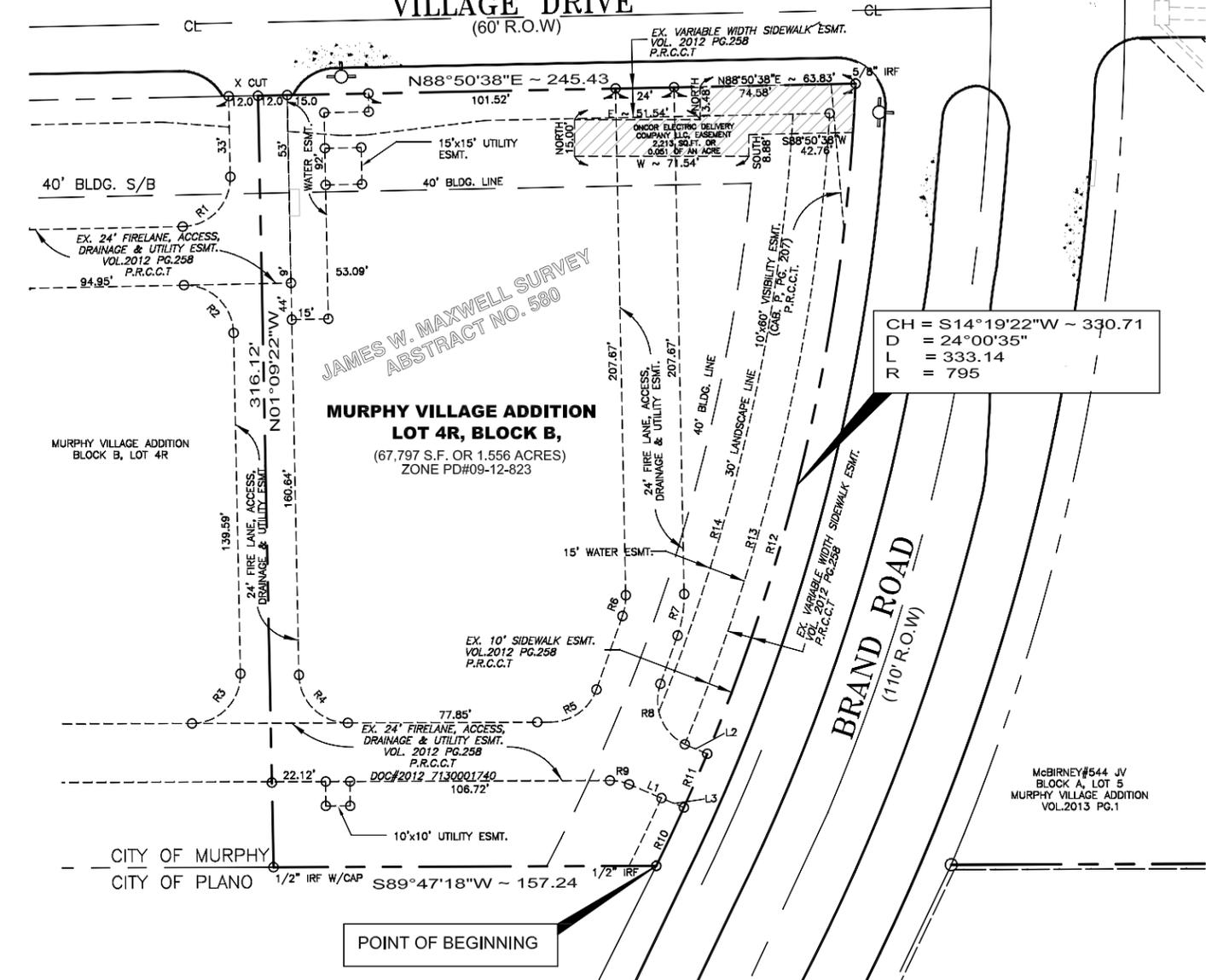
**Attachments**

Re-plat



McBIRNEY-544 JOINT VENTURE  
BLOCK B, LOT 1-B  
68,807 SF. OR 1.5796 AC.  
DOC.# 2010-50401000850

LOCATION MAP  
NTS



STATE OF TEXAS,  
COUNTY OF COLLIN,

**METES & BOUND DESCRIPTION**

**WHEREAS** LCD CAPITAL INVESTMENT, LLC is the owners of 1.556 acres tract of land situated in the J. Maxwell Survey, Abstract No. 580, City of Murphy, Collin County, Texas, said the tract being Lot 4R, Block B, MURPHY VILLAGE ADDITION recorded in VOL. 2012 PG. 258 Plat Recorded in Collin County, Texas and being more particularly decryed by mete and bounds as follows;

**BEGINNING** at 1/2" Iron Rod Found at the Southeast corner of MURPHY VILLAGE ADDITION as described in document number 2003-0207485 of a Map, recorded at Collin County, Texas. Said the point also being on the west Right of Way line of Brand Road (110 ft ROW);

**THENCE** S89°47'18"W for a distance of 157.24 feet to 1/2" Iron Rod Set for a corner;

**THENCE** N01°09'22"W for a distance of 316.12 feet to "X" Cut for a corner, said a corner also being on the South Right of Way line of Village Drive (60 feet Right of Way);

**THENCE** N88°50'38"E along the South Right of Way of Village Drive for a distance of 245.43 feet to 5/8" Iron Rod Found for a corner, said a corner also being the Southwest corner of the intersection between Brand Road and Village Drive, said a point also being on a curve tangent;

**THENCE** along the curve to the right with a Chord Baring of S14°19'22"W and a Chord distance of 330.71 feet with a delta of 24°00'35", a curve radius of 795 feet and a curve length of 333.14 feet to **POINT OF BEGINNING** and containing 67,797 S.F. or 1.556 Acres of land more or less.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

That \_\_\_\_\_ acting herein by and through their duly authorized officers, does hereby adopt this plat designating the herein above described property as Lot 4R, Block B of MURPHY VILLAGE Addition, an addition to the City of Murphy, Texas, and does hereby dedicate, in a fee simple to the public use forever, the streets, rights-of-way and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Murphy. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Murphy's use thereof. The City of Murphy and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Murphy and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

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

WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_.

By: \_\_\_\_\_

STATE OF TEXAS,  
COUNTY OF COLLIN,

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

Given upon my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_.

Notary Public in and for the State of Texas

My Commission Expires on \_\_\_\_\_

**PROPERTY OWNERS CERTIFICATION**  
McBirney-544 Joint Venture does own this property as described in Collin County Clerk file number 2003-0207485 except the portion owned by Sujani Realty, LLC, described in Collin County County Clerk number 2010-0165040

- LEGEND**
- IRS. = IRON ROD SET
  - IRF. = IRON ROD FOUND
  - M.R.C.C.T. = MAP RECORD OF COLLIN COUNTY, TEXAS
  - P.R.C.C.T. = PLAT RECORD OF COLLIN COUNTY, TEXAS
  - ESMT. = EASEMENT

CURVE TABLE						
CURVE	DELTA	RADIUS	T	L	CH	CHD
R1	90°00'02"	20.00	20.00	31.42	N43°50'37"E	28.28
R2	90°00'00"	20.00	20.00	31.42	N46°09'22"W	28.84
R3	90°00'00"	20.00	20.41	31.78	N44°18'58"E	28.52
R4	89°03'20"	20.00	19.67	31.01	S45°41'02"E	28.05
R5	70°18'02"	20.00	14.08	24.54	N54°38'17"E	23.03
R6	20°38'38"	24.00	4.37	8.65	N09°09'57"E	8.60
R7	20°38'38"	48.00	8.74	17.30	S09°09'57"W	17.20
R8	66°47'55"	20.00	13.19	23.32	S13°54'42"E	20.02
R9	23°06'20"	20.00	4.09	8.07	N78°39'32"W	8.01
R10	1°54'06"	795.00	13.20	26.39	N25°22'40"E	26.39
R11	1°43'48"	795.00	12.00	24.00	N23°33'43"E	24.00
R12	20°22'42"	795.00	142.89	282.76	N12°30'28"E	281.27
R13	19°27'10"	785.00	134.56	266.52	S12°57'60"W	265.24
R14	19°21'48"	770.00	137.36	260.22	N13°00'27"E	259.00

LINE TABLE		
LINE	LENGTH	BEARING
L1	14.44	N67°06'22"W
L2	10.00	S67°06'22"E
L3	10.00	N67°06'22"W

PREPARED BY:  
**ASA ENGINEERING**  
17819 DAVENPORT ROAD, SUITE 215  
DALLAS, TEXAS 75252  
PHONE: (972) 248-9651  
TX T.B.P.E. REGISTRATION # F-0606974  
T.B.P.L.S. FIRM REGISTRATION # 100433

**OWNER:**  
LCD CAPITAL INVESTMENT, LLC  
3930 GALLERIA OAKS DRIVE  
TEXARKANA, TX 75503

January 27, 2016  
VOL. , PAGE.

**NOTES:**

- Basils of Bearings; Bearing are expressed as grid bearing (Texas Coordinate System of 1983, Zone 4202, NAD 83 Datum), as determined by GPS observations, resulting in a bearing of N 88°50'38"E, for the south right of way of Village Drive.
- According to F.E.M.A flood insurance rate map, community panel no.48085C0415 J dated June 2,2009, this property does not appear to lie within a 100-year flood plain.

**SURVEYOR'S CERTIFICATE**

**KNOW ALL MEN BY THESE PRESENTS:**

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

Pansak Sribhen  
Registered Professional Land Surveyor No. 3576

STATE OF TEXAS  
COUNTY OF COLLIN

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

Given upon my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_.

Notary Public in and for the State of Texas

My Commission Expires on \_\_\_\_\_

**Language Note:**

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

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

**FINAL PLAT**  
Approved by the City of Murphy for filing at the office of the County Clerk of Collin County, Texas

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

Signature of Chairperson \_\_\_\_\_ Date of recommendation \_\_\_\_\_

**APPROVED BY:** City Council  
City of Murphy, Texas

Signature of Mayor \_\_\_\_\_ Date of Approval \_\_\_\_\_

**ATTEST:**

City Secretary \_\_\_\_\_ Date \_\_\_\_\_

**REPLAT**  
FOR  
**LOT 4R, BLOCK B**  
BEING A REPLAT OF MURPHY ADDITION BLOCK B  
BEING A 2.475 ACRES OUT OF THE  
JAMES MAXWELL SURVEY, ABSTRACT NO. 580  
AN ADDITION TO THE CITY OF MURPHY, TEXAS  
AS RECORDED IN VOL. 2012 PAGE 258  
OF THE PLAT RECORDS IN COLLIN COUNTY, TEXAS

Y:\2014\21418.MVBSURVEY.CONSTRUCTION REPLAT (Original&Revised) 16-01-28.dwg

**City Council Meeting**  
**February 2, 2016**

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**Issue**

Hold a public hearing and consider and/or act on the application of Clark Knippers / PBK Murphy Propco LLC, to re-plat Lot 1R, Block 1 – McCraw Corner (PDQ). This property is located 104 E. FM 544 at the southeast corner of FM 544 and South Murphy Road.

**Considerations**

1. The re-plat for Lot 1R – Block 1 – McCraw Corner is a re-plat of a final plat.
  - a. This re-plat creates the PDQ restaurant property as a standalone platted property with one owner.
2. A re-plat shall meet the same submittal and approval requirements as a final plat.
  - a. All public improvements have been completed.
  - b. PDQ received their Certificate of Occupancy.
3. Following Planning & Zoning and City Council approval, the re-plat shall be filed at the county by the property owner in the same manner as a final plat.

**Board Discussion/Consideration**

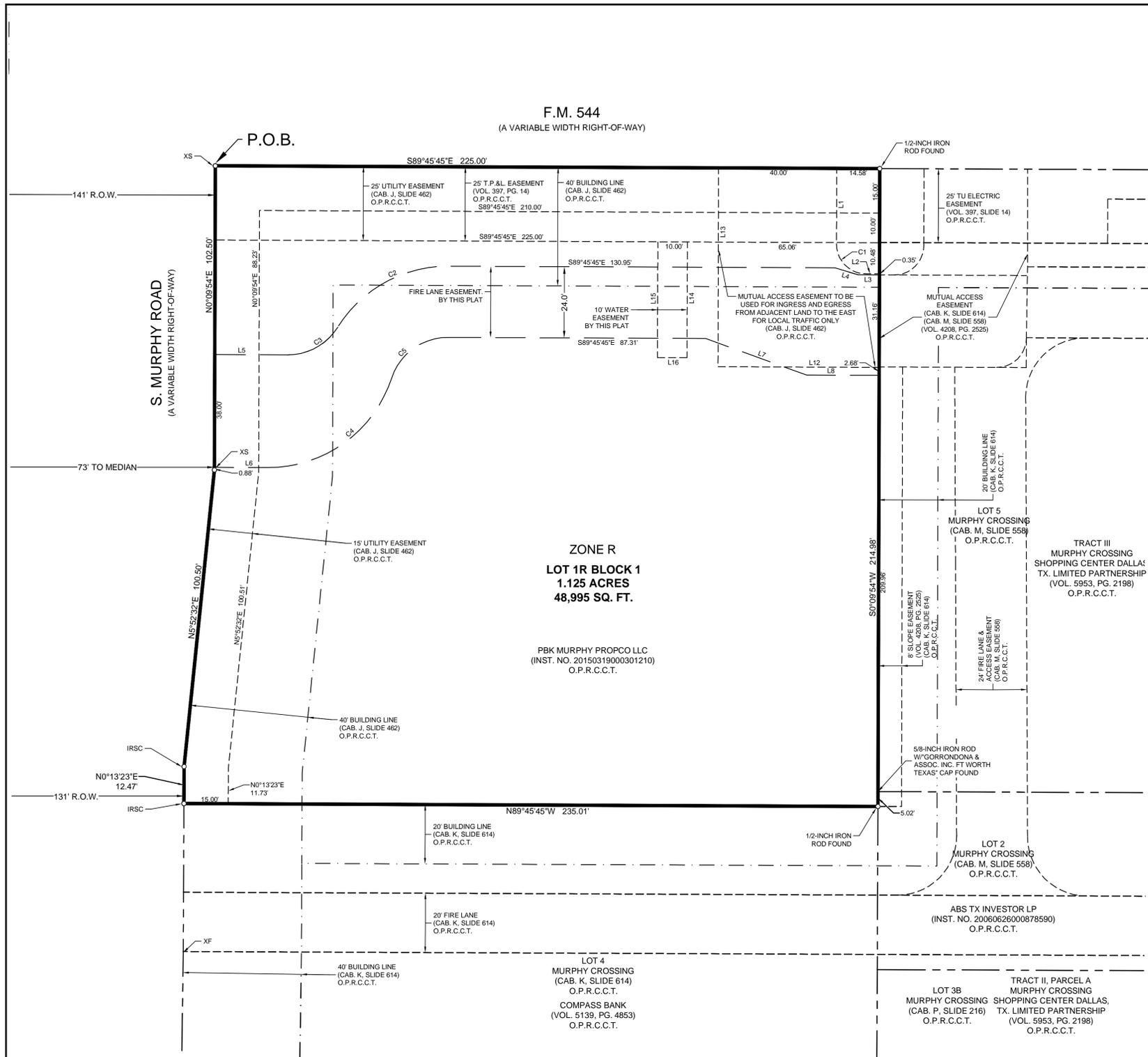
On January 25, 2016, the Planning & Zoning Commission approved this item unanimously.

**Staff Recommendation**

Staff recommends approving the re-plat as presented.

**Attachments**

Re-plat

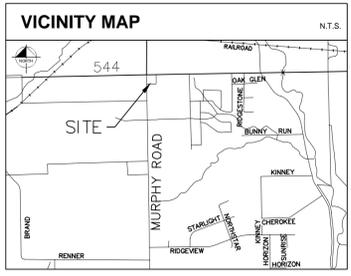
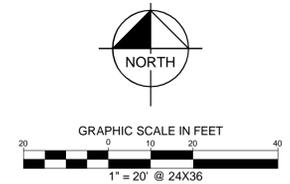


NO.	BEARING	LENGTH
L1	S00°09'54\"/>	

NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	90°00'00\"/>				

LEGEND:  
 P.O.B. = POINT OF BEGINNING  
 IRF = IRON ROD FOUND  
 XS = 5/8\"/>

- NOTE:
- Selling a portion of this addition by metes and bounds is a violation of City ordinance and State law, and is subject to fines and withholding of utilities and building permits.
  - All corners are 5/8\"/>
  - According to Map No. 48085C0415J, Community Panel No. 480137 0145 J, dated June 2, 2009 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Collin County, Texas and Incorporated Areas, Federal Emergency Management Agency, Federal Insurance Administration, this property is not within a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor.



**DESCRIPTION OF PROPERTY SURVEYED**

BEING a tract of land situated in the Henry Maxwell Survey, Abstract No. 579, City of Murphy, Collin County, Texas; and being all of Lot 1, Block 1, McCraw Corner, an addition to the City of Murphy according to the plat recorded in Cabinet J, Slide 462 of the Map Records of Collin County, Texas; and being all of that tract of land described in Special Warranty Deed with Vendor's Lien to PBK Murphy Propco LLC recorded in Instrument No. 2015031900301210 of the Official Public Records of Collin County, Texas; and being more particularly described as follows:

**BEGINNING** at an "X" cut in concrete set at the intersection of the south right-of-way line of F.M. 544 (a variable width right-of-way) and the east right-of-way line of Murphy Road (a variable width right-of-way);

**THENCE** with said south right-of-way line of F.M. 544, South 89°45'45" East, a distance of 225.00 feet to a 1/2-inch iron rod found at the northwest corner of Lot 5, Murphy Crossing, an addition to the City of Murphy according to the plat recorded in Cabinet M, Slide 558 of said Map Records;

**THENCE** departing said south right-of-way line of F.M. 544 and with the west line of said Lot 5, South 0°09'54" West, passing at a distance of 209.96 feet a 5/8-inch iron rod with "Gorronodona & Assoc. Inc. Ft Worth Texas" cap found at the southwest corner of said Lot 5 and the westernmost northwest corner of Lot 2 of said Murphy Crossing addition recorded in Cabinet M, Slide 558, continuing with a west line of said Lot 2, in a total distance of 214.98 feet to a 1/2-inch iron rod found at the northeast corner of Lot 4, Murphy Crossing, an addition to the City of Murphy according to the plat recorded in Cabinet K, Slide 614 of said Map Records;

**THENCE** departing said west line of Lot 2 and with the north line of said Lot 4, North 89°45'45" West, a distance of 235.01 feet to a 5/8-inch iron rod with "KHA" cap set in said east right-of-way line of Murphy Road, for the northwest corner of said Lot 4;

**THENCE** with said east right-of-way line of Murphy Road, the following courses and distances:

North 0°13'23" East, a distance of 12.47 feet to a 5/8-inch iron rod with "KHA" cap set for corner;  
 North 5°52'32" East, a distance of 100.50 feet to an "X" cut in concrete set for corner;  
 North 0°09'54" East, a distance of 102.50 feet to the **POINT OF BEGINNING** and containing 1.125 acres or 48,995 square feet of land.

The bearings for this survey are based on a bearing of South 89°45'45" East for the south right-of-way line of F.M. 544 according to the plat of McCraw Corner an addition to the City of Murphy, recorded in Cabinet J, Slide 462 of the Official Public Records of Collin County, Texas.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:**

That **PBK MURPHY PROPCO LLC**, acting herein by and through his(t) duly authorized officer(s), does hereby adopt this plat designating the herein above described property as **MACRAW CORNER, LOT 1R, BLOCK 1** an addition to the City of Murphy, Texas, and does hereby dedicate, in fee simple, to the public use City of Murphy, Texas Subdivision Ordinance #02-09-549 forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Murphy. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Murphy's use thereof. The City of Murphy and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Murphy and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

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

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

WITNESS, my hand, this \_\_\_ day of \_\_\_\_\_, 2015.

BY: PBK Murphy Propco LLC

Printed Name and Title

STATE OF TEXAS  
 COUNTY OF COLLIN

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

Given under my hand and seal of office, this \_\_\_ day of \_\_\_\_\_, 2015.

Notary Public in and for \_\_\_\_\_ County, State of Texas

My Commission Expires On: \_\_\_\_\_

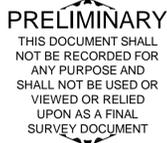
Printed Name:

**SURVEYOR'S CERTIFICATE:**

**KNOW ALL MEN BY THESE PRESENTS:**

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

J. Andy Dobbs  
 Registered Professional Land Surveyor No. 6196  
 Kimley-Horn and Associates, Inc.  
 12750 Merit Drive, Suite 1000  
 Dallas, Texas 75251  
 Ph. 972-770-1300  
 andy.dobbs@kimley-horn.com



STATE OF TEXAS  
 COUNTY OF DALLAS

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

Given under my hand and seal of office, this \_\_\_ day of \_\_\_\_\_, 2015.

Notary Public in and for \_\_\_\_\_ County, State of Texas

My Commission Expires On: \_\_\_\_\_

Printed Name:

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

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

Signature of Chairperson Date of Recommendation

APPROVED BY: City Council, City of Murphy, Texas

Signature of Mayor Date of Approval

ATTEST:  
 City Secretary Date

**OWNER:**  
 PBK Murphy Propco LLC  
 8235 Douglas Ave., Suite 945  
 Dallas, TX 75225  
 214-561-6505  
 Contact : Clark Knippers

**ENGINEER:**  
 Kimley-Horn and Associates, Inc.  
 12750 Merit Drive, Ste. 1000  
 Dallas Texas 75251  
 972-770-1300  
 Contact : Sarah Scott, PE

**REPLAT  
 McCRAW CORNER  
 LOT 1R, BLOCK 1  
 BEING A REPLAT OF  
 McCRAW CORNER  
 BEING 1.125 ACRES OUT OF THE  
 HENRY MAXWELL SURVEY, ABSTRACT NO. 579  
 CITY OF MURPHY, COLLIN COUNTY, TEXAS**

**Kimley»Horn**  
 12750 Merit Drive, Suite 1000 Dallas, Texas 75251 FIRM # 10115500 Tel. No. (972) 770-1300 Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 20'	DWP	JAD	NOV. 2015	069311501	1 OF 1

**Issue**

Hold a public hearing and consider and/or act on the application of Wal-Mart Real Estate Business Trust requesting Ordinance No. 16-02-1007 to amend PD (Planned Development) District No. 12-02-905 to allow for a Professional Service (primarily limited to massages and facials and excluding nail services) as a permitted use on property located on the eastern outparcel of Walmart on N. Murphy Road.

**Site Background**

On February 7, 2012, the City Council approved the Planned Development (PD) District No. 12-02-905 for this property.

**Considerations**

1. The applicant is requesting an amendment to the PD (Planned Development) District to allow for a Professional Service (specifically spa services) as a Permitted Use.
  - a. The applicant has a potential user (Hand & Stone, Massage and Facial Spa – [www.handandstone.com](http://www.handandstone.com)) and is requesting Professional Service as an allowed use. This is not a nail salon. This proposed tenant will be located within the future retail center.
    - i. After detailed discussion by the Planning & Zoning Commission, the applicant agreed to the request being amended to state specifically Professional Service (primarily limited to massages and facials and excluding nail services).
  - b. The applicant has submitted site plan and engineering documents for this site that are currently in review.
2. A public hearing notification for this proposed zoning change was published in the newspaper as well as notification mailed to the property owners included in the required 200 feet notification radius. At the time of packet preparation, no responses had been received.

**Board Discussion/Consideration**

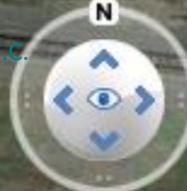
On January 25, 2016, the Planning & Zoning Commission voted unanimously to amend PD (Planned Development) District No. 12-02-905 to allow for a Professional Service (primarily limited to massages and facials and excluding nail services) as a permitted use on property located on the eastern outparcel of Walmart on N. Murphy Road.

**Staff Recommendation**

Staff recommends approval of an ordinance to amend PD (Planned Development) District No. 12-02-905 to allow for a Professional Service (primarily limited to massages and facials and excluding nail services) as a permitted use on property located on the eastern outparcel of Walmart on N. Murphy Road.

**Attachments**

Location Aerial  
Conceptual Plan for reference only  
PD (Planned Development) District No. 12-02-905  
Ordinance No. 16-02-1007



Walmart 

Walmart Money Center    
 Hair Salon

© 2016 Google

2551

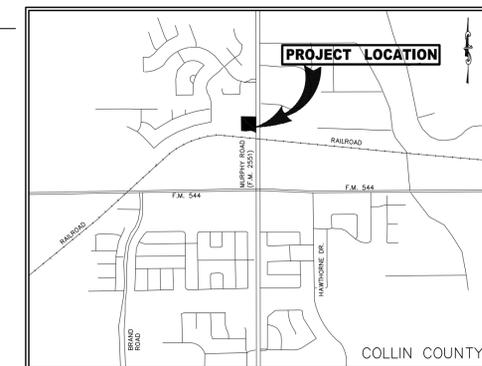
Google earth

1995 

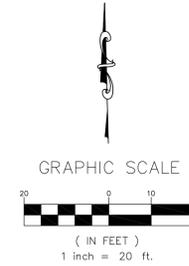
Imagery Date: 12/1/2015 33°00'48.67" N 96°36'50.57" W elev 588 ft eye alt 1735 ft 

Engineer of Record:	DTB	
Drawn by:	XX	
Date Plotted:	12/8/2015	
Issue for Pricing / Bidding:	-	
Issue for Permit Application:	-	
Issue for Construction:	-	
REVISIONS:		
#	DATE	COMMENTS

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 All Rights Reserved.  
 The engineering works depicted herein are the sole property of HPCivil engineering, LLC, and may not be constructed or used without its express written permission. No permission to modify or reproduce any of the engineering works, including without limitation the construction of any improvement, is expressed or should be implied from delivery of preliminary drawings or unsealed construction drawings. Permission to construct the improvements depicted in sealed construction drawings is expressly conditioned on the full and timely payment of all fees otherwise due HPCivil engineering, LLC, and, in the absence of any written agreement to the contrary, is limited to a one-time use on the site indicated on these plans.



**VICINITY MAP**  
(NOT TO SCALE)



**LEGEND**

	PROPOSED FIRELANE
	ACCESSIBLE CROSSWALK
	PROPOSED FENCE
	PROPOSED LIGHT STANDARD

- NOTES**
1. ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
  2. REFER TO SHEET C01 FOR GENERAL NOTES AND LEGEND.
  3. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS FOR BUILDING, DUMPSTER ENCLOSURE AND DETACHED GARAGE FOUNDATION LAYOUT AND DESIGN.
  4. REFER TO LANDSCAPE PLANS FOR FENCE AND HARDSCAPE LAYOUT AND DESIGN.

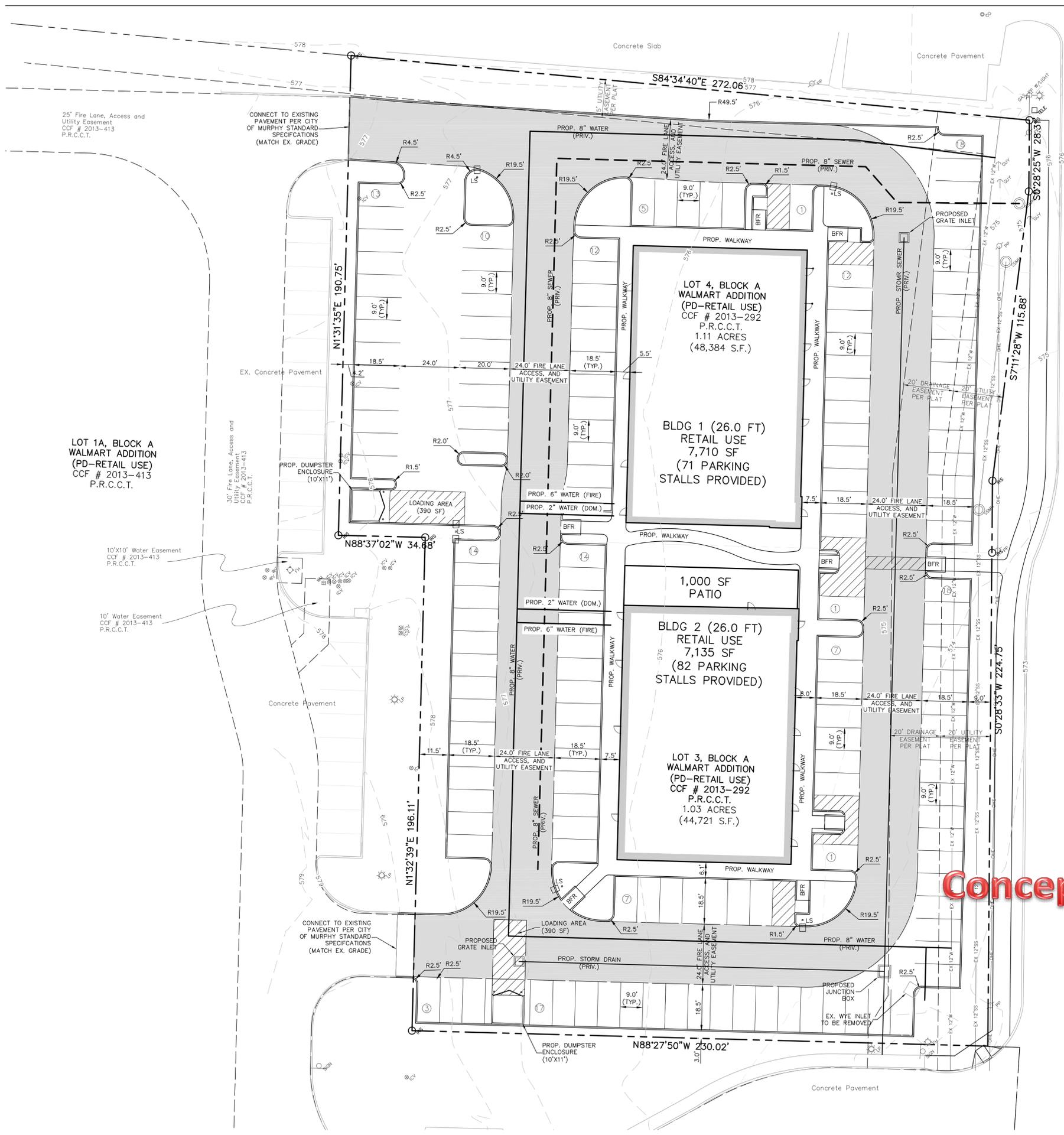
**PRELIMINARY**  
 [NOT FOR CONSTRUCTION]  
 THIS DRAWING IS RELEASED FOR THE PURPOSE OF SCHEMATIC REVIEW ONLY AND IS NOT INTENDED FOR PERMITTING, BIDDING, OR CONSTRUCTION PURPOSES.  
 THESE PLANS WERE PREPARED UNDER THE DIRECT SUPERVISION OF DYLAN T. BLACKSHEAR, P.E., TEXAS REG. #117571  
 DATE:

**HPCivil engineering, LLC.**  
 5339 ALPHA ROAD, SUITE 300 DALLAS, TEXAS 75240  
 972.701.9636 (F) 972.701.9639 (F) 12600  
 TX REGISTERED ENGINEERING FIRM F-12600  
 WWW.HPCIVIL.COM

SHEET DESCRIPTION:  
**PLANNING SITE PLAN**

SHEET NO.  
**C1.0**

HPCE #15-001



**SITE PLAN**  
 LOTS 3 AND 4, BLOCK A - 2.14 ACRES  
 WALMART ADDITION  
 OUT OF G. FIGUEROA, ABSTRACT NO. 639  
 CITY OF MURPHY, COLLIN COUNTY, TEXAS  
 DECEMBER 07, 2015

OWNER: WALMART REAL ESTATE BUSINESS TRUST MAIL STOP # 0555, PO BOX 8000 BENTONVILLE, AR 72718-8055	ENGINEER: HPCivil Engineering, LLC 5339 ALPHA ROAD SUITE 300 DALLAS, TEXAS 75240 PHONE: 972.701.9636 FIRM # F-12600	SURVEYOR: REALSEARCH OF TEXAS, LLC P.O. BOX 106 GDDLEY, TEXAS 76044 PHONE: 817.937.2855 JEREMY L. DEAL, RPLS FIRM # J0106000
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FILE: X:\Projects\2015\15-001\15-001-001\15-001-001-001.dwg  
 USER: dblackshear DATE/TIME: Dec-08-2015 1:04:00 PM

**ORDINANCE NO. 12-02-905**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING ITS COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 86 OF THE CITY OF MURPHY CODE OF ORDINANCES BY AMENDING AN EXISTING PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES ON AN APPROXIMATELY 24.09 ACRE TRACT OF LAND SITUATED IN THE GEORGE H. PEGUES SURVEY, ABSTRACT NO 699, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, APPROVING PLANNED DEVELOPMENT STANDARDS ATTACHED HERETO AS EXHIBIT "B", APPROVING A CONCEPT PLAN ATTACHED HERETO AS EXHIBIT "C", APPROVING A LANDSCAPE PLAN ATTACHED HERETO AS EXHIBIT "D", AND APPROVING A SIGNAGE PLAN ATTACHED HERETO AS EXHIBIT "E"; PROVIDING A SEVERABILITY CLAUSE, A CUMULATIVE/ REPEALER CLAUSE, A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Ordinance No. 00-10-504, adopted on October 16, 2000, changed the zoning for the property described in this ordinance from LC/R (Light Commercial/Retail) District to TC (Town Center) District; and

**WHEREAS**, Ordinance No. 05-07-664, adopted on July 25, 2005, changed the zoning for the property described in this ordinance from TC (Town Center) District to PD (Planned Development) District for Retail Uses; and

**WHEREAS**, Ordinance No. 10-05-841, adopted on May 17, 2010, amended the PD (Planned Development) District for Retail Uses for the property described in this ordinance by revising the concept plan and certain development conditions; and

**WHEREAS**, Ordinance No. 11-05-881, adopted on May 24, 2011, amended the PD (Planned Development) District for Retail Uses for the property described in this ordinance by revising the concept plan and certain development conditions; and

**WHEREAS**, this ordinance shall amend the PD (Planned Development) District for

Retail Uses for the property described hereinbelow by revising the concept plan and certain development conditions as set forth hereinbelow and this ordinance shall thereby amend, repeal and supercede the foregoing ordinances to the extent of such amendments in this ordinance; and

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

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

**Section 1.** That all the above premises are found to be true and correct and are incorporated into the body of this ordinance as if fully set forth herein.

**Section 2.** That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby, amended so as to amend a Planned Development District for Retail Uses for the property described as an approximately 24.09 acre tract of land situated in the George H. Pegues Survey, Abstract No. 699, in the City of Murphy, Collin County, Texas, and more particularly described in Exhibit "A" attached hereto and made part hereof for all purposes.

**Section 3.** That the development standards for this Planned Development District are attached hereto as Exhibit "B", and the same are hereby approved for said Planned Development District as required by Section 86-603, of the City of Murphy, Texas, Code of Ordinances.

**Section 4.** That the Concept Plan, Landscape Plan, and Signage Plan for this Planned Development District are attached hereto as Exhibits "C", "D", and "E" and the same are hereby

approved for said Planned Development District as required by Section 86-604, of the City of Murphy, Texas, Code of Ordinances.

**Section 5.** That Chapter 86 of the City of Murphy Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this ordinance.

**Section 6.** That this ordinance shall amend the Planned Development District for Retail Uses for the property described herein by revising the concept plan and certain development conditions as set forth herein and this ordinance shall amend, repeal and supercede all prior amendments to the Planned Development District for Retail Uses for the property described herein to the extent of the amendments in this ordinance.

**Section 7. Severability Clause.** If any word, section, article, phrase, paragraph, sentence, clause or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect for any reason, the validity of the remaining portions of this ordinance or the Comprehensive Zoning Ordinance, Chapter 86 of the City of Murphy Code of Ordinances, and the remaining portions shall remain in full force and effect.

**Section 8. Cumulative/Repealer Clause.** This ordinance shall be cumulative of all provisions of State or Federal law and other ordinances of the City of Murphy, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

**Section 9. Penalty Clause.** Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Murphy, Texas, shall be punished by a fine not to exceed the

sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

**Section 10. Effective Date.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Murphy, Texas,

on this 7<sup>th</sup> day of February, 2012.



Bret M. Baldwin, Mayor  
City of Murphy

ATTEST:



Aimee Nemer, City Secretary  
City of Murphy



APPROVED AS TO FORM:

\_\_\_\_\_  
Wm. Andrew Messer, City Attorney  
City of Murphy

**Exhibit A**  
**Legal Description**



**LEGAL DESCRIPTION**

**BEING** a tract of land situated in the George Pegues Survey, Abstract No. 699, City of Murphy, Collin County, Texas and being all of a tract of land described in General Warranty Deed to Murphy Plaza, LLC, recorded in Instrument No. 20070423000540150, Official Public Records of Collin County, Texas and all of a tract of land described in General Warranty Deed to Murphy Plaza, LLC, recorded in Instrument No. 20070423000540160, Official Public Records of Collin County, Texas and all of a tract of land described in General Warranty Deed to Murphy Plaza, LLC, recorded in Instrument No. 20070423000540170, Official Public Records of Collin County, Texas and being more particularly described as follows:

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

**THENCE** departing said north right-of-way line and with the east line of said Lot 3, North 02° 12' 34" East, at a distance of 335.69 feet, passing a 1/2" iron rod with "J.D.J.R." cap found at the northeast corner of said Lot 3 and being the southeast corner of Lot 1R, Block A, Rio Dinero/FM 544 Addition, an addition to the City of Murphy, Texas according to the plat recorded in Cabinet O, Page 92, Map Records of Collin County, Texas, continuing, with the east line of said Lot 1R, in all a total distance of 1075.71 feet to a 1/2" iron rod with "ROOME" cap found for corner in the south line of a tract of land described in Deed to Dallas Area Rapid Transit Acquisition Corporation recorded in Volume 3424, Page 126, Land Records of Collin County, Texas; said point being the beginning of a non-tangent curve to the right having a central angle of 10° 26' 44", a radius of 1835.00 feet, a chord bearing and distance of North 82° 34' 25" East, 334.07 feet;

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

In an easterly direction, with said curve to the right, an arc distance of 334.54 feet to a 1" iron rod found at the end of said curve;

South 01° 52' 08" East, a distance of 50.00 feet to a "X" cut in concrete set for corner at the beginning of a non-tangent curve to the right having a central angle of 08° 07' 42", a radius of 1785.00 feet, a chord bearing and distance of South 87° 47' 19" East, 253.02 feet;

In an easterly direction, with said curve to the right, an arc distance of 253.23 feet to a 1/2" iron rod found at the end of said curve;

South 83° 55' 45" East, a distance of 557.20 feet to a 5/8" iron rod with "KHA" cap set for corner in the west right-of-way line of Murphy Road (F.M. 2251, a variable width right-of-way); said point being the northwest corner of a tract of land described in a deed to the State of Texas recorded in Volume 653, Page 612, Land Records of Collin County, Texas;

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

South 01° 08' 57" West, a distance of 353.61 feet to a "X" cut in concrete found for corner;

South 04° 18' 57" West, a distance of 197.74 feet to a "X" cut in concrete found for corner;

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

**THENCE** with the west line of said Lot 2, South 01° 52' 09" West, a distance of 60.79 feet to a 1/2" iron rod with "N.D.M." cap found for corner; said point being an interior corner of said Lot 2;

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

**THENCE** with the west line of said Lot 1R, South 01° 24' 37" West, at a distance of 370.00 feet, passing a 1/2" iron rod with "N.D.M." cap found, continuing in all a total distance of 373.27 feet to a 5/8" iron rod with "KHA" cap set for corner in the said north right-of-way line of F.M. 544; said point being the northeast corner of a tract of land described in Deed to the State of Texas recorded in Clerk's File No. 92-0048067, Land Records of Collin County, Texas and the northwest corner of a tract of land described in Deed to the State of Texas recorded in Clerk's File No. 92-0037385, Land Records of Collin County, Texas;

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

South 87° 21' 30" West, a distance of 357.06 feet to a 5/8" iron rod with "KHA" cap set for corner at the beginning of a non-tangent curve to the left having a central angle of 00° 06' 16", a radius of 9414.00 feet, a chord bearing and distance of South 86° 39' 41" West, 17.15 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 17.15 feet to a 5/8" iron rod with "KHA" cap set at the beginning of a non-tangent curve to the right having a central angle of 00° 16' 04", a radius of 9489.00 feet, a chord bearing and distance of South 86° 44' 35" West, 44.36 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 44.36 feet to a 5/8" iron rod with "KHA" cap set at the end of said curve in the east line of a tract of land described in Deed to the State of Texas recorded in Clerk's File No. 95-0067686, Land Records of Collin County, Texas; said point being the northwest corner of said State of Texas tract recorded in Clerk's File No. 92-0048067;

North 01° 26' 09" East, a distance of 10.21 feet to a 5/8" iron rod with "KHA" cap set for corner at the beginning of a non-tangent curve to the right having a central angle of 02° 22' 30", a radius of 8591.75 feet, a chord bearing and distance of South 88° 03' 19" West, 356.13 feet; said point being the northeast corner of said State of Texas tract recorded in Clerk's File No. 95-0067686, Land Records of Collin County, Texas; from

said point a 1/2" iron rod found bears North 14° 32' West, a distance of 1.1 feet and a 1/2" iron rod found bears South 01°51' East, a distance of 0.6 feet;  
In a Southerly direction with said curve to the right, an arc distance of 356.16 feet to the **POINT OF BEGINNING** and containing 24.094 acres or 1,049,554 square feet of land.

The bearings system for this survey is based on a bearing of North 02° 12' 34" East, according to General Warranty Deed to Murphy Plaza, LLC, recorded in Instrument No. 20070423000540170, Official Public Records of Collin County, Texas.

**Exhibit B**  
**Development Conditions**

**ZONING FILE NO. 2011-02**

**Northwest Quadrant  
FM 544 and North Murphy Road (FM 2551)**

**PLANNED DEVELOPMENT CONDITIONS**

- I. Statement of Intent:** The intent of this Planned Development District is to provide high quality retail development that is generally consistent with the Comprehensive Plan.
- II. Statement of Purpose:** The purpose of this Planned Development District is to ensure that any development that occurs within the area designated by this Planned Development encourage the following uses.
- Larger anchor uses
  - Grocery Store
  - Family, sit-down restaurants
  - Upscale retail shops
  - Individual pad site uses
- III. Statement of Effect:** This Planned Development shall not affect any regulation found in the Comprehensive Zoning Ordinance, Ordinance No. 04-05-610, as amended, except as specifically provided herein.
- IV. General Regulations:** All regulations of the R (Retail) District set forth in Section 29 of the Comprehensive Zoning Ordinance are included by reference and shall apply except as otherwise specified by this ordinance.
- V. Development Plans:**
- A. Concept Plan: Development shall be in general conformance with the approved concept plan set forth in Exhibit C; however, in the event of conflict between the concept plan and the conditions, the conditions shall prevail.
- B. Landscape Plan: Development shall be in general conformance with the approved landscape plan set forth in Exhibit D; however, in the event of conflict between the landscape plan and the conditions, the conditions shall prevail.
- C. Signage Plan: Development on Lot 1 shall be in general conformance with the approved signage plan as set forth in Exhibit E; however, in the event of conflict between the signage plan and the conditions, the conditions shall prevail.
- D. Concept Plan, Landscape Plan, and Signage Plan approval shall be for a period of one year from the date of City Council action on the plan. If within that one-year period a site plan has been submitted for a portion of the development, then the Concept Plan shall be deemed to have no expiration date. However, if no site

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plan has been submitted for at least of portion of the development, then the Concept Plan shall be valid for a period of one year from the date of adopting ordinance. Site plans shall be valid for a period of one year from the date of City Council action on the plan.

- E. Site Plan: Before development can begin, a site plan shall be submitted in accordance with the requirements set forth in Chapter 86, Article II, Division 7 of the City of Murphy Code of Ordinances. The site plan may be for all or any part of the land within the Planned Development District.

**VI. Specific Regulations:**

- A. Permitted Uses: The following uses shall be permitted.

1. Amusement Services (Indoors) (SUP)
2. Antique Shop
3. Art Dealer/Gallery
4. Artist Studio
5. Automotive Driving School (SUP)
6. Bakery (Retail)
7. Bank or Credit Union (one free standing only) (SUP)
8. Barber/Beauty Shop
9. Barber/Beauty Shop College (SUP)
10. Book Store
11. Cafeteria
12. Church/Place of Worship
13. Civic Club
14. Clinic (Medical)
15. Computer Sales
16. Confectionery Store (Retail)
17. Department Store
18. Dinner Theatre (SUP Only)
19. Electronics (Retail)
20. Financial Services (Advice/Invest)
21. Florist
22. Food or Grocery Store (SUP)
23. Furniture Sales (Indoor)
24. Governmental Building (Municipal, State or Federal)
25. Hardware Store
26. Health Club (Indoors) ) (SUP Only)
27. Home Improvement Center (SUP)
28. Insurance Agency Offices
29. Laundry/Dry Cleaning (Drop Off/Pick Up Only)
30. Library (Public)

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31. Motion Picture Theatre
32. Museum (Indoors Only)
33. Non-Profit Activities By Church
34. Offices (Brokerage Services)
35. Offices (Health Services)
36. Offices (Legal Services)
37. Offices (Medical Office)
38. Offices (Professional)
39. Pet Shop/Supplies
40. Pharmacy (SUP)
41. Photo Studio
42. Photocopying /Duplicating
43. Real Estate Offices
44. Restaurant
45. Restaurant (Drive-In/Drive Thru) (SUP Lot 4 only, see Exhibit C)
46. Retail Store
47. School, (K-12) (Public)
48. School, Vocational
49. Skating Rink (Ice)
50. Tailor Shop
51. Theatre (Live Drama)
52. Travel Agency

The following uses shall be permitted as part of a Retail Store exceeding 100,000 square feet (along with other uses customarily included in such large scale Retail Stores):

1. Alcoholic Beverage Retail Sales (subject to the requirements of Chapter 10 of the City of Murphy, Texas Code of Ordinances)
2. Automatic Teller Machines (ATMs)
- 3 Bank or Credit Union
- 4 Bike Sales and/or Repair
5. Food or Grocery Sales
- 4-6. Garden Shop
- 5-7 Handicraft Shop
- 6-8 Lawnmower Sales and/or Repair
- 7-9 Needlework Shop
- 8-10 Plant Nursery (Retail Sales/Outdoor Storage)
- 9-11 Video Rental/Sales
- 10-12 Temporary Outdoor Retail Sales/Commercial Promotion

**B. Area Regulations:**

1. Minimum Size of Lot/Tract: There shall be no minimum lot/tract areas required.  
Minimum Lot/Tract Width: 170 feet.
2. Minimum Lot/Tract Depth: There shall be no minimum lot/tract depth required.

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3. Pad Sites: The maximum number of pad sites allowed along FM 544 shall be ~~two (2)~~ one (1). The maximum number of pad sites allowed along North Murphy Road (FM 2551) shall be ~~three (3)~~ two (2).

**C. Parking, Driveways and Sidewalks:**

1. Parking areas shall not be permitted within any landscape buffer strip.
2. Fire lanes, driveway, loading areas and access easements shall be paved in accordance with the minimum design standards of the City of Murphy codes and ordinances.
3. The number of required parking spaces for a Retail Store with a floor area greater than 100,000 square feet located on Lot 1 shall be as shown on Exhibit C. The number of required parking spaces for all other uses and lots shall be dependent upon the use and shall meet the requirements of the City of Murphy Comprehensive Zoning Ordinance.
4. No required parking space may be occupied by signs, merchandise, or display items at any time except by specific 30 day permit.
5. A special "signature" paving treatment shall be established as shown on the approved concept plan (Exhibit C). Appropriate locations for the special paving treatment shall include street intersections, pedestrian crosswalks and driveway openings.
6. Sidewalks along FM 544 and Murphy Road (FM 2551) shall be 8 feet in width.
7. Parking spaces for Lot 1 Block A shall be no less than 800 spaces, to allow additional ingress/egress on the pedestrian walkways.

**D. Loading and Unloading**

1. Truck loading berths and apron space shall only be required for space that totals 30,000 square feet or more and shall not be located on the street side of any building.
2. Truck loading berths shall not be located within any required setback or landscape buffer strip.

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

**EXHIBIT B**

1. All structures, including all building elevations, shall be constructed utilizing a unified design that is substantially consistent with the approved Exterior Elevation Plan.
  2. All exterior elevations shall utilize a unified design. The following masonry materials shall be allowed:
    - a. Brick
    - b. Cast Stone
    - c. Scored & Textured concrete tilt wall
    - d. EIFS and Stucco (limited to no more than 12% total)
    - e. Integral-color split-face CMU
    - f. Stone/simulated stone
  3. The use of primary or garish colors shall not be predominately used on the exterior façade of any structure. Corporate identities shall be allowed with owner review and approval.
  4. Stand fans, skylights, cooling towers, communication towers, satellite dishes, vents, and any other structures or equipment, whether located on the roof or elsewhere, shall be architecturally compatible or effectively shielded from view from any immediately adjacent public dedicated street by an architecturally sound method.
  5. Each commercial building, complex of buildings or separate commercial business enterprise shall have a trash bin on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing and disposing of all waste materials must be housed or screened from view.
  6. In all cases, mechanical equipment on roofs and outcroppings shall be clad by a like building material or painted with a color scheme similar to the principal structure walls or roof.
  7. The maximum height of buildings on the project is 40 feet.
  8. Stone must be incorporated at a minimum of 15% in the exterior elevation on the front and both sides (east and west) of the proposed store. Also, stone shall incorporate the base of the proposed Lot 1 monument sign.
- F. Landscape Standards. Landscaping shall comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

**EXHIBIT B**

1. Landscaping shall generally be as shown on the approved Landscape Plan (Exhibit D). Landscaping shall be required on all developments within the Planned Development District and shall be complete prior to the issuance of any certificate of occupancy for the specific development. An automatic underground irrigation system shall be installed and maintained for all required landscaping and shall be in place and operable at time of planting.
2. A landscape buffer shall be provided a minimum of 20 feet in depth, with an average depth of 25 feet adjacent to the right-of-way of FM 544 and a minimum 25 feet in depth adjacent to Murphy Road (FM 2551). No parking may be placed within any landscape buffer. Pedestrian easements and sidewalks may be located within a landscape buffer.
3. A landscape buffer shall be provided for an average of fifteen (15) feet in depth adjacent to the Southern Pacific /DART Railroad right-of-way.
4. **Parking Lots**
  - a. A minimum percentage of the parking area shall be landscaped according to the following requirements. Such landscaping shall be distributed within the parking area, occurring within medians, islands, or peninsulas. All such landscape areas shall be protected by concrete curbing or other acceptable devices which prohibit vehicular access to landscaped areas. Bumper overhang shall not be included as part of required landscaping. A permeable area no less than six (6) feet by six (6) feet shall be provided surrounding each tree located in a surface parking area.
    1. A total of five (5) percent of the interior of the entire parking lot regardless of location, shall be landscaped. One large tree or three (3) ornamental trees from the Plant List, shall be provided for each twelve (12) parking spaces, and planted within the five (5) percent area. Trees shall be distributed so that bays of parking spaces shall not exceed twenty (20) spaces in length.
    2. An additional 7% open space shall be provided. This 7% will be for the entire development and not necessarily on a lot by lot basis. The 7% area will consist of two or more of the following amenities:
      - a. Pedestrian walkways
      - b. Benches
      - c. Gazebo

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- d. Constant level pool
- e. Landscape material
- f. Hardscape
- g. Pedestrian lighting

- ~~5. More trees in the landscape area by Sonic and in the landscape area behind Lots 2, 3, and 4 of Block A.~~
- 3. Enhanced tree density shall be provided in landscape areas at the rear lot line of Lots 2, 3, and 4 of Block A and adjacent to the side lot line of Lot 1R, Block A Walgreens - FM 544 Addition as shown on Exhibit D.
- ~~6. No Bermuda grass under trees, use mulch and/or groundcover.~~
- 4. Areas beneath trees shall be mulched or planted with groundcovers other than Bermuda grass.
- ~~7. Detention pond shall have easy maintainable grass.~~
- 5. Low maintenance grasses shall be used for the detention pond.

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

- 1. All screening at the rear (north) of the property will be a live screen where required. Plant materials shall conform to the standards of the approved plant list in Section 50 and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen.
- 2. All truck docks/loading areas for anchor stores shall be screened from view through the use of 8 foot high masonry walls (which are the same colors and materials as main building). All truck docks/loading areas for pad sites shall be screened from view through the use of 8 foot high masonry walls (which are the same colors and materials as the main building) and shall have living screens (eight foot height and at least 75 percent density within three years of planting).
- 3. Outside seasonal displays shall be permitted within the Planned Development District. Outside storage shall not be permitted with the Planned Development District.
- 4. The back northeast corner of Lot 1, Block A shall be screened with evergreen type trees, preferably live oaks and magnolias, ~~and additional number of trees as shown on Exhibit D.~~
- 5. The stacking racks at the rear of the Garden Center shall be screened with black ornamental fence.

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

**EXHIBIT B**

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

- I. Signage and Graphics. Signage will comply with the standards set forth in Chapter 28, Code of Ordinances, except as provided below.

1. General

- a. Monument signs All signage for Lot 1 the Planned Development District shall be allowed as shown on the approved Signage Plan (Exhibit E).
- b. Single Tenant Monument Signs-One (1) monument sign shall be allowed on each pad site and shall be limited to a maximum sign area of 40 square feet and a maximum structure area of 80 square feet.
- ~~c. Shopping center signs Two (2) shopping center signs shall be permitted as shown on the approved Signage Plan (Exhibit E). Each shopping center sign shall be limited to a maximum sign area of 300 square feet and a maximum structure area of 500 square feet.~~

2. Single Tenant Monument Signs

- a. Monument signs shall identify individual tenants or uses within a pad site. Monument signs shall be a maximum of seven (7) feet tall.
- b. All single tenant monument signs shall be double-sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Single tenant monument signage may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.
- c. Monument signs shall be located at a set back distance of not less than eight (8) feet from the right-of-way line of any adjacent street and maybe incorporated within the landscaping area or buffer.
- d. Construction of monument signs shall include a base of material similar to the material used for buildings.

3. Shopping Center Signs

- ~~a. Shopping center signs shall be constructed at a height not to exceed thirty five (35) feet.~~
- ~~b. The base of the shopping center sign shall be located at a set back~~

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~~distance of not less than eight (8) feet from the right of way line of any adjacent street and may be incorporated within the landscaping area or buffer.~~

- ~~c. All shopping center signs shall be double sided, internally illuminated Plexiglas sign panels contained within a masonry structure. Pylon signs may also be lit by ground mounted flood lighting or internal letter illumination either face lit or reverse channel lit.~~
- ~~d. Construction of shopping center signs shall include a base of material similar to the material used for buildings.~~

**4. Temporary Marketing Signage**

- a. One (1) quality temporary marketing sign shall be permitted on the development on FM 2551 (Murphy Road) and on FM 544. These signs shall for a term of twelve (12) months from the date of installation.
- b. The maximum signage area will be 64 square feet. The maximum height shall be 8 feet.
- c. All other temporary signage specifically referred to in the Signage Criteria package or in this section shall comply with the City of Murphy standards.
- d. Temporary signs are not required to be constructed of the material used for buildings.

**J. Open Space**

- 1. All open space amenities shall use a unified design as shown on the approved Amenities Plan. Development within the Planned Development District should make a positive impact to the City by providing defined public spaces and activity centers so that varied activities are encouraged within these areas. This can be accomplished through the incorporation of open spaces that become public amenities and that provide interest within the Tract at the pedestrian level.
  - a. Outdoor Seating. Any establishment serving food for consumption on-premises is encouraged to provide an outdoor seating area and shall be approved with the site plan. The outdoor seating area may be included as a portion of the 7% open space requirement as stated in (b.) below.
  - b. An additional 7% of open space is required in addition to the landscape, setback, and parking lot island requirements. The additional 7% may be located adjacent to the required setbacks or landscaping at the ROW and property lines or in front or in some cases to the side of the structure. The additional open space percentage may not include the building footprint or vehicular

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parking lot. This area and associated amenities shall be approved on the site plan. At least one of the following amenities shall be located within the additional 5% open space area and count towards the required percentage.

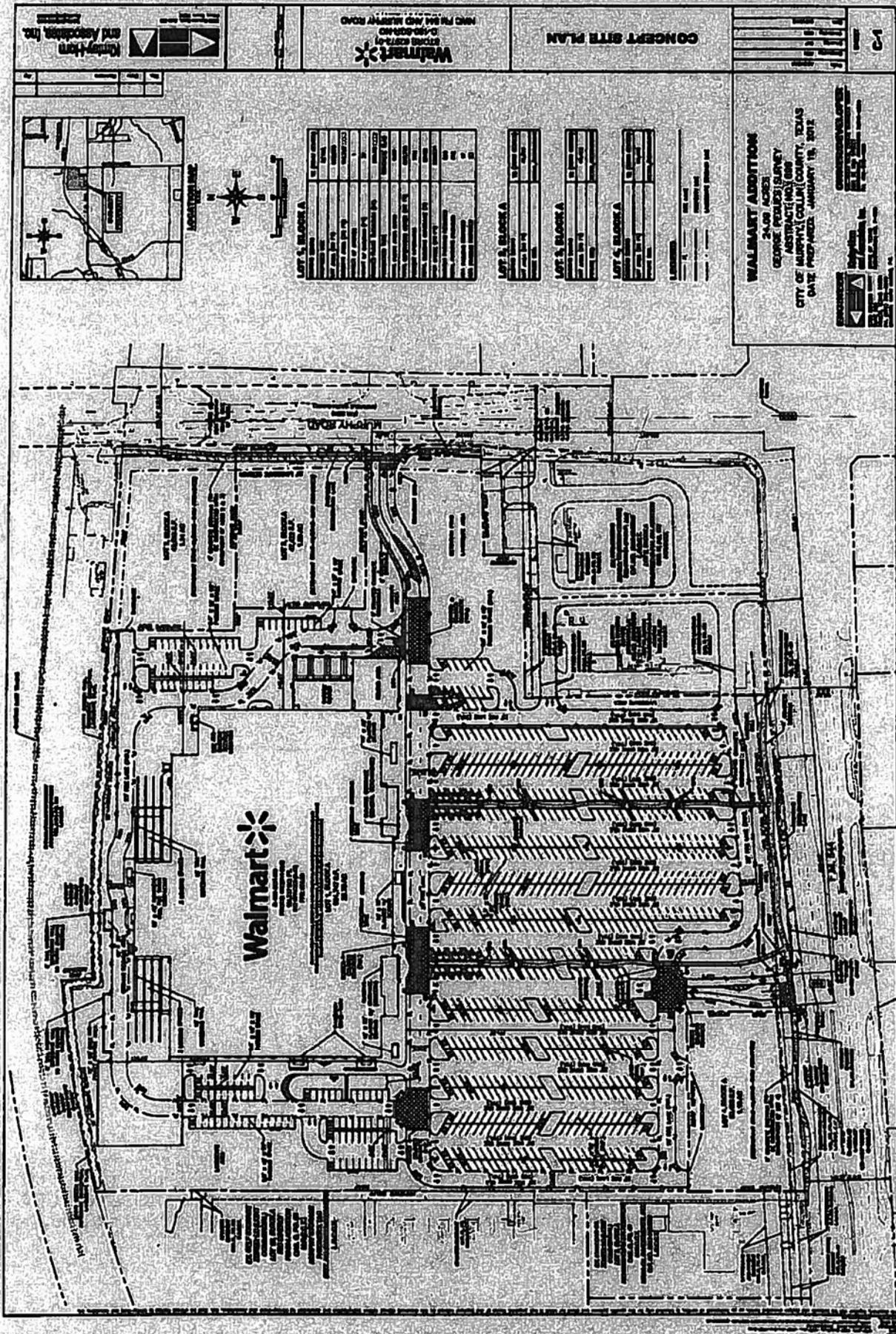
1. Water feature, such as a fountain or detention pond with constant water level.
  2. Plaza or courtyard with art sculpture piece.
  3. Outdoor patio or gazebo with seating area.
  4. Other areas for pedestrian congregation, as may be approved on the site plan.
2. Outside seasonal displays shall be permitted within the Planned Development District. Outside storage shall not be permitted within the Planned Development District.

**VII. Special Regulations:**

- A. Right Turn Deceleration Lanes: A right turn deceleration lane shall be required for the median divided driveway on FM 544 at the time construction begins on any pad site along FM 544. A right turn deceleration lane shall be required for the south driveway on FM 2551 (North Murphy Road) at the time construction begins on any pad site along FM 2551 (North Murphy Road).
- B. Utility Power Lines: New utility distribution and service lines for individual business establishments, buildings, signs and for any other site development features shall be placed underground.
- C. Cross-Access Requirement: A joint access (i.e.-ingress, egress) easement shall be provided to minimize the number of driveway openings along FM 544 and FM 2551 (Murphy Road). The location(s) of access easement(s) shall be shown on the site plan and shall comply with the Texas Department of Transportation (TxDOT) Access Management Standards.
- D. ~~The divided median in the entrance off FM 544 is eliminated. The Lot 1, Block A ingress/egress at FM 544 shall be as shown on Exhibit C.~~
- E. Stained concrete shall be used for pedestrian entrances and walks that intersect driveways and roads.

**Exhibit C**  
**Concept Plan**





**Exhibit D**  
**Landscape Plan**















**Exhibit E**  
**Signage Plan (Lot 1)**



**ORDINANCE NUMBER 16-02-1007**

**AN ORDINANCE OF THE CITY OF MURPHY, COLLIN COUNTY, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP, CHAPTER 30, OF THE MURPHY CITY CODE, AS AMENDED, BY AMENDING AN EXISTING PLANNED DEVELOPMENT DISTRICT FOR RETAIL USES ON AN APPROXIMATE 24.09 ACRE TRACT OF LAND SITUATED IN THE GEORGE H. PEGUES SURVEY, ABSTRACT NO 699, LOCATED IN THE CITY OF MURPHY, COLLIN COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES, BY AMENDING EXHIBIT "B" DEVELOPMENT STANDARDS OF ORDINANCE 12-02-905 TO ALLOW PROFESSIONAL SERVICES USES (LIMITED TO MASSAGE AND FACIAL SERVICES) WITH EXCLUSIONS; PROVIDING A CUMULATIVE/ REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Ordinance No. 00-10-504, adopted on October 16, 2000, changed the zoning for the property described in this ordinance from LC/R (Light Commercial/Retail) District to TC (Town Center) District; and

**WHEREAS**, Ordinance No. 05-07-664, adopted on July 25, 2005, changed the zoning for property described in this ordinance from TC (Town Center) District to PD (Planned Development) District for Retail Uses; and

**WHEREAS**, Ordinance No. 10-05-841, adopted on May 17, 2010, amended the PD (Planned Development) District for Retail Uses for the property described in this ordinance by revising the concept plan and certain development conditions; and

**WHEREAS**, Ordinance No. 11-05-881, adopted on May 24, 2011, amended the PD (Planned Development) District for Retail Uses for the property described in this ordinance by revising the concept plan and certain development conditions; and

**WHEREAS**, Ordinance No. 12-02-905, adopted on February 7, 2012, amended the PD (Planned Development) District for Retail Uses for the property described in this ordinance by revising the certain development conditions; and

**WHEREAS**, the Planning and Zoning Commission and the City Council of the City of Murphy, in compliance with the laws of the State of Texas, have given the requisite notices by publication and otherwise, and have held due hearings and afforded full and fair hearings to all property owners generally and to all persons interested in this regard; and

**WHEREAS**, the Planning and Zoning Commission and the City Council of the City of Murphy, in considering the application for a change in zoning of the property, have determined

that the proposed use and development is consistent and compatible with the goals and objectives of the City of Murphy and is in the best interest of the health, safety, morals and general welfare of the City of Murphy, and, accordingly, the City Council of the City of Murphy is of the opinion and finds that said zoning change is in the public interest and should be granted and that the Comprehensive Zoning Ordinance should be amended accordingly as set forth herein.

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

**Section 1.** That all of the above recitals are found to be true and correct and are incorporated into the body of this ordinance as if fully set forth herein.

**Section 2.** That the Comprehensive Zoning Ordinance and Map of the City of Murphy, Texas, be, and the same are hereby amended so as to amend a Planned Development District for Retail Uses for the property described as an approximately 24.09 acre tract of land situated in the George H. Pegues Survey, Abstract No. 699, in the City of Murphy, Collin County, Texas, and more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference for all purposes.

**Section 3.** That the Development Conditions for the Planned Development District as attached to Ordinance No. 12-02-905 as **Exhibit B** are hereby amended by the addition of Professional Services (limited to massage and facial services as a primary use in the eastern outparcel, and excluding nail services) as a permitted use under Section VI.A. thereto by the City Council for said planned development district as required by Chapter 30, of the City of Murphy, Texas, Code of Ordinances, and the Development Conditions otherwise remain in full force and effect.

**Section 4.** That the Concept Plan, Landscape Plan, and Signage Plan of the Planned Development District attached as **Exhibit C, Exhibit D, and Exhibit E**, respectively, to Ordinance No. 12-02-905 for this planned development district shall remain in full force and effect.

**Section 5.** That Chapter 30 of the Murphy City Code, as amended, shall be and remain in full force and effect save and except as amended by this ordinance, and that said property shall in all other respects be subject to all applicable regulations of the City of Murphy.

**Section 6. Cumulative/Repealer Clause.** This ordinance shall be cumulative of all provisions of state or federal law and all ordinances of the City of Murphy, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

**Section 7. Severability Clause.** If any word, section, article, phrase, paragraph, sentence, clause or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect for any reason, the validity of the remaining

portions of this ordinance or the Comprehensive Zoning Ordinance, Chapter 30 of the Murphy City Code, and the remaining portions shall remain in full force and effect.

**Section 8. Penalty Clause.** Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Murphy, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

**Section 9. Effective Date.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Murphy, Texas, on this 2nd day of February, 2016.

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Eric Barna, Mayor  
City of Murphy

ATTEST:

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Susie Quinn, City Secretary

APPROVED AS TO FORM:

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Wm. Andrew Messer, City Attorney

## Exhibit A

### LEGAL DESCRIPTION

**BEING** a tract of land situated in the George Pegues Survey, Abstract No. 699, City of Murphy, Collin County, Texas and being all of a tract of land described in General Warranty Deed to Murphy Plaza, LLC, recorded in Instrument No. 20070423000540150, Official Public Records of Collin County, Texas and all of a tract of land described in General Warranty Deed to Murphy Plaza, LLC, recorded in Instrument No. 20070423000540160, Official Public Records of Collin County, Texas and all of a tract of land described in General Warranty Deed to Murphy Plaza, LLC, recorded in Instrument No. 20070423000540170, Official Public Records of Collin County, Texas and being more particularly described as follows:

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

**THENCE** departing said north right-of-way line and with the east line of said Lot 3, North 02° 12' 34" East, at a distance of 335.69 feet, passing a 1/2" iron rod with "J.D.J.R." cap found at the northeast corner of said Lot 3 and being the southeast corner of Lot 1R, Block A, Rio Dinero/FM 544 Addition, an addition to the City of Murphy, Texas according to the plat recorded in Cabinet O, Page 92, Map Records of Collin County, Texas, continuing, with the east line of said Lot 1R, in all a total distance of 1075.71 feet to a 1/2" iron rod with "ROOME" cap found for corner in the south line of a tract of land described in Deed to Dallas Area Rapid Transit Acquisition Corporation recorded in Volume 3424, Page 126, Land Records of Collin County, Texas; said point being the beginning of a non-tangent curve to the right having a central angle of 10° 26' 44", a radius of 1835.00 feet, a chord bearing and distance of North 82° 34' 25" East, 334.07 feet;

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

In an easterly direction, with said curve to the right, an arc distance of 334.54 feet to a 1" iron rod found at the end of said curve;

South 01° 52' 08" East, a distance of 50.00 feet to a "X" cut in concrete set for corner at the beginning of a non-tangent curve to the right having a central angle of 08° 07' 42", a radius of 1785.00 feet, a chord bearing and distance of South 87° 47' 19" East, 253.02 feet;

In an easterly direction, with said curve to the right, an arc distance of 253.23 feet to a 1/2" iron rod found at the end of said curve;

South 83° 55' 45" East, a distance of 557.20 feet to a 5/8" iron rod with "KHA" cap set for corner in the west right-of-way line of Murphy Road (F.M. 2251, a variable width right-of-way); said point being the northwest corner of a tract of land described in a deed to the State of Texas recorded in Volume 653, Page 612, Land Records of Collin County, Texas;

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

South 01° 08' 57" West, a distance of 353.61 feet to a "X" cut in concrete found for corner;

South 04° 18' 57" West, a distance of 197.74 feet to a "X" cut in concrete found for corner;

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

**THENCE** with the west line of said Lot 2, South 01° 52' 09" West, a distance of 60.79 feet to a 1/2" iron rod with "N.D.M." cap found for corner; said point being an interior corner of said Lot 2;

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

**THENCE** with the west line of said Lot 1R, South 01° 24' 37" West, at a distance of 370.00 feet, passing a 1/2" iron rod with "N.D.M." cap found, continuing in all a total distance of 373.27 feet to a 5/8" iron rod with "KHA" cap set for corner in the said north right-of-way line of F.M. 544; said point being the northeast corner of a tract of land described in Deed to the State of Texas recorded in Clerk's File No. 92-0048067, Land Records of Collin County, Texas and the northwest corner of a tract of land described in Deed to the State of Texas recorded in Clerk's File No. 92-0037385, Land Records of Collin County, Texas;

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

South 87° 21' 30" West, a distance of 357.06 feet to a 5/8" iron rod with "KHA" cap set for corner at the beginning of a non-tangent curve to the left having a central angle of 00° 06' 16", a radius of 9414.00 feet, a chord bearing and distance of South 86° 39' 41" West, 17.15 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 17.15 feet to a 5/8" iron rod with "KHA" cap set at the beginning of a non-tangent curve to the right having a central angle of 00° 16' 04", a radius of 9489.00 feet, a chord bearing and distance of South 86° 44' 35" West, 44.36 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 44.36 feet to a 5/8" iron rod with "KHA" cap set at the end of said curve in the east line of a tract of land described in Deed to the State of Texas recorded in Clerk's File No. 95-0067686, Land Records of Collin County, Texas; said point being the northwest corner of said State of Texas tract recorded in Clerk's File No. 92-0048067;

North 01° 26' 09" East, a distance of 10.21 feet to a 5/8" iron rod with "KHA" cap set for corner at the beginning of a non-tangent curve to the right having a central angle of 02° 22' 30", a radius of 8591.75 feet, a chord bearing and distance of South 88° 03' 19" West, 356.13 feet; said point being the northeast corner of said State of Texas tract recorded in Clerk's File No. 95-0067686, Land Records of Collin County, Texas; from

said point a 1/2" iron rod found bears North 14° 32' West, a distance of 1.1 feet and a 1/2" iron rod found bears South 01°51' East, a distance of 0.6 feet;  
In a Southerly direction with said curve to the right, an arc distance of 356.16 feet to the **POINT OF BEGINNING** and containing 24.094 acres or 1,049,554 square feet of land.

The bearings system for this survey is based on a bearing of North 02° 12' 34" East, according to General Warranty Deed to Murphy Plaza, LLC, recorded in Instrument No. 20070423000540170, Official Public Records of Collin County, Texas.

**City Council Meeting**  
**February 2, 2016**

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**Issue**

Consider and/or act upon Resolution Number 16-R-826 authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing James Fisher, City Manager or Linda Truitt, Finance Director or Jay Doegey, Executive Director of Texas Coalition for Affordable Power (TCAP) to execute an electric supply agreement for deliveries of electricity effective January 1, 2018 and committing to budget for energy purchases in 2018 through 2022 and to honor the city's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP.

**Staff Resource/Department**

James Fisher, City Manager  
Linda Truitt, Finance Director

**Summary**

The City of Murphy, Texas is a member of a 170 political subdivision coalition known as Texas Coalition for Affordable Power, Inc. (TCAP). TCAP is requesting authorization to procure electricity for 2018 through 2022 for the City and authorizing James Fisher, City Manager or Linda Truitt, Finance Director or Jay Doegey, Executive Director of TCAP to execute the electric supply agreement within 24 hours of submittal, assuming the conditions have been met.

**Background/History**

**What is TCAP?**

As reflected in the fourth and seventh Whereas clauses of Resolution No. 16-R-826, TCAP is a non-profit, political subdivision corporation, owned and controlled by its 171 political subdivision members, the vast majority of whom are cities. TCAP was formed in 2011 from the merger of Cities Aggregation Power Project ("CAPP") and South Texas Aggregation Project ("STAP"), both of which were created in 2001, shortly before retail deregulation became effective on January 1, 2002. TCAP is governed by a 15 member board of directors, all of whom must be city employees or elected city officials. Typically, board members have been mayors, city managers, assistant city managers, finance directors or city attorneys.

**History of CAPP, STAP, TCAP pricing:**

As reflected in the fifth and eighth Whereas clauses of Resolution No. 16-R-826, aggregated cities have historically been interested in flat, fixed-price, full-requirements contracts and price stability. The resolution under consideration maintains that goal for a five-year period at a price much lower than the current contract price. In 2002, CAPP and STAP were able to obtain prices for energy at 4 cents per kWh. Very quickly after retail deregulation was implemented, natural gas prices started to rise, and they continued on an upward trend until late 2008. In

late 2008, CAPP cities were paying approximately 13.5 cents per kWh. Fear that natural gas price volatility would continue to result in high electricity rates, CAPP cities were excited to lock-in long term rates beginning in 2009 that were significantly lower than prices experienced in the 2007-2008 time frame. STAP cities experienced their highest rate in 2006 at slightly more than 9 cents per kWh. STAP cities saw prices drop to around 7.8 cents per kWh in 2008 and were happy to find a contract that would stabilize prices in the 7 to 8 cent range for an extended period. When CAPP and STAP members signed new contracts in late 2008, no one could have predicted that the economy was about to enter a multi-year recession and that fracking would bring a glut of natural gas to a market with reduced demand, putting natural gas and electricity prices into a downward trend. Fortunately, gas prices have continued to drop and now TCAP members have an opportunity to again capture rates in the range of, and hopefully below, 4 cents per kWh.

### **Market Benefits of TCAP:**

An individual city, citizen or commercial customer can only purchase power directly from a Retail Electric Provider (“REP”) which under Texas law exists to give the impression of a competitive market. REPs cannot generate electricity, nor can they own wires. REPs are unnecessary middlemen between the wholesale and retail markets. As reflected in the second and fourth Whereas clauses of Resolution No. 16-R-826 TCAP, as a political subdivision corporation, uniquely can go directly to the wholesale market. CAPP and STAP, prior to their merger into TCAP, separated contracts between a wholesale supplier and an independent REP, providing TCAP consultants with greater insight into the margins of various market participants than would be possible for most consumers. A broker or a REP would hand a form contract to an individual consumer. In the case of TCAP, no form contract is acceptable and, because of the size of TCAP’s load, both wholesale suppliers and REPs are willing to negotiate contract terms that are beneficial to TCAP members, enabling the refunds members have consistently received, special terms for adds and deletes, including an ability to add new loads at current market prices even if the market price is lower than the price of the master agreement.

### **TCAP’s benefits regarding pricing:**

TCAP’s membership consumes approximately 1.4 billion kWh annually which amounts to approximately \$100 million in revenue for the wholesale provider at current contract prices. The value of the aggregated load is extremely appealing to wholesale market participants, enabling TCAP to get the market competitive pricing at any particular moment. As reflected in the third Whereas clause of Resolution No. 16-R-826 in addition to the size of its load, TCAP derives benefit from geographic diversity. TCAP members reside in all four ERCOT zones and are spread between the entire length and breadth of Texas, from Wichita Falls to Harlingen and Fort Stockton to Palestine. Since consumption is influenced by weather and since weather conditions are seldom the same across all of Texas, it is unlikely that all TCAP members are reaching peak consumption simultaneously. If the peaks of all TCAP members were totaled, the sum would equal 313.1 MW. But a wholesale supplier looks at the peak consumption of TCAP as an aggregated load rather than the sum of the peaks of all members. TCAP’s peak demand is 246.9 MW. That reduction in peak is a specific and unique benefit of aggregation. And unlike other aggregation groups that accept counties and school districts as members, TCAP has focused its membership on cities and other political subdivisions that have a relationship with

cities to maintain the very favorable load factor of cities with high off peak consumption from street lights which provides favorable pricing terms.

**Contract Requirements:**

As explained in the tenth Whereas clause of Resolution No. 16-R-826, there is no legal requirement that a city engage in a competitive bidding process prior to contracting for electricity. The primary expectation of contracting for wholesale energy in a deregulated energy market is that a purchaser sign a contract accepting a particular offered price within 24 hours of receipt of the offer. NYMEX gas futures prices change daily, and since gas prices drive electricity prices, it is unlikely that any given price quote for wholesale electricity during a given period will remain open for more than a day. As explained in the ninth Whereas clause of Resolution No. 16-R-826, TCAP members are expected to immediately execute a contract once TCAP's supplier is able to lock in a price at or below the benchmark prices specified in the resolutions for a five-year period commencing January 1, 2018. That is why Section 2 of the Resolution requires the naming of specific individuals with whom TCAP can correspond and provide a contract for signing when appropriate.

**Resolution's Objective:**

As explained in the eleventh thru fourteenth Whereas clauses of Resolution No. 16-R-826, after the size of the load for the 2015 contract opportunity is defined by February 25, 2016, TCAP's supplier will look for an opportunity to lock prices for the five-year term at or below specified benchmarks (4.1 – 4.25 cents per kWh). That may happen by the second week of March, but if it appears that prices are trending downward, TCAP will direct its designated supplier, NextEra, to daily monitor the market to hopefully capture a price under lower than benchmarked prices. The window of opportunity for capturing a reasonable price at or below the benchmarks will expire by June 30, 2016. TCAP will develop another supply opportunity in the Fall of 2016 for any members not contracting in this offering.

**TCAP benefits to the consuming public:**

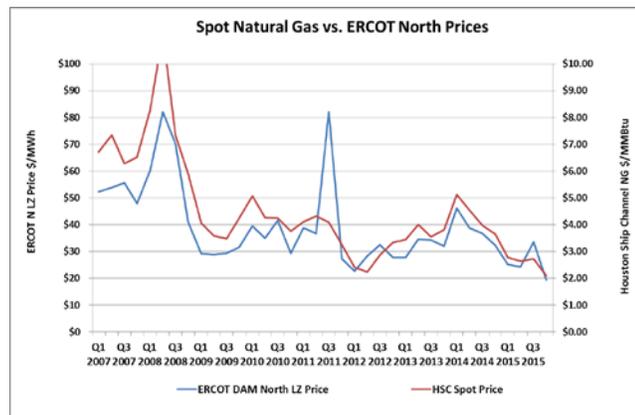
Whereas clause six of Resolution No. 16-R-826, references TCAP becoming a forceful voice for consumer protections and market reform to benefit the public as well as political subdivisions. When CAPP and STAP merged in 2011, one of the guiding principles established in meetings with members and through subsequent board priority-setting meetings was that TCAP should advocate for reforms in the market that would enhance competition and benefit the general public. TCAP has become the closest thing to a consumer advocate that exists in the deregulated marketplace on both the wholesale and retail sides of the business. TCAP membership not only provides political subdivisions with resources to monitor markets, capture reasonable prices and best available terms, stabilize budgets, address problems with invoices and help with governmental reports, provide best of class portals to understand consumption patterns, membership also affords an opportunity to represent to constituents that they have an advocate on their behalf.

**CHOICE OF SUPPLY OPTION**

Whereas Clause 13 of Resolution No. 16-R-826 identifies three different supply options that TCAP has arranged as choices for each member. **Option 1** is a fixed price for all consumption regardless of time of day. The price will not exceed 4.1 cents per kWh in the North and West ERCOT zones. It will not exceed 4.25 cents per kWh in the Houston and South zones. The actual price is likely to be less than the benchmark prices. The prices will become effective January 1, 2018. Given that these prices are to be locked in 2016 and will not expire until December 31, 2022, they are reflective of the lowest prices for electricity experienced since the retail market was deregulated January 1, 2002. Generally speaking, there ought to be an expectation that the price of energy will climb marginally for each year of the contract term beyond two years. The possibility of locking-in energy prices at or below 4 cents per kWh for a period that terminates in seven years is truly remarkable based upon the history of deregulation.

In the Spring of 2015, TCAP consultants received indicative fixed-prices around 4.5 cents per kWh. They then developed two supply options to the fixed price full requirements contract that offered attractive savings opportunities. Both Options 2 and 3 have variable components related to the energy spot market. While the average spot price in the past three years has been \$32.14/Mwh (2013), \$38.50/Mwh (2014), \$25.53/Mwh (2015), respectively, it is important to note that spot market prices can change every 15 minutes, therefore it is impossible to provide members a precise price for Options 2 and 3. While they provide an opportunity for savings off of the benchmarked prices for Option 1, savings cannot be guaranteed, and thus Option 2 and 3 involve risk to that does not exist with Option 1. A TCAP member that is completely risk adverse should select Option 1.

**Option 2** fixes a price for the peak usage period and then turns to the spot market for all off-peak usage. When TCAP was developing these products in 2014, there was a large enough gap between fixed price options and spot prices that this option looked very attractive. Now, with market prices at historic recent term lows, both spot prices and fixed prices have fallen and their price differential has shrunk to the point that future savings from the spot market may not be as great as the risk of future price increases. The following graph shows how low current spot market prices have gone.



Option 2 was developed with the anticipation that spot prices during the off peak period would be in the range of \$10/MWh to \$40/MWh (\$0.01-\$0.04/kWh) over time for spot purchases. Our latest quotes for fully fixed priced products (Option 1) includes off peak pricing fixed at under \$20/MWh. These low Option 1 fixed prices for off peak usage may make it harder for future off peak spot prices to create additional savings under Option 2 over time even though the customer will be incurring market price risk.

**Option 3** begins with the purchase of a block of power to cover the base use of all members who commit to this option. Block power, since it is a firm commitment 24 hours a day, is the cheapest form of energy available in the wholesale market. Daytime peak consumption will be partly covered by a fixed price for solar power with all other consumption supplied by the spot market.

In considering Option 2, TCAP consultants would tell you that with current prices about a half cent less than the price that existed when Option 2 was conceptualized last Spring, it will be difficult for Option 2 to generate savings sufficient to justify its selection. Option 3 with its majority reliance on the cheapest form of energy has a greater probability than Option 2 of producing savings over Option 1. But again, with such low Option 1 fixed priced products now available to TCAP members and since there are no guarantees that Options 2 or 3, which utilize spot market pricing, will remain as attractive as they were even a few months ago.

#### EXPLANATION OF "BE IT RESOLVED" SECTIONS

- Section 1.** Authorizes TCAP to submit the members load, along with the load of other authorizing members, to be aggregated into a pool by TCAP's wholesale supplier for a contract commencing January 1, 2018 and terminating December 31, 2022 with the understanding that the fixed, full-requirements price under Option 1 must not exceed 4.1 cents per kWh in the North and West zones and must not exceed 4.25 cents in the Houston and South zones.
- Section 2.** Sets conditions precedent that the aggregated load exceed 50 MW, that the resolution be passed before February 25, 2016, and that NextEra has until June 3, 2016 to lock in a fixed price for the aggregated load that does not exceed benchmark prices. It also requires the designation of a specific individual, by name or title, who are authorized to sign a contract within 24 hours of submittal, assuming the conditions have been met.
- Section 3.** Consistent with the last two Whereas clauses, this section commits the member to budget for and approve funds necessary to pay for the member's proportionate share of the aggregated load that TCAP commits to with NextEra. TCAP will contract with NextEra based upon representations of authorizing members, each of whom will be provided with a Commercial Electric Service Agreement ("CESA") with GEXA, the current REP, that extends current retail service terms with the lower wholesale price arranged with NextEra for the 2018-2020 time period.

**Section 4.** In order for TCAP to be informed of the passage of the resolution so that the member’s load can be aggregated by NextEra, this section specifies that a copy of the resolution should be sent to TCAP’s Executive Director and General Counsel.

**Financial Considerations**

The proposed rate of Option 1 would provide the city with a substantial savings from the current rate.

The following is the kWh usage and amounts for the past two fiscal years:

FY 2014	2,854,700 kWh	\$341,455
FY 2015	3,612,383 kWh	\$418,536

**Staff Recommendation**

Staff recommends approval of the Resolution with Option 1.

**Attachments**

- 1) Resolution 16-R-826

**RESOLUTION NO. 16-R-826**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AUTHORIZING THE TEXAS COALITION FOR AFFORDABLE POWER, INC. (TCAP) TO NEGOTIATE AN ELECTRIC SUPPLY AGREEMENT FOR FIVE YEARS FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018; AUTHORIZING TCAP TO ACT AS AN AGENT ON BEHALF OF THE CITY TO ENTER INTO A CONTRACT FOR ELECTRICITY; AUTHORIZING JAMES FISHER, CITY MANAGER or LINDA TRUITT, FINANCE DIRECTOR or JAY DOEGEY, EXECUTIVE DIRECTOR OF TEXAS COALITION FOR AFFORDABLE POWER (TCAP) TO EXECUTE AN ELECTRIC SUPPLY AGREEMENT FOR DELIVERIES OF ELECTRICITY EFFECTIVE JANUARY 1, 2018 AND COMMITTING TO BUDGET FOR ENERGY PURCHASES IN 2018 THROUGH 2022 AND TO HONOR THE CITY'S COMMITMENTS TO PURCHASE POWER FOR ITS ELECTRICAL NEEDS IN 2018 THROUGH 2022 THROUGH TCAP**

**WHEREAS**, the City of Murphy, Texas (City) is a member of Texas Coalition For Affordable Power, Inc. (TCAP), a non-profit, political subdivision corporation dedicated to securing electric power for its more than 170 members in the competitive retail market; and

**WHEREAS**, TCAP has unique rights under Texas law to negotiate directly in the wholesale market and arrange separate contracts for power supply and retail services which provides TCAP leverage to achieve contract provisions that single city negotiations with a Retail Electric Provider (REP) would be unlikely to produce; and

**WHEREAS**, TCAP's geographic diversity across all four ERCOT zones produces an aggregated peak load that is lower than the total of individual peak loads of the individual TCAP members, allowing price benefits in the wholesale market that are not likely to be available to any given TCAP member alone; and

**WHEREAS**, TCAP and its predecessor organizations, Cities Aggregation Power Project, Inc. (CAPP) and South Texas Aggregation Project, Inc. (STAP), negotiated favorable contract terms that resulted in rebates from the wholesale supplier and reasonable commodity prices for delivered electricity since 2002 resulting in stable budgets for electricity for members; and

**WHEREAS**, commodity prices for electricity experienced significant volatility between 2002 and 2009, with prices ranging from 4 cents to over 13 cents per kWh, causing CAPP and STAP members to welcome a five year contractual commitment that came close to cutting the

2008 prices in half, with that contract being extended until December 31, 2017, with a negotiated price reduction of about 1 cent per kWh; and

**WHEREAS**, TCAP has become a forceful voice for consumer protections and market reform to benefit the public and well as cities and other political subdivisions; and

**WHEREAS**, TCAP is owned by its members and distributes monetary and other resources according to relative load size of members and is controlled by a 15 member Board of Directors, all of whom must be city employees of members who represent diversity in size and geography; and

**WHEREAS**, wholesale power prices within the deregulated Texas market are largely determined by the NYMEX gas futures prices for natural gas which are currently low and relatively stable, but which change daily; and

**WHEREAS**, daily price changes require retail customers to execute a contract immediately upon receipt of a favorable offer; and

**WHEREAS**, pursuant to Texas Local Government Code Section 252.022(a)(15) expenditures for electricity are exempt from competitive bidding requirements; and

**WHEREAS**, on any given day, TCAP is able to capture a favorable wholesale price for any period of time, comparable to or better than any given REP or broker; and

**WHEREAS**, TCAP intends to continue to contract with its current wholesale supplier, NextEra, because the relationship with NextEra is such that NextEra is willing, after it knows the size of a given load, to execute a contract at or below prescribed price and terms; and

**WHEREAS**, the City desires to execute a contract for electricity for the period beyond the expiration of its current contract on December 31, 2017, that locks-in favorable wholesale prices under one of three different supply options:

Option 1 - fixed-price, full-requirements at a price not to exceed 4.1 cents per kWh for the North and West zones or 4.25 cents per kWh for the South and Houston zones;

Option 2 - fixed price for on-peak hours and variable spot market prices for off-peak hours;

Option 3 - block energy at a fixed price to cover the base load hours, a fixed price for solar energy to cover mid-day peak hours (approximately 10% of total load) and variable spot market prices for all remaining consumption; and

**WHEREAS**, TCAP will allow members six weeks from receipt of this resolution to consider whether to participate in this second opportunity to contract for post-2017 electrical supply, and thereafter allow NextEra until June 30, 2016 to contact for power for five years at a price not to exceed 4.1 cents per kWh in the North and West zones and a price not to exceed 4.25 cents per kWh in the South and Houston zones for Option 1 , so long as the aggregated load for any of the three supply options reaches at least 50 megawatts; and

**WHEREAS**, wholesale suppliers demand assurance that TCAP will pay for all contracted load; and

**WHEREAS**, the City needs to assure TCAP that it will sign a Commercial Electric Supply Agreement (CESA) reflecting the contract extension and budget for energy purchases for the post-2017 period and honor its commitment to purchase power for its electrical needs for 2018 through 2022 through TCAP,

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

**Section 1:**

That the TCAP Board of Directors and its consultants and advisors are agents authorized to negotiate for the City's electricity needs as a member of TCAP for the period 2018 through 2022 at a price not to exceed 4.1 cents per kWh for the North and West zones and a price not to exceed 4.25 cents per kWh in the Houston and South zones for supply Option 1;

**Section 2:**

The City prefers to participate in supply Option 1 with the following understanding: a) while supply Option 1 is a full-requirements, fixed-price option, Options 2 (fixed price on-peak, variable spot prices for off-peak usage) and 3 (fixed price for base load, fixed price for a portion of peak load, and variable spot market for remainder) have variable price components and savings over Option 1 cannot be guaranteed, and b) if there is insufficient desire among members to achieve a 50 MW threshold for either Option 2 or 3, the member selecting the inadequately subscribed option will be placed in the Option 1 category. If no option is selected, TCAP will assume that a passed Resolution approves of Option 1.

**Section 3:**

Assuming this resolution is passed before February 25, 2016 and the combined load of TCAP members passing this resolution exceeds 50 megawatts for the preferred Option and NextEra is able to provide TCAP an opportunity prior to June 30, 2016 to contract for power to be delivered to members at a price not to exceed 4.1 cents per kWh for the North and West zones and not to exceed 4.25 cents per kWh in the Houston and South

zones for supply Option 1 for the period January 1, 2018 through December 31, 2022, any one of the following individuals is hereby authorized to sign an electric supply agreement for the City within 24 hours of receipt of a contract that has been approved and recommended by the TCAP Board of Directors: James Fisher, City Manager or Linda Truitt, Finance Director or Jay Doegey, Executive Director of TCAP.

**Section 4:**

That the City will commit to purchase power to meet all of its electricity needs eligible for competition pursuant to the TCAP approved supply agreement and approve funds necessary to pay electricity costs proportionate to the City’s load under the supply agreement (whether wholesale or retail) arranged by TCAP and signed by TCAP’s Executive Director or President or other TCAP representatives authorized by the TCAP Board.

**Section 5:**

That a copy of this resolution shall be sent to Jay Doegey, Executive Director, TCAP, 15455 Dallas Parkway, Suite 600, Addison, Texas 75001 and Geoffrey M. Gay, legal counsel to TCAP at 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

**PRESENTED AND PASSED** on this the 2nd day of February, 2016, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays at a regular meeting of the City Council of Murphy, Texas.

\_\_\_\_\_  
Eric Barna, Mayor

ATTEST:

\_\_\_\_\_  
Susie Quinn, City Secretary

**City Council Meeting**  
**February 2, 2016**

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**Issue**

Consider and/or act upon approval of Ordinance No. 16-02-1008 ordering a General Election to be held on May 7, 2016, for the purpose of electing Council Members for Place 1, Place 2, Place 4, and Council Member Place 6 to a three (3) year term of office.

**Background**

Pursuant to the City of Murphy Charter, Section 3.01, the City Council shall be composed of a Mayor and six Council Members elected under the place system, with there being Places 1, 2, 3, 4, 5 and 6. The Mayor and each Council Member shall be elected at large, and unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, and until their successor has been elected and duly qualified.

Charter Provision: The City Council shall be composed of a Mayor and six (6) Council Members elected under the place system, with there being Places 1, 2, 3, 4, 5 and 6. The Mayor and each of the six (6) Council Members shall be elected at large, and unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, and until their successor has been elected and duly qualified. All of the City Council holding office at the time of passage of this Charter or any amendments to this Charter shall continue to hold their respective offices until the respective term for which they were elected expires.

State Law Provision: Texas Election Law prescribes the uniform election date as the first Saturday in May which will be May 7, 2016. An election is to be ordered and the Notice of Election is to be posted to the City's Bulletin Board and website. Recommended time for calling the election is January 25, 2016 to February 9, 2016.

**Financial Considerations**

The City Secretary's Office has budgeted \$25,000 for election expenses in the FY 2016 Budget. Staff will review the proposed contract, when received with Collin County Elections and Plano ISD that will be presented for Council consideration at an upcoming Council meeting. The proposed contract price is subject to change depending on how many entities cancel their elections.

**Board/Staff Recommendation**

Staff recommends approval.

**Attachments**

- 1) Proposed Ordinance
- 2) Proposed Election Notice

**ORDINANCE NO. 16-02-1008**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON THE SEVENTH OF MAY, 2016 FOR THE PURPOSE OF ELECTING COUNCIL MEMBER PLACE 1, COUNCIL MEMBER PLACE 2, COUNCIL MEMBER PLACE 4, AND COUNCIL MEMBER PLACE 6 TO A THREE (3) YEAR TERM OF OFFICE; PROVIDING FOR ELECTION OFFICERS; DESIGNATING THE PLACE AND MANNER OF HOLDING SAID ELECTION; DESIGNATING THE EARLY VOTING POLLING PLACE; DESIGNATING THE EARLY VOTING CLERK; PROVIDING FOR THE POSTING AND PUBLICATION OF NOTICE; CALLING A RUN-OFF ELECTION, IF NEEDED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**WHEREAS**, the Texas Election Code establishes May 7, 2016, as the uniform election date for the City of Murphy general election; and

**WHEREAS**, the Section 3.01(2) of the Home-Rule Charter provides that a general municipal election for Council Member Places 1, 2, 4, and 6 shall be elected at large on the May 7, 2016 uniform election date and that Council Members elected shall serve for three (3) year terms of office; and

**WHEREAS**, the meeting at which this Ordinance is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Section 551.043 of the Texas Government Code.

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

**Section 1. Election Order; Election Date.** That a General Election of the City of Murphy, prescribed by City of Murphy Home-Rule Charter shall be held between the hours of seven o'clock a.m. (7:00 a.m.) and seven o'clock p.m. (7:00 p.m.) on the 7<sup>th</sup> day of May, 2016.

**Section 2. Purpose of Election.** For the purpose of a General Election for Council Member Places 1, 2, 4, and 6 with the elected Council Members serving a three (3) year term of office. The candidate for each such office receiving a majority of all votes cast for the office shall be elected to serve such term.

**Section 3. Candidate Filing Deadline.** That candidates for City Council may file for one of the four (4) places beginning on January 20, 2016 through February 19, 2016 between the hours of 8 a.m. to 5 p.m., Monday through Friday. The deadline for a write-in candidate shall be 5:00 p.m. on February 23, 2016.

**Section 4. Voting System.** That voting on the date of the Election, and early voting therefore, shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the Election shall conform to the Texas Election Code, as amended, so as to permit the electors to vote for four (4) City Council Members. Said ballots shall have printed therein such provisions, markings, and language as may be required by law and the Candidates shall be set forth on said ballots in substantially the following form and language:

**GENERAL ELECTION  
City of Murphy, Texas  
May 7, 2016**

**OFFICIAL BALLOT**

**Council Member, Place 1**

**Council Member, Place 2**

**Council Member, Place 4**

**Council Member, Place 6**

**Section 5. Election Precincts; Polling Places.** That the City shall constitute one election precinct for this election and the polling place shall be the Murphy Community Center, 205 North Murphy Road, Murphy, Texas 75094. The election officers and maximum number of clerks for said polling place shall be determined and appointed in accordance with the provisions of a Joint Election Contract (“Joint Election Contract”) by and between City of Murphy, Plano ISD and Collin County and possibly other units of government.

**On Election Day, the polls shall be open from 7:00 A.M. to 7:00 P.M.**

**Section 6. Early Voting; Early Voting Polling Place.** The election shall be conducted by Collin County pursuant to a Joint Election Contract for election services between the City of Murphy, Plano ISD and Collin County, and Collin County election officials shall serve as officials for said election.

Collin County Election Administrator Bruce Sherbet, Collin County Elections Administration Office, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069, is hereby appointed as the Early Voting Clerk. Other deputy early voting clerks will be appointed as needed to process early voting mail and to conduct early voting by personal appearance at the branch locations.

The early voting locations by personal appearance for the election are attached as *Exhibit “A”*. Early voting shall take place during the following dates and times:

April 25 – April 27,	8:00 a.m. – 5:00 p.m.;
April 28	8:00 a.m. – 7:00 p.m.;
April 29	8:00 a.m. – 5:00 p.m.
April 30 (Saturday),	8:00 a.m. – 5:00 p.m.; and
May 2 and May 3,	7:00 a.m. – 7:00 p.m.

**Section 7. Early Voting Ballot Board.** That an Early Voting Ballot Board shall be created to process early voting results in accordance with Section 87.007 of the Texas Election Code. The Early Voting Ballot Board shall be made up of members appointed in the manner stated in the Joint Election Contract and the Presiding Judge and Alternate Presiding Judge of the Early Voting Ballot Board shall be the election officials listed in the Joint Election Contract.

**Section 8. Election Compliance.** This election shall be held in accordance with, and shall be governed by, the election laws of the State of Texas. In all City elections, the Mayor, City Secretary or City Council shall perform each act as is required to be performed, in connection with the holding and consummation of such election, and to give effect to the intent of this Ordinance.

**Section 9. Voting Qualification; Voting Materials.** All registered, qualified voters of the City shall be permitted to vote at the election. In addition, the election materials enumerated in the Texas Election Code, as amended, shall be printed in English and Spanish for use at the polling places and for early voting for the Election.

**Section 10. Compensation for Services.** The Presiding Judge of the regular election shall be paid the sum of \$12.00 per hour for services provided in conducting the election. The Alternate Judge and each election clerk of the regular election shall be paid the sum of \$10.00 per hour for services provided in conducting the election. Additionally, the Presiding Judge shall be paid \$25.00 for the delivery of the election supplies and results after the polls close. Overtime will be paid to each person working over 40 hours per week.

**Section 11. Election Returns.** The Collin County Election Administrator shall deliver election returns to the City Secretary. The ballot boxes will be retained by the Collin County Election Administrator and will be available for inspection by the City Council in compliance with the applicable laws of the State of Texas; and the ballots that are properly marked in conformance with the provisions of the Texas Election Code, as amended, for votes cast both during the period of early voting and on the day of the Election shall be counted in the manner required by law.

**Section 12. Notice.** The Mayor and City Secretary are hereby directed to give notice of the election by:

- (a) Publishing the notice of the election at least once, not more than thirty (30) days nor less than ten (10) days before the election in at least the official newspaper and the official City website;

- (b) Filing with the City Secretary, a copy of the notice of the election; and
- (c) Posting a copy of the notice on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the Election.

The Mayor or City Secretary shall file with the City Secretary a copy of the Publisher's Affidavit, which complies with the Texas Election Code, as amended, that the notice was published, with the name of the newspaper and the dates of publication.

**Section 13. Run-Off Election.** If a run-off election becomes necessary, the Collin County Election Administrator's office will conduct the run-off election. In the event any candidate for any one of said offices fails to receive a majority of all votes cast for such office, a run-off election is hereby ordered to be held on June 25, 2016, as provided for by the Charter of the City and the Texas Election Code.

**Section 14. Severability Clause.** If any word, section, article, phrase, paragraph, sentence, clause, or portion of this ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity which remaining portions shall remain in full force and effect.

**Section 15. Effective Date.** This Ordinance shall take effect from and after its passage.

**DULY PASSED AND APPROVED** by the City Council of the City of Murphy, Texas on this the 2<sup>nd</sup> day of February, 2016.

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Eric Barna, Mayor  
City of Murphy

ATTEST:

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Susie Quinn, City Secretary  
City of Murphy

**Exhibit A**  
**Early Voting Locations**

Murphy Community Center  
205 N. Murphy Road  
Murphy, Texas 75094

Miller Elementary School  
5651 Coventry Drive  
Richardson, Texas 75082

Collin County Elections Administration Office  
2010 Redbud Blvd., Suite 102  
McKinney, Texas 75069

City of Murphy voters may vote at any of the additional Election Day or Early Voting locations open under full contract services with the Collin County Elections Administration. If the Joint Election Contract with the Collin County Elections Administrator revises the polling places listed previously, the City will utilize the polling places designated in said Joint Election Contract, as the same may be amended from time to time.

**NOTICE OF GENERAL ELECTION  
(AVISO DE ELECCION GENERAL)**

To the Registered Voters of the City of Murphy, Texas:  
(a los votantes registrados del Ciudad de Murphy, Texas:)

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m., on Saturday, May 7, 2016 for voting in a general election to elect four (4) council members: Council Member Place 1, Council Member Place 2, Council Member Place 4, and Council Member Place 6.

(Notifíquese, por las presente, que las casillas electorales sitados abajo se abrirán desde las 7:00 a.m. hasta las 7:00 p.m. sábado, el 7 de mayo 2016 para votar en la elección general para elegir 4 miembros del Concejo: Puesto 1, Puesto 2, Puesto 4, y Puesto 6.)

**LOCATION OF THE ELECTION DAY POLLING PLACE:  
(DIRECCION(ES) DE LAS CASILLAS ELECTORALES)**

City constitutes one Election Precinct  
(La ciudad constituye el recinto de la elección)

Murphy Community Center, 205 North Murphy Road, Murphy, Texas 75094  
Centro comunitario de Murphy, 205 North Murphy Road, Murphy, Texas 75094

Miller Elementary, 5651 Coventry Drive, Richardson, Texas 75082  
Escuela Primaria Miller, 5651 Coventry Drive, Richardson, Texas 75082

**EARLY VOTING BY PERSONAL APPEARANCE WILL BE CONDUCTED EACH WEEKDAY AT:  
(LA VOTACION ADELANTADA EN PERSONA SE LLEVARA A CABO DE LUNES A VIERNES EN)**

- Murphy Community Center, 205 North Murphy Road, Murphy, Texas 75094  
Centro comunitario de Murphy, 205 North Murphy Road, Murphy, Texas 75094
- Collin County Elections Office, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069 (Main Early Voting location); and  
Oficina de elecciones del condado de Collin, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069 (Principal lugar de votación temprana); y
- Any of the additional Early Voting locations open under full contract services with the Collin County Elections Administration. (See Exhibit A)  
Cualquiera de los otros lugares de votación temprana en los servicios abiertos total del contrato con la Administración de Elecciones del Condado de Collin. (Vea la prueba instrumental A)

April 25 – April 27	8:00 a.m. – 5:00 p.m.	(el 25 de abril, hasta el 27 de abril, 8:00 de la mañana hasta las 5:00 de la tarde;)
April 28	8:00 a.m. – 7:00 p.m.	(el 28 de abril, 8:00 de la mañana hasta las 7:00 de la tarde;)
April 29 – April 30	8:00 a.m. – 5:00 p.m.	(el 29 de abril y 30 de abril, 8:00 de la mañana hasta las 5:00 de la tarde; y)
May 2 -3	7:00 a.m. – 7:00 p.m.	(el 2 y 3 de mayo, 7:00 de la mañana hasta las 7:00 de la tarde)

Applications for ballot by mail shall be mailed to:  
(Las solicitudes para boletas que se votaran en ausencia por correo deberan enviarse a :)

Bruce Sherbet, Elections' Administrator (Early Voting Clerk)  
2010 Redbud Blvd., Suite 102, McKinney, Texas 75069.  
(Nombre del Secretario(a) de la Votacion Adelantada)

Applications for ballots by mail must be received no later than the close of business on Tuesday, April 26, 2016.

(Las solicitudes para boletas que se votaran en ausencia por correo deberan recibirse para el fin de las horas de negocio el martes 26 de abril, 2016)

Issued this the 2<sup>nd</sup> day of February, 2016.  
(Emitada este dia 2 de febrero, 2016.)

Eric Barna, Mayor  
(Firma del Alcalde)

**City Council Meeting**  
**February 2, 2016**

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**Issue**

Discussion on the City's Water Utility System.

**Staff Resource/Department**

James Fisher, City Manager

**Summary**

The City Council during the adoption of the FY 16 Annual Budget postponed action concerning the adjustment of the City's water rates until later in the fiscal year (it was recommended to visit this issue in January 2016). However, due to strong water sales in the late summer months, I am recommending we continue to postpone discussion until this summer when the FY 17 Annual Budget is drafted.

Also, during the late summer months there was great concern from several residents regarding the amount of water usage they were billed and accuracy of the City's water meters. The City conducted a random sample of 115 water meters and found that 90% of the sample tested within acceptable American Water Works Association accuracy standards for meters. Several cities did similar reviews, but hired independent auditors to review their systems. I do not believe we have an issue, but I am open to review and corrective actions, if the City Council feels that it is warranted.

Currently, our water supply lakes are at capacity and I do not believe we will be looking at restrictions during the upcoming season, except a limitation to twice a week and no watering between the hours of 10 am and 6 pm. I think we all need to continue to water wisely and conservatively, no matter what the area lake levels represent.

**Attachments**

Special City Council Budget Work Session Meeting Minutes, July 14, 2015 at 6:30PM

Murphy City Council Minutes, July 21, 2015

Murphy City Council Minutes, September 15, 2015

Murphy City Council Minutes, October 6, 2015

Memorandum from New Gen Strategies & Solutions

## SPECIAL CITY COUNCIL BUDGET WORK SESSION MEETING MINUTES

## COMMUNITY ROOM

JULY 14, 2015 at 6:30 PM

**1. CALL TO ORDER**

Mayor Eric Barna called the meeting to order at 6:30 pm.

**2. ROLL CALL AND CERTIFICATION OF A QUORUM**

Susie Quinn, City Secretary, certified a quorum with the following Councilmembers present:

Mayor Eric Barna (arrived at 6:41 pm)  
Mayor Pro Tem Scott Bradley  
Deputy Mayor Pro Tem Owais Siddiqui  
Councilmember Ben St. Clair  
Councilmember Sarah Fincanon  
Councilmember Betty Nichols Spraggins  
Councilmember Rob Thomas

**3. INDIVIDUAL CONSIDERATION**

- A. Discussion regarding the FY 2016 General Fund and Utility Fund Revenues and Expenditures and other associated budget discussions.

City Manager James Fisher and Finance Director Linda Truitt presented the General Fund and Utility Fund to members of Council and Staff present. A three percent (3%) raise for employees was discussed and consensus reached. The compensation study is still in progress and will be presented to Council at a future meeting. Virtual workspace purchase was also discussed and the fact that allowing working from home has definite advantages. Items listed that are going to be presented to MMDD and MCDC for potential funding were requested to have "the why" listed along with the items and dollars. There were discussions regarding Smart 911 and consensus was reached to wait until 2016-2017 and check to see if other cities/towns in the area adopt this technology before the city funds this item.

In regards to the Utility Fund, there were discussions by all on the water rate and potential concerns with the water rate. The months with the most water sold will be July, August and most of September, so it is impossible to predict the total loss in the Utility Revenues until those months have ended. Because this is one of the wettest springs and early summers that we have experienced in several years, it is increasing the gap of the guaranteed water purchased from the North Texas Municipal Water District and the water sold by the city. The consultant who conducted the rate study in 2014 suggested strongly that the water sales be monitored closely to ensure that the utility fund is adequately funded and adjustments to rates are made as needed. The consensus is to keep the water rates at the current rates and address needs for increasing it in the future, depending on water sales and the weather.

B. Betsy Lane Road Widening Project

We have a problem with COSERV, there is a gas line that needs to be relocated.

C. South Maxwell Creek Parallel Trunk Sewer Line

This project is on track and going smooth.

D. North Murphy Road

Safe Routes contractors are working to get the crosswalks completed by August 24<sup>th</sup> by the time school starts. The stone on the Rolling Ridge retaining wall will begin shortly, and there is a discussion currently on what type of stone to use for the wall.

TxDOT did not allocate funding for the weed growth resulting in the areas near and around the construction on North Murphy Road, so the City is discussing various options.

**9. ADJOURN REGULAR MEETING**

With no further business, the meeting was adjourned at 7:03 pm and stated that Council would move to the Community Room to conduct the budget worksession.

**10. OPEN BUDGET WORKSESSION - CONVENE TO THE COMMUNITY ROOM**

Mayor Barna opened the budget worksession at 7:12 pm, in the Community Room, with all Council Members present.

A. Discussion regarding the FY 2016 General Fund and Utility Fund Revenues and Expenditures and other associated budget discussions.

City Manager Fisher gave an overview of the updated proposed budget. Total adjustments for the General Fund are \$446,800 from the prior conversations from budget meetings. The fund request of \$215,800 from the Community Development Corporation was approved.

There was discussion regarding about the tax rate decreasing as appraisals level out but expenditures increasing as population growth continues, and how that will need to be managed. For the Utility Fund the water sales and water rates were discussed at length. Also discussed is the need to pass along the cost that the City consumes for the residents from the North Texas Water District and to see how the El Nino affects water sales in the upcoming months. Council wants to review this again after the new fiscal year begins to determine if it will be necessary to increase water rates as recommended by the consultant.

November Presidential election to see what we encounter. Council discussed the options for having signs placed, and by consensus, no signs are to be placed in the fenced-in area of the Community Center.

**H. Discussion of water consumption and billing.**

City Manager James Fisher explained that the Customer Service staff performed a random water audit to make sure the meters were functioning properly. Out of the 120 meters tested, 5 meters had leaks and were excluded from the audit. In total, 115 were checked, there were 6 more leaks, and all leaks were reported to the homeowners. The American Water Works Association accuracy standards for residential ¾" meter is 98.5% to 101.5%; 105 of the tested meters were within the standards; 10 meters tested below standards; and 1 meter tested above standards. Fisher also explained the gallons used by the residents and gallons the city is required to buy.

There was a resident who asked for clarification on the water bill cycle. Council and Customer Service Manager Candy McQuiston explained the dates on the bills.

**I. Discussion on the Murphy Police Department Body Worn Camera Policy.**

City Manager James Fisher explained that the police department is ready with the cameras, and the policy will be coming back to council on October 4<sup>th</sup> for council review at the request of Councilmember St. Clair so he can be in attendance. We are still working on a policy for the amount of time to store the taped date and where to store the data collected from the body cameras.

**8. CITY MANAGER/STAFF REPORTS**

**A. Timbers Nature Preserve**

City Manager Fisher gave update and there will be a walk through on October 10<sup>th</sup> with the residents to voice their concerns.

**B. Betsy Lane Road Widening Project**

City Manager Fisher said this project is ahead of schedule should be completed by December.

**C. South Maxwell Creek Parallel Trunk Sewer Line**

This project is going well.

explained she sees traffic turning around in the driveways on her street because it is not a through street, and if they open it to S Maxwell it would become an even busier street. She wants Council to maintain the SF 20 lots along FM 544 to keep the integrity of the area.

**Harmony Moses**, resident, is concerned with Oak Glen being punched through. She does not want this to be a through street.

Council suggested this item to be on the second meeting in November to allow time for a Town Hall meeting (scheduled for November 3, 2015) for better conversation between Council and the residents.

There was no action taken on this item.

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

**NO ACTION**

**B. Discussion of water issues.**

City Manager Fisher explained that this item was placed on the agenda to allow Council to interact with citizens if they came to the meeting to discuss their water bills during public comment. City Manager James Fisher asked citizens to please contact the Customer Service department with any questions or concerns regarding their water bills and/or meter.

The City is a consumer of the water from the North Texas Municipal Water District just as the citizens buy their water from the City of Murphy. Council also explained the water fee is not just for water usage, it is for a multitude of things that go into supplying water, such as the meters, the pipes, the water towers, the pumps, etc. In the future, cities will be faced with changes in water and possibly the supplier. All of north Texas is having these types of water billing concerns.

**This item was for discussion only.**

**C. Consider and/or act upon a Murphy Food Truck Court and additional PSA Murphy and Central Park parking.**

City Manager, James Fisher explained this idea was brought to him by Mayor Barna, Mayor Pro Tem Bradley and a few other individuals to see if it would be a possibility for Murphy. The park consultant assisted with the project. Fisher also explained Murphy Municipal Development District (MMDD) has agreed to pay a third of the costs, and the City would pay a third and the Murphy Community Develop Corporation (MCDC) is being asked to pay a third. MCDC and MMDD would be repaid over one or two years. There will be some trees removed and a clearing will be needed. Some trees will be replaced Council asked for clarification on lighting for the area, Fisher confirmed there will be lighting but not excessive lighting. Council also asked for how Central Park is being utilized currently and wanted to make certain the Park board will have time to discuss.

**COUNCIL ACTION (6.C.):**

**APPROVED**



1300 E. Lookout Drive  
 Suite 100  
 Richardson, TX 75082  
 Phone: (972) 680-2000

## Memorandum

**To: Mr. James Fisher and Ms. Linda Truitt**

**From: Mr. Chris Ekrut**

**Date: July 20, 2015**

**Re: Recommended Water Rate Action for FY 2016**

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### Introduction

In February 2014, our Firm was engaged by the City to conduct a Water and Sewer Rate Study which encompassed a five (5) year forecast of projected water and sewer rates. Due to the recent changes in weather experienced by the Metroplex, our Project Team has undertaken a review of our original study assumptions as compared to actual performance to determine what adjustments, if any, may be warranted to our original study conclusions. This memorandum briefly details this comparison and provides our recommendations on potential rate action the City Council may wish to consider for FY 2016.

### Background

In our Final Report regarding the Water and Sewer Rate Study, dated July 2014, we noted the following in the report's introduction:

*"The analysis performed by NewGen is designed to take into account the foreseeable changes from the current fiscal year (FY 2014) through FY 2019. The goal is to construct a planning tool with which the City can gain an understanding of the issues that need to be addressed during the Study's planning horizon. A critical benefit is the quantification of the long-range impact of decisions being made today. As with any forecast, assumptions must be made and the City should be aware that the actual rates required may be different from the projected rates outlined in this report due to unforeseen changes such as system growth, inflation, etc. In addition, it should be noted that this analysis is based on data provided by the City. While this data has been reviewed and tested for accuracy to the extent possible, if the data relied on by the Project Team to produce this analysis is inaccurate and not reflective of the actual operation and/or financial condition of the City's water and sewer system, then the results of this analysis may merit revision."*

Further, it was noted in a presentation to the City Council on May 20<sup>th</sup>, 2014 that the City "must monitor rate performance on a monthly basis" and that "if operational performance varies from assumptions, then immediate action should be contemplated, particularly if consumption is reduced."

As part of our conclusions from the 2014 Study, our Project Team projected that no change to the "City" portion of the water rates, after initial adjustment in FY 2015, would be needed through the study period ending in FY 2019. The Project Team did recommend annual adjustment of the pass-through portion of the rate which recovers the cost of water charged by North Texas Municipal Water District ("NTMWD") to the City.

# Memorandum

Mr. James Fisher; Ms. Linda Truitt  
July 20, 2015  
Page 2

## Review of Assumptions

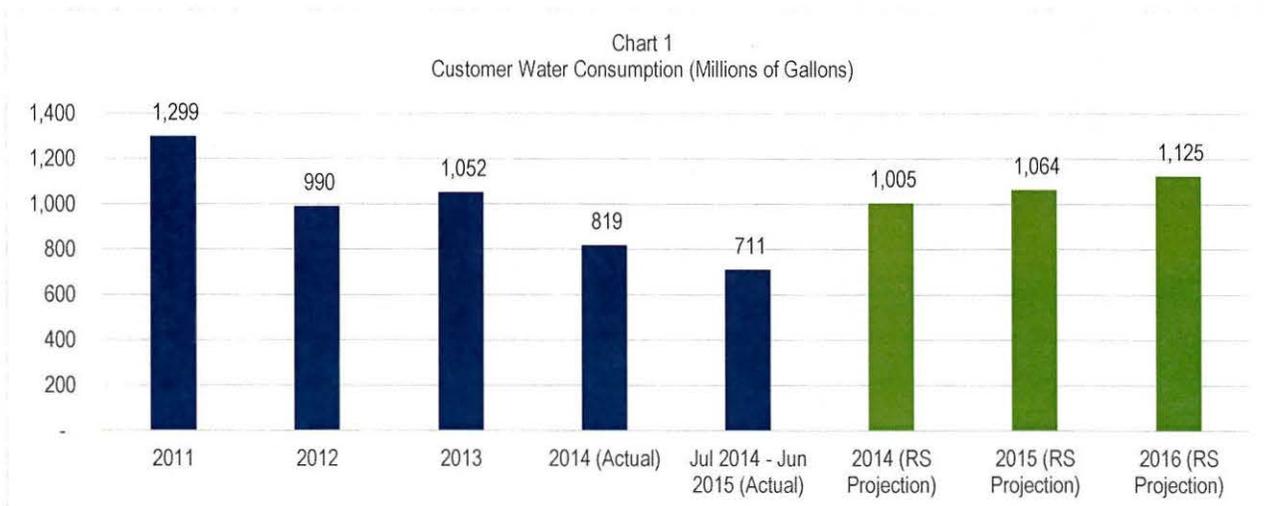
Our Project Team's original projections and recommendations were predicated on an assumed customer consumption level of just over 1 billion gallons annually. This projected consumption amount was arrived at by reviewing monthly per customer consumption levels from FY 2011 through FY 2013 in which recorded precipitation levels were closest to normal according to National Weather Service figures. When setting water rates, it is a common practice to project customer consumption under "normal" precipitation conditions. In doing so, it is understood that in wetter years, when consumption is less than anticipated, the City's revenue would likely be insufficient to fully cover costs. Conversely, in drier years, revenues would be greater than anticipated and the utility's financial position would recover. However, for this variation in the utility's revenue stream to work, we note that the City must have sufficient operating reserves to financially sustain itself during these wetter periods.

As the City Council is well aware, the majority of the State of Texas has been under varying levels of drought conditions since approximately 2011. The implementation of watering restrictions to sustain water supply levels through this drought resulted in reduced customer consumption levels beginning in approximately FY 2012, with significantly reduced customer consumption occurring in Fiscal Year 2014. The recent significant rainfall, while beneficial to dampening and in some cases ending the on-going drought conditions, has led to further reductions in customer consumption due to a lack of outdoor watering.

Chart 1 below illustrates the City's actual consumption from FY 2011 to FY 2014 and provides the Project Team's original projection of billed consumption for FY 2014 through FY 2016 (originally prepared during the conduct of the rate study from February 2014 to April 2014). As seen below, the Project Team's projected consumption in FY 2014 through FY 2016 is an accurate, if not slightly conservative projection based on the utility's historical performance from FY 2011 to FY 2013, particularly given that the projection for FY 2014 to FY 2016 assumed a 6% annual increase in Residential population from FY 2014 through FY 2017. However, the Project Team's conclusions were prepared prior to the summer of FY 2014 and did not anticipate the over 22% reduction in customer use between FY 2013 and FY 2014. Further, when compared against the latest available 12-months of data, the Project Team is concerned that customer consumption, and the utility's revenue stream based on this level of consumption, will not rebound adequately enough in FY 2016 to continue to hold current rates constant without jeopardizing the financial condition of the utility.

# Memorandum

Mr. James Fisher; Ms. Linda Truitt  
 July 20, 2015  
 Page 3



Assuming customer consumption does not rebound to anticipated levels in FY 2016, then the Project Team’s original recommendation of not making adjustments to the City Portion of the rate in FY 2016 may result in insufficient rate revenues during the coming fiscal year. While watering restrictions have been lifted at this time, there is a potential that consumers have permanently changed their water consumption behavior and consumption will not rebound to historic levels. Further, the continued implementation of more efficient appliances will only result in further reductions in customer consumption.

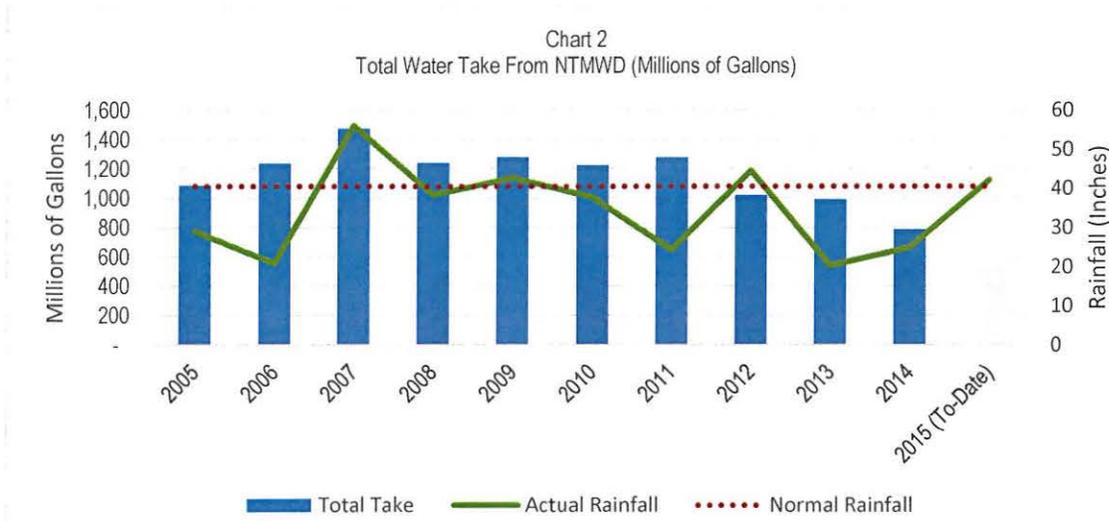
In an effort to derive a more accurate projection of customer consumption for FY 2016, the Project Team has reviewed the City’s historic water take from NTMWD as compared to historical precipitation. Chart 2 below presents this comparison. As seen below, the City has experienced a reduced level of water use from NTMWD since 2012 and has not recovered to pre-2012 levels. Given this, the Project Team believes that only actual data recorded from 2012 to the present should be used in developing an assumed level of customer consumption for FY 2016.

In looking at the actual consumption data in Chart 1 from FY 2012 to FY 2014, the Project Team believes that data from October 2013 to the present does represent an anomaly based on the imposition of significant outdoor watering restrictions followed by above normal rainfall. FY 2012, while still during the drought, was a time of increased rainfall, similar to what is currently being experienced. As such, the Project Team recommends that the consumption recorded in FY 2012 be used as a conservative measure of anticipated per connection consumption in FY 2016.

Assuming FY 2012 is used as the basis for projecting FY 2016 consumption, total anticipated water revenues from the City component of the rate structure are anticipated to be approximately \$3.29 million as compared to the original FY 2016 projected City component revenues of \$3.82 million, a variance of approximately \$0.53 million.

# Memorandum

Mr. James Fisher; Ms. Linda Truitt  
 July 20, 2015  
 Page 4



In determining a recommended rate action for FY 2016, consumption is just one variable to consider. The other variable that must be considered is the anticipated cost of the utility. Table 1 below provides a comparison of the projected water utility rate revenue requirement from the original study as compared to the latest figures provided by the City.

Table 1  
 Comparison of Original and Amended FY 2016 Rate Revenue Requirement

	Original Projection	Amended Projection	Variance
City Cost	\$ 2,934,330	\$ 2,553,008	(\$ 381,321)
NTMWD Cost	3,238,714	3,238,714	0
<b>Total Cost</b>	<b>\$ 6,173,044</b>	<b>\$ 5,791,723</b>	<b>(\$ 381,321)</b>
Less: NTMWD Pass-Through Revenues	(2,555,516)	(2,140,209)	415,307
Less: Other Revenues	(149,956)	(124,273)	25,683
<b>Rate Revenues Needed</b>	<b>\$ 3,467,572</b>	<b>\$ 3,527,241</b>	<b>\$ 59,669</b>

As evidenced above, the City’s budgeted cost is approximately 13% below what was anticipated in the original rate study, while other revenue sources are also anticipated to be less. Also, because of the reduction in consumption, the pass-through revenues from the NTMWD portion of the rate structure are anticipated to be less, which further offsets any gains achieved by the reductions in the City’s budget. The overall net effect of these changes in costs and offsetting revenues results in an increase in rate revenue need for the City above what was anticipated for FY 2016.

Table 2 below summarizes the overall impact of these changes in customer consumption as well as cost.

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Table 2  
 Overall Summary of Impacts

	<u>Original Projection</u>	<u>Amended Projection</u>
Anticipated Rate Revenues	\$ 3,816,355	\$ 3,288,251
Rate Revenues Needed	3,467,572	3,527,241
Over / (Under) Recovery (\$)	\$ 348,783	(\$ 238,989)
Over / (Under) Recovery (%)	9.14%	(7.3%)

### Conclusion and Recommendation

In conclusion, the Project Team recommends the City Council consider some type of increase in the City portion of the rate structure for FY 2016. This is in addition to the increase in the NTMWD portion of the rate from \$2.11 to \$2.34. Based on the assumptions discussed herein, we recommend the Council consider increasing the City component of the volumetric rate by approximately 7.3%. Table 3 below outlines the recommended changes and presents the incremental impact these changes would have on a variety of customer water bills:

Table 3  
 Incremental Impact of Recommendations

	<u>Current Rate</u>	<u>Amended Rate</u>	<u>Variance</u>
City Volumetric Rate (per 000 gal):			
0 – 15,000 gallons	\$ 1.69	\$ 1.81	\$ 0.12
15,001 – 30,000 gallons	1.95	2.09	0.14
30,001 – 45,000 gallons	2.24	2.40	0.16
45,001 – 60,000 gallons	2.57	2.76	0.19
60,000 gallons +	2.96	3.18	0.22
NTMWD Rate (per 000 gal):			
All Volumes	\$ 2.11	\$ 2.34	0.23
Sample Monthly Residential Water Bills: (Assumes a 3/4-inch meter charge of \$20)			
5,000 gallons	\$ 39.00	\$ 40.75	\$ 1.75
10,000 gallons	58.00	61.50	3.50
13,200 gallons	70.16	74.78	4.62

Should the Council decide not to increase rates at this time, or determine that a lesser adjustment is needed, we highly recommend that customer revenues continue to be monitored on a monthly basis and

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that the Council take immediate rate action as needed to ensure the long-term financial stability of the utility. We appreciate the opportunity to address the City Council and for the Council's consideration of the recommendations contained herein and stand ready to answer any questions City staff and/or the City Council may have regarding the information presented.

**City Council**  
**February 2, 2016**

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**Issue**

Consider and/or act upon the recommendations from the Council Interview Panel regarding appointing board members to the Murphy Municipal Development District.

**Staff Resource/Department**

Susie Quinn, City Secretary

**Background/History**

Mayor Pro Tem Scott Bradley, Deputy Mayor Pro Tem Owais Siddiqui, and Councilmember Betty Spraggins volunteered to serve as the Council Interview Panel. Interviews were conducted on November 5<sup>th</sup>, November 10<sup>th</sup>, November 11<sup>th</sup>, November 16<sup>th</sup>, and November 19<sup>th</sup>, 2015.

Pursuant to City Charter, Article VIII, Section 8.01 Authority, Composition and Procedures:

(1) The City Council shall create, establish or appoint, as may be required by the laws of the State of Texas or this Charter, or deemed desirable by the City Council, such boards, commissions and committees as it deems necessary to carry out the functions and obligations of the City. The City Council shall, by ordinance or resolution, prescribe the purpose, composition, function, duties, accountability and tenure of each board, commission and committee where such are not prescribed by law or this Charter.

(2) Individuals who are qualified voters in the City may be appointed by the City Council to serve on one (1) or more boards, commissions or committees. Such appointees shall serve at the pleasure of the City Council and may be removed at the discretion of the City Council, except for the members of the Board of Adjustment, who may be removed only for cause. Except as otherwise provided in this Charter, members of any such board, commission or committee shall serve without compensation, but may be reimbursed for actual expenses as approved by the City Council.

(3) All boards, commissions or committees of the City shall, at the discretion of the City Council, keep and maintain minutes of any proceedings held.

(4) No officer or employee of the City nor any person who holds a compensated appointive position with the City shall be a member of any board, commission or committee created or established by state law or this Charter other than in an advisory and/or ex officio capacity except as allowed by state law.

(5) Any member of a board, commission or committee who is absent from three (3) consecutive regular meetings, or twenty-five percent (25%) of regularly scheduled meetings during the twelve (12)-month period immediately preceding and including the absence in question, without explanation acceptable to a majority of the other members, shall be deemed to have forfeited his or her position on the board, commission or committee.

**Attachments**

Board and Commission Listing

P L A C E	MURPHY MUNICIPAL DEVELOPMENT DISTRICT BOARD - BOARD MEMBER NAME	ORIGINAL APPOINTMENT DATE	CURRENT APPOINTMENT DATE	CURRENT TERM	APPOINT
	John Daugherty	9/17/2013	1/1/2014		
2	Jamie Nicholson	12/11/2012	1/1/2015	2015-2016	Completing term
3	Alex Acuña	12/10/2013	1/1/2014		
4	Alain Dermarker	12/11/2012	1/1/2015	2015-2016	Completing term
	Eric Lopez	12/10/2013	1/1/2014		
1				2016-2017	
5				2016-2017	
Reapplied for current or different board - Interviewed with Council panel					
Seat is open for new appointment					