

MURPHY CITY COUNCIL AGENDA  
REGULAR CITY COUNCIL MEETING  
AUGUST 18, 2015 AT 6:00 P.M.  
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 August 18, 2015 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. PRESENTATIONS

- A. Presentation of a Proclamation for Dorie Miller to receive the Medal of Honor posthumously.
- B. Presentation of financial report and investment report as of July 31, 2015.

## 6. CONSENT AGENDA

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

- A. Consider and/or act upon the August 4, 2015 regular meeting minutes.

## 7. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing on the proposed 2015 Tax Rate of \$0.5300 per \$100 valuation.
- B. Hold a public hearing on the proposed FY 2015-2016 Budget.
- C. Consider and/or act on the City of Murphy Compensation Study for city employees conducted by CPS HR Consulting.

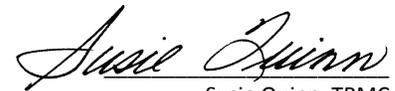
- D. Consider and/or act on the Interlocal Agreement between the City of Murphy, Texas and the Texoma Area Paratransit System, Inc. for the use of parking spaces and authorize the City Manager to execute the Agreement.
- E. Consider and/or act on a Spring Craft Beer Fest and Community Concert.
- F. Discuss update on Southeast study.
- G. Discuss update on Community Survey project.

**8. 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

**9. 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 August 14, 2015 by 4:30 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.

# *Proclamation*

## *City of Murphy, Texas*

### **Medal of Honor for Dorie Miller**

**Whereas** Dorie Miller served as an honorable member of the United States Navy beginning in 1939; and

**Whereas** Dorie Miller served as a Messman Third Class on the U.S.S. West Virginia; and

**Whereas** Dorie Miller reported that he was prepared for duty when the West Virginia was attacked by Japanese submarines and airplanes in Pearl Harbor on December 7, 1941; and

**Whereas** Dorie Miller carried the ship's captain, Mervyn Bennion, who had been mortally wounded to a sheltered location on the ship; and

**Whereas** Dorie Miller began to load unmanned anti-aircraft machine guns after getting orders from his superior, Lieutenant Frederic H. White, to man the gun; and

**Whereas** Dorie Miller shot down a number of Japanese planes that were attacking the West Virginia and its crew; and

**Whereas** Dorie Miller continued firing at Japanese planes until his supply of ammunition was depleted; and

**Whereas** Dorie Miller was ordered to carry officers and sailors from the line of fire through oil and water to a safer part of the harbor where the West Virginia was anchored; and

**Whereas** a number of sailors on the West Virginia were rescued by Dorie Miller; and

**Whereas** Dorie Miller was recognized as one of the "first US heroes of World War II"; and

**Whereas** in March of 1942 Senator James N. Mead from New York introduced legislation in the United States Senate to award Dorie Miller the Medal of Honor; and

**Whereas** in March of 1942 Congressman John D. Dingell, Sr. introduced legislation in the United States House of Representatives to award Dorie Miller the Medal of Honor; and

**Whereas** in May of 1942 Dorie Miller received the Navy Cross, the second highest honor given by the Navy; and

**Whereas** numerous groups of citizens immediately began to petition the Congress and the White House to have Dorie Miller awarded the Medal of Honor; and

**Whereas** Congresswoman Eddie Bernice Johnson, a native of Waco, Texas, where Dorie Miller was born has made repeated attempts to have Dorie Miller awarded the Medal of Honor and has solicited the support of interests groups across the country;

**Be it proclaimed** that the City Council for the City of Murphy petitions the Congress, the Secretary of the Navy and President Barack Obama to take action that would lead to the Medal of Honor being awarded posthumously to an American hero, Dorie Miller, for services rendered to his country during time of great peril.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused to be affixed the seal of the City of Murphy on this 4th day of August in the year 2015.

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Eric Barna, Mayor  
City of Murphy

CITY COUNCIL MINUTES  
REGULAR CITY COUNCIL MEETING  
AUGUST 4, 2015 AT 6:00 P.M.

**1. CALL TO ORDER**

Mayor Barna called the meeting to order at 6:00 pm.

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Barna led the invocation and led the Pledge of Allegiance to the United States flag.

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

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

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

**4. PUBLIC COMMENTS**

**Ray Shahan**, resident, is still requesting a full investigation on PD3-10-590 regarding the zoning/rezoning of the Ranch subdivision. Shahan presented to Council highlighted copies from prior city council minutes regarding Windy Hill Farms, asking the council to revisit PD3-10-590 again to correct errors he believes were made just as they did for Windy Hill Farms.

**5. PRESENTATIONS**

A. Presentation of proposed municipal budget for fiscal year 2015-2016.

City Manager James Fisher, presented the proposed budget which includes a 2 (two) cent reduction on the tax rate making the proposed tax rate to .53 cents. Our appraised value continues a trend of increasing. The projected fund balance is \$2,589,403 but there will be an audit coming later in the year. The MCDC will fund \$714,900 for the FY16 budget to assist with community events, a groundskeeper position, contract mowing, and other items. MMDD will also fund some items totaling \$203,500.

**6. CONSENT AGENDA**

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

A. Consider and/or act upon the July 21, 2015 regular meeting minutes.

- B. Consider and/or act upon the issuance of a special permit to allow a fireworks display during the Murphy Maize Days celebration on September 26, 2015.

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

***APPROVED***

**Mayor Pro Tem Bradley moved to approve the Consent Agenda as presented. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.**

**7. INDIVIDUAL CONSIDERATION**

- A. Consider and/or act on the application of Murphy Four Venture, LP requesting approval of a site plan, landscape plan, building elevations and construction plat for a proposed retail space located in the northeast corner of FM 544 and Maxwell Creek Road.

Director of Economic and Community Development Kristen Roberts, explained the proposed site being for retail. She mentioned the sidewalks on this plan are not shown on the attachments; the funds for sidewalks will be put into escrow if council allows. This provides for the sidewalks to be consistent for Murphy Marketplace. Eric Langford addressed council stating that six (6) businesses will be in this building with restaurant space being utilized. The names of the businesses could not be disclosed at this time. Council discussed the sidewalk escrow; the funds would be calculated at today's rates and not account for any price increases for the future. No further discussion at this time.

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

***APPROVED***

**Mayor Pro Tem Bradley moved to approve a site plan, landscape plan, building elevations and construction plat for a proposed retail space located in the northeast corner of FM 544 and Maxwell Creek Road and to include escrow funds for the sidewalks. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.**

- B. Consider and/or act upon Resolution Number 15-R-820 approving the 2015 appraisal roll with a taxable value of \$1,916,589,023 as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of \$58,428,710 under review by the Appraisal Review Board.

There was no discussion on this item.

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

***APPROVED***

**Mayor Pro Tem Bradley moved to approve the 2015 appraisal roll with a taxable value of \$1,916,589,023 as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of \$58,428,710 under review by the Appraisal Review Board. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.**

- C. Consider and/or act upon Resolution Number 15-R-821 establishing two dates, August 18, 2015 and September 1, 2015, at 6 pm, to conduct a Public Hearing on the City of Murphy Proposed tax rate of \$0.5300 per \$100 valuation and establishing two dates, August 18, 2015 and September 1, 2015 at 6 pm, for a Public Hearing on the proposed 2015-2016 municipal budget.

City Manager Fisher explained the resolution will institute the dates for the public hearings on the dates listed above.

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

***APPROVED***

**Mayor Pro Tem Bradley moved to approve Resolution Number 15-R-821 establishing two dates, August 18, 2015 and September 1, 2015, at 6 pm, to conduct a Public Hearing on the City of Murphy Proposed tax rate of \$0.5300 per \$100 valuation and establishing two dates, August 18, 2015 and September 1, 2015 at 6 pm, for a Public Hearing on the proposed 2015-2016 municipal budget. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.**

- D. Discussion regarding the southeast sector study.

City Manager James Fisher explained we enacted a 90 day moratorium so we could get a clear picture of how these pieces will come together. The date for the public hearing may need to change due to the public hearing for the budget. We want input from the residents on how this affects them and also their thoughts on this matter. Fisher explained he wants to have a stakeholder's meeting so the people directly in that area who will be affected can have some one on one time to meet with staff and Freese and Nichols. Council asked for confirmation on their participation in this and how updates will be done.

**Jodie Pennington**, Maxwell Creek resident, requested information for a plan to repair damage created from the upstream area. He explained some of the incidents/damages that have been caused by situations coming from the upstream area. He requested for council to consider extending the moratorium another 90 days in order to have time to deliberate these types of issues.

**Jim (James) Collins**, owns approximately 4 acres on FM 544 near Maxwell Creek, and is interested in selling this property; businesses such as Top Golf have expressed interest in buying it from him. He is requesting not to have the 90 day extension. Collins also requested council and staff to clean up the creek to help with flooding because of the ninety degree turns in the creek. City of Sachse cleaned up to the city limit line after requesting permission to enter the property.

**Keith Huyck**, Maxwell Creek resident, explained to council when we get heavy rains that cause flooding as the water goes East into the floodplain. He is concerned if the property on the East side of the street gets developed it may force the flood waters to move towards his property. Council assured Keith the drainage will be improved with any development on Maxwell Creek that Council approves.

E. Discussion regarding the upcoming Community Survey.

City Manager James Fisher updated council on Decision Analyst provided draft questions from other cities and we are working to pare down the list so we don't have an extraordinary long survey. Council discussed questions that were repetitive and or not necessary. There was also discussion on how to word some questions especially in regards to funding things like street repair. Fisher asked council to contact Kristen Roberts on their input and asked for a few councilmembers to meet with Kristen Roberts to discuss more questions in depth. Deputy Mayor Pro Tem Siddiqui identified questions that he feels need additional study. Mayor Eric Barna, Mayor Pro Tem Scott Bradley, Deputy Mayor Pro Tem Siddiqui stated they will meet with Kristen Roberts.

**8. CITY MANAGER/STAFF REPORTS**

A. Timbers Nature Preserve

The bathroom has been delivered and is now in place. The project is still on track to be completed on time.

B. Betsy Lane Road Widening Project

We are working with COSERV to have them move their gas line. Fisher explained our Franchise Agreement was done in 1999 and there is nothing in the agreement that says COSERV will move anything in the Cities right of way.

C. South Maxwell Creek Parallel Trunk Sewer Line

This project is approximately 8% complete, currently there is 1500 linear feet installed.

D. North Murphy Road

We are working towards getting everything finished before school starts on August 24<sup>th</sup>. The area by Walmart is an accident area and we are working to improve tall grass, and other visual blockers.

Council asked if the HOAs and TxDOT have worked out the issues with the entrances, and Fisher explained that is still being worked out.

**9. ADJOURNMENT**

With no further business, the meeting was adjourned at 7:09 pm.

APPROVED BY:

ATTEST:

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

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

**City Council Meeting  
August 18, 2015**

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**Issue**

Hold a public hearing on the proposed tax rate of \$0.5300 per \$100 valuation for City Budget Year of October 1, 2015 through September 30, 2016.

**Staff Resource/Department**

James Fisher – City Manager  
Linda Truitt – Finance Director

**Background**

Public Hearings on the 2015-2016 budgets are schedule for Tuesday, August 18, 2015 and Tuesday, September 1, 2015 at 6:00 PM in the Council Chambers at 206 North Murphy Road, Murphy, Texas.

The City Council voted to propose a tax rate of \$0.5300 per \$100 valuation for the 2015 tax year and the city's budget year of October 1, 2015 through September 30, 2016. The proposed Maintenance and Operations (M&O) rate is \$0. 333221, a decrease of \$0.003049 and the debt service rate is \$0.196779 a decrease of \$0.016951 for a total tax rate of \$0.5300 per \$100 valuation, a two cent decrease from the FY 2015 tax rate.

**This tax rate will raise more taxes for maintenance and operations than last year's tax rate.**

**The tax rate will effectively be raised by 6.50 percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$-3.05.**

**Financial Considerations**

The City is proposing a Maintenance and Operations (M&O) tax rate of \$0. 333221 per \$100 valuation. The M&O tax rate funds a large portion of the City's operations, including Parks, Public Safety and Public Works. The second portion of the tax rate is for debt service, which provides funding for the current portion of the long-term debt. This year the debt service tax rate is set at \$0. 196779, per \$100 valuation, a decrease from last year's tax rate.

***Announce after Public Hearing:***

**The vote on the proposed tax rate will take place on Tuesday, September 15, 2015 at 6:00 PM in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas.**

**Attachments**

1) Notice of Public Hearing on Tax Increase

# NOTICE OF 2015 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF MURPHY

A tax rate of \$0.530000 per \$100 valuation has been proposed for adoption by the governing body of City of Murphy. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

PROPOSED TAX RATE	\$0.530000 per \$100
PRECEDING YEAR'S TAX RATE	\$0.550000 per \$100
EFFECTIVE TAX RATE	\$0.511745 per \$100
ROLLBACK TAX RATE	\$0.534685 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for City of Murphy from the same properties in both the 2014 tax year and the 2015 tax year.

The rollback tax rate is the highest tax rate that City of Murphy may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS  
FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Kenneth L. Maun  
Tax Assessor Collector  
2300 Bloomdale Road  
McKinney, TX 75071  
972-547-5020  
kmaun@collincountytexas.gov  
www.murphytx.org

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 18, 2015 at 6:00 pm at City of Murphy, Council Chambers, 206 North Murphy Road, Murphy, TX 75028.

Second Hearing: September 1, 2015 at 6:00 pm at City of Murphy, Council Chambers, 206 North Murphy Road, Murphy, TX 75028.

**City Council Meeting**  
**August 18, 2015**

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**Issue**

Hold a public hearing on the proposed fiscal year 2015-2016 budget for the City of Murphy.

**Staff Resource/Department**

James Fisher – City Manager

Linda Truitt – Finance Director

**Background**

Public Hearings on the 2015-2016 budgets are schedule for Tuesday, August 18, 2015 and Tuesday, September 1, 2015 at 6:00 PM in the Council Chambers at 206 North Murphy Road, Murphy, Texas.

Pursuant to Texas Local Government Code 102.006 and City Charter Section 7.05, the City Council has set dates for the Public Hearing on the municipal budget to be Tuesday, August 18, 2015 at 6:00 PM and a second Public Hearing on Tuesday, September 1, 2015 at 6:00 PM. The date set must be at least 15 days after the date the proposed budget is filed with the City Secretary and before the date the City makes its tax levy. The proposed budget was filed with City Secretary on August 4, 2015. The proposed 2015-2016 budget is available for review on the city's website.

The City Council is required to provide notice of the date, time and location of the public hearing pursuant to Texas Local Government Code 102.0065.

**Financial Consideration**

See the fiscal year 2015-2016 budgets provided to City Council on August 5th. The budget is also available on the City's website.

**This budget will raise more total property taxes than last year's budget by \$539,926, or 5.46%, and of that amount \$200,093 is tax revenue to be raised from new property added to the roll this year.**

***Announce after Public Hearing:***

**The vote on the proposed fiscal year 2015-2016 budget will take place on Tuesday, September 15, 2015 at 6:00 PM in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas.**

**Attachments**

- 1) Notice of Public Hearing on Proposed Budget
- 2) Fiscal Year 2015-2016 Budget – previously provided and available online

NOTICE OF PUBLIC HEARING  
CITY OF MURPHY  
PROPOSED OPERATING BUDGET FISCAL YEAR 2015-2016

The City of Murphy will conduct a Public Hearing on the Proposed Operating Budget for the fiscal year 2015-2016 on Tuesday, August 18, 2015 at 6:00 p.m. and on Tuesday, September 1, 2015 at 6:00 p.m. at the Murphy Municipal Complex, City Council Chambers, 206 North Murphy Road, Murphy, Texas 75094.

**This budget will raise more total property taxes than last year's budget by \$539,926 or 5.46%, and of that amount \$200,093 is tax revenue to be raised from new property added to the roll this year.**

You have a right to attend the Public Hearing and make comments. A copy of the proposed budget is on file with the City Secretary's Office located at 206 North Murphy Road, Murphy, Texas 75094. It is also available on the City's website at [www.murphytx.org](http://www.murphytx.org).

Dated this 4th day of August, 2015.

Linda Truitt

Finance Director

City of Murphy, Texas

**City Council Meeting**  
**August 18, 2015**

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**Issue**

Consider and take action, if any, on the City of Murphy Compensation Study for city employees conducted by CPS HR Consulting

**Staff Resource/Department**

Jana Traxler, Human Resources Manager  
James Fisher, City Manager

**Summary**

The City of Murphy entered into contract in April 2015 with CPS HR Consulting to prepare a compensation study and pay plan proposal for city employees. Tameka Usher with CPS HR Consulting will be at the meeting to discuss their findings and the critical next steps that must be considered as we move forward. The final report should be available by this weekend and it will be sent to you under a separate cover email.

This will be a lot of information to digest at one time. I am recommending that the City Council review the final report, listen to the presentation by Ms. Usher and schedule a work session for Tuesday, October 13<sup>th</sup> to fully discuss an implementation strategy. I have asked Ms. Usher to attend this work session as well. I believe that this time will allow us to fully understand the study, the pay plan and the impact it will have upon the employees and organization.

**Action Requested**

Schedule a work session for Tuesday, October 13<sup>th</sup>.

**City Council Meeting**  
**August 18, 2015**

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**Issue**

Consider and/or act on the Interlocal Agreement between the City of Murphy, Texas and the Texoma Area Paratransit System, Inc. for the use of parking spaces and authorize the City Manager to execute the Agreement.

**Staff Resource/Department**

James Fisher, City Manager

**Summary**

The City of Murphy has received a request to utilize 5 – 10 parking spaces, Monday through Friday, for park-and-ride service from Texoma Area Paratransit System, Inc. (TAPS). This agency currently provides service within the City and the parking spots provide another option for our residents. The City is proposing 5 – 10 spaces on the outer edge of our newest parking lot, east of Murphy PD.

**Action Requested**

Authorize the City Manager to execute the proposed Interlocal Agreement.

**Attachments**

Interlocal Agreement between the City of Murphy, Texas and the Texoma Area Paratransit System, Inc. for the use of parking spaces

**INTERLOCAL AGREEMENT  
BETWEEN  
THE CITY OF MURPHY,  
TEXAS AND  
TEXOMA AREA PARATRANSIT SYSTEM,  
INC. FOR  
USE OF PARKING SPACES**

The City of Murphy, Texas (“City”), a home rule municipality and local governmental entity, and Texoma Area Paratransit System, Inc. (“TAPS”), a rural transit district and political subdivision of the State of Texas, hereby enter into this Interlocal Agreement as of the Effective Date for the use of City-owned parking spaces. City and TAPS may be referred to jointly herein as the “Parties,” and individually as a “Party.”

**RECITALS**

**WHEREAS**, City is a home rule municipality and local governmental entity located within Collin County, Texas; and

**WHEREAS**, TAPS is a rural transit district established pursuant to the authority of Chapter 458, Texas Transportation Code, as amended, that provides transit services within the State of Texas in the counties of Clay, Collin, Cooke, Fannin, Grayson, Montague, and Wise; and

**WHEREAS**, TAPS operates a park-and-ride stop located with a physical address of Murphy Road North , Murphy, Collin County Texas 75094; and

**WHEREAS**, TAPS and City desire to provide parking accommodations for members of the public who intend to use this park-and-ride service; and

**WHEREAS**, City is the current fee owner of certain real property that contains existing parking spaces that may provide these parking accommodations; and

**WHEREAS**, the Parties agree that this Agreement represents a written revocable license and in no way creates or represents a lease, easement, or ownership interest for TAPS in the real property and improvements described in this Agreement.

**NOW, THEREFORE**, the Parties hereby make and enter into this Agreement for and in mutual consideration of the covenants and agreements set forth herein.

## **Article 1. Consideration**

1.1 Purpose: Pursuant to Section 791.011 of the Act, City and TAPS are local governmental entities and enter into the Agreement for the purpose of providing services in which the Parties are mutually interested and with each Party performing services it would be authorized to perform individually.

1.2 Consideration: City and TAPS agree there is good and valuable consideration for entering into this Agreement, the receipt and sufficiency of which is acknowledged.

## **Article 2. Term and Termination**

2.1 Term: This Agreement shall be effective for a period of twelve (12) months beginning on August 19, 2015 (the "Effective Date") and terminating on August 20, 2016 (the "Termination Date"), unless terminated earlier by either City or TAPS in accordance with the terms of this Agreement ("Term").

2.2 Termination: This Agreement may be terminated prior to the Termination Date as follows:

a) The Parties may terminate this Agreement by a written agreement signed by both Parties setting forth the agreed termination date; or

b) Either Party may terminate this Agreement with or without cause by providing written notice to the other Party not less than sixty (60) days prior to the desired termination date.

2.3 Rescinding Termination: A written agreement of termination pursuant to Section 2.2(a) may be rescinded by written agreement signed by both Parties prior to the effective date of the termination, in which event this Agreement shall remain in full force and effect. A Party that provides written notice of termination pursuant to Section 2.2(b) may rescind same by providing written notice to the other Party on or prior to the effective date of the termination, in which event this Agreement shall remain in full force and effect as if the notice of termination had never been given.

## **Article 3. Parking Spaces**

3.1 Real Property: City is the current fee owner of a certain tract of real property and improvements in the City of Murphy, Collin County, Texas. The premises are more commonly known by the street address 206 North Murphy Road., Murphy, Collin County, Texas 75094 (the "Property").

3.2 Parking Spaces: There are existing parking spaces located on the Property. City allocates four (4) of these parking spaces to TAPS for persons who intend to avail themselves of TAPS' transit services during the operating hours of 5:15 a.m. to 6:15 p.m., Monday through Friday. Any vehicles left unattended during non-operating hours or overnight will be removed at the owners' expense. The four (4) parking spaces that City allocates to TAPS are identified in Exhibit "A" to this Agreement. Exhibit A is attached to and made a part of this Agreement.

3.3 Maintenance, Repairs, Upkeep, Etc.: City bears all costs and is responsible for the maintenance, repairs, and upkeep to the existing parking spaces, including the four (4) parking spaces that it allocates to

TAPS, during the term of this Agreement. City also bears responsibility for payment of all principal, interest, rents, landscaping, utility and capital costs, taxes, and other amounts that relate to its ownership of the Property, the existing parking spaces, and related improvements, with the exception of any signage that TAPS may furnish for the four (4) allocated parking spaces. All signage must be submitted to City for approval prior to installation by TAPS. Any marketing or promotion that TAPS develops that references City must be pre-approved by City.

3.4 In-Kind Contribution: The Parties acknowledge that City’s allocation of the parking spaces in this Agreement represents an in-kind contribution to TAPS.

3.5 No Subleasing, Assignment, Etc.: TAPS may not assign, sublease, collateralize, pledge, or otherwise delegate or encumber this Agreement, the rights granted under the Agreement, or the performance of this Agreement.

**Article 4.  
Miscellaneous**

4.1 Notice: All notices, authorizations and requests in connection with this Agreement shall be deemed provided on the day they are (i) deposited in the mail, sufficient postage prepaid, certified or registered, return receipt requested; (ii) delivered by courier; or (iii) sent by facsimile as indicated by a fax confirmation sheet; and sent to the address or facsimile number of each party’s agent as follows:

If to City:

City of Murphy  
Attn: James Fisher  
206 North Murphy Road  
Murphy, Texas 75094  
972-468-4008 (facsimile)

With copy to:

Andy Messer, City Attorney  
6351 Preston Rd, Suite 350  
Frisco, TX 75034  
972-668-6414 (facsimile)

If to TAPS:

Texoma Area Paratransit System, Incorporated  
Attention: Executive Director  
3400 Texoma Parkway  
Sherman, Texas 75090  
(903) 893-4766 (facsimile)

With copy to:

Darrell G-M Noga  
Cantey Hanger LLP  
1999 Bryan Street, Suite 3300  
Dallas, Texas 75201  
(214) 978-4150 (facsimile)

4.2 Entire Agreement: This Agreement contains all representations, understandings, contracts and agreements between the Parties regarding the subject matter of this Agreement. This Agreement supersedes all oral or written previous and contemporaneous agreements, writings, understandings, representations, or contracts between the Parties regarding the subject matter of this Agreement. This Agreement in no way modifies or supersedes any document executed by the Parties prior to this Agreement which does not regard the subject matter of this Agreement.

4.3 Parties Bound: This Agreement shall be binding upon, and inure to the benefit of, the Parties to this Agreement and their respective successors and assigns.

4.4 Relationship: The relationship between the Parties is contractual in nature and between independent Parties and does not constitute, and shall not be construed as, creating a partnership or joint venture relationship between or among the Parties. By entering into this Agreement, the Parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights in any individual or entity that is not a signatory hereto.

4.5 No Waiver of Immunity: In the execution of this Agreement, TAPS does not waive, and TAPS shall not be deemed to have waived, any immunity or defense that would otherwise be available to TAPS as a local governmental entity and/or political subdivision of the State of Texas.

4.6 Amendment: The Parties may revise, amend or modify this Agreement only by written agreement signed by both Parties.

4.7 Severability: The provisions in this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

4.8 Governing Law: The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this Agreement, without regard to conflict of law principles.

4.9 Place of Performance and Venue: This Agreement is performable in the State of Texas in Collin County. Any legal action between the Parties based on this Agreement shall be brought in Collin County.

4.10 No Third Party Beneficiary: For purposes of this Agreement, including its intended operation and effect: (1) the Agreement only affects matters or disputes between the Parties, and is in no way intended by the Parties to benefit or otherwise affect any third person or entity, notwithstanding that such third person or entity may be in contractual relationship with City or TAPS or both; and (2) the terms of this Agreement are not intended to release, either by contract or operation of law, any third person or entity from obligations owed by them to either City or TAPS.

4.11 Counterparts: This Agreement may be signed in counterparts, and each executed copy shall be deemed a counterpart original, with full force and effect and enforceable against the Parties executing same.

4.12 Authority to Enter Agreement: Each Party represents and warrants to the other that it has the full power and authority to enter into and fulfill the obligations of this Agreement. The respective signatories to this Agreement, by affixing their signatures hereto, warrant and represent that they have the authority to bind their respective parties as duly authorized representatives thereof.

[Signatures on Following Pages]

SIGNED AND AGREED this \_\_\_\_ day of \_\_\_\_\_, 2015.

CITY OF MURPHY, TEXAS

By: \_\_\_\_\_  
James Fisher, City Manager

ATTEST

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

APPROVED AS TO FORM

\_\_\_\_\_  
Andy Messer, City Attorney

SIGNED AND AGREED \_\_\_\_ day of \_\_\_\_\_, 2015.  
this

TEXOMA AREA PARATRANSIT SYSTEM,  
INC.

By: \_\_\_\_\_ Brad  
Underwood, Executive Director and CEO

Executed on behalf of Texoma Area Paratransit  
System, Inc. pursuant to Board Resolution No. \_\_\_\_\_

**City Council Meeting  
August 18, 2015**

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**Issue**

Consider and/or act on a Spring Craft Beer Fest and Community Concert.

**Staff Resource/Department**

Bernie Parker, Director of Public Services  
Caitlyn Mullins, Manager of Recreation Services  
Kayla McFarland, Special Events Coordinator

**Summary**

In May of this year, two members of City Council approached City Staff with the proposition of adding a Spring Craft Beer Event and Community Concert. Staff has worked diligently to research and explore options for this type of event in Murphy. Included is a presentation that highlights, the event details, plan and some of the research we conducted when looking into this event.

**Financial Considerations**

Known costs of the event include:

- \$20,000.00 Sponsorship
- Cost of Entertainment and Headliner from 1-8PM
- Upfront costs associated with the purchase of Crawfish (approximately \$7,500.00)

If approved by council, MCDC has allocated \$49,500.00 to go towards a new spring event for FY 2016.

**Board Discussion/Action**

This item was brought to the Park and Recreation Board on August 10, 2015 for review and discussion. Feedback included positive commentary as well as concerns with hosting a craft beer event. The Park board felt that the proposed event was new and different. There was a point that the craft beer portion of the event should not take away from the community event and concert and crawfish boil. Concerns about this event being more of a draw from the greater DFW area and not Murphy specifically were mentioned. The concern of safety was also mentioned. Other considerations were the upfront costs associated with this event as well as the amount of competition for events in May in the local area.

**Action Requested**

Staff requests approval of the Spring Craft Beer Fest and Community Concert.

**Issue**

Discuss update on southeast study.

**Summary**

Staff is working with Freese & Nichols on this project which includes studying existing and future development conditions and land uses in and near the south Maxwell Creek area.

The temporary moratorium is in place until October 4, 2015. This allows the City to work with the consultant, stakeholders, City Council, Planning & Zoning Commission and staff to discuss land use opportunities and environmental compatibility.

The purpose of this project is to illustrate a vision plan and overlay/PD regulations for the study area in southeast Murphy. This effort will consist of two major elements; a conceptual site plan and the preparation and presentation of an overlay district/PD and associated district standards and regulations for consideration and Planning & Zoning Commission and City Council action.

**Considerations**

City Council received an update on the progress of the southeast study on August 4, 2015. Since that time, staff has:

- Distributed door hangers regarding the project and stakeholder meeting for August 19, 2015 to the properties within the study area.
  - o A second door hanger reminder will be distributed on Monday, August 17.
- Mailed flyers regarding the project and stakeholder meeting for August 19, 2015 to the properties within the study area.
- Emailed a meeting notice regarding the project and stakeholder meeting for August 19, 2015 to emails on a distribution list for property owners in the study area.
- Updated the Southeast study project page on the City's website to include:
  - o Project details, temporary moratorium ordinance, external and internal schedule, project updates, etc...
- Staff is also working with the IT Department to video stream the meetings related to the this project, including the stakeholder meeting and Planning & Zoning Commission meetings that are scheduled to receive updates on this project including public input.

Staff has structured a Public Meeting notice which was posted for the August 19, 2015 Stakeholder Meeting to allow for possible quorums of various boards and commissions; however, this is not an official meeting of these boards. The meeting is intended for Stakeholder input and discussions among staff and the consultants.

**Attachments**

Public Meeting notice for August 19, 2015

Map of defined geographic boundaries of South Maxwell Creek Corridor (southeast study area)

Calendar of project dates



## **PUBLIC MEETING NOTICE**

August 19, 2015  
6:00pm, City Council Chambers

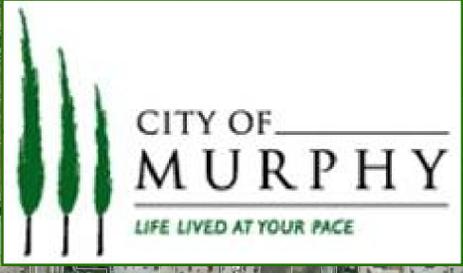
### **SOUTHEAST STUDY STAKEHOLDER MEETING**

#### **POSSIBLE QUORUM NOTIFICATION**

Members of the Murphy City Council, Planning and Zoning Commission, Board of Adjustments, Murphy Municipal Development District, Murphy Community Development Corporation (4B), the Animal Shelter Advisory Committee, the Ethics Review Commission, the Parks and Recreation Board and the Building and Fire Code Board of Appeals may be in attendance for this meeting to discuss the Southeast Study and temporary development moratorium. It is possible that a quorum of any of the boards and/or commissions may be present at this meeting. This is not an official meeting of these boards and no City business will be voted on by members of these commissions.

**August 19, 2015**

**MURPHY COUNCIL CHAMBERS – 6:00pm  
206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094**



KCS RR

FM 544

Murphy Rd

McCreary Rd

S Maxwell Creek Rd

Kinney Dr

Hawthorne

Ridgeview Dr

Skyline Dr



<b>Murphy Southeast Area Plan Schedule</b>		
<b>Task</b>	<b>Description</b>	<b>Date (Completion)</b>
<b>Task 1</b>	Base Map	August 7
<b>Task 2</b>	Site Visit	August 11
<b>Task 3</b>	Stakeholder Meetings	August 19
<b>Task 4</b>	Programming Defined Conference Call	August 21
<b>Task 5</b>	Draft Development Alternatives	August 24
<b>Task 6</b>	P&Z Update/Public Meeting	August 24
<b>Task 7</b>	Council Update	September 1
<b>Task 8</b>	Concept Plan	September 8
<b>Task 9</b>	Concept Plan Staff Meeting	September 9
<b>Task 10</b>	Overlay District/PD Development	September 9
<b>Task 11</b>	Overlay District Conference Call	September 14
<b>Task 12</b>	Council Update	September 15
<b>Newspaper and Mail Notices</b>		<b>September 16, 2015</b>
<b>Task 13</b>	Perspective Rendering	September 18
<b>Task 14</b>	Planning & Zoning Commission Approval	September 28, 2015
	City Council Adoption	October 5, 2015

**City Council Meeting  
August 18, 2015**

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**Issue**

Discuss update on Community Survey project process.

**Considerations**

After direction from City Council at the August 4, 2015 following review of the draft sample survey, staff met with the consultant and Deputy Mayor Pro Tem to discuss edits to the initial draft Community Survey.

Some edits included:

- Enhancing questions specific to Fire Department
- Including details within questions specific to but not limited to:
  - o Community event attendance
  - o Neighborhood involvement
  - o Senior activities
  - o Recreation facilities (field use)
- There were also some edits made to include opportunities for residents to narrate on various response items

**Additional Consideration**

Staff received an updated draft, however, due to the length of the proposed survey, it will be sent to City Council separately.

**Action Requested**

Following Council review, staff intends to move forward finalizing the survey with the consultant and to begin survey distribution.