

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

1. CALL TO ORDER

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Barna gave the invocation and 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
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Jennifer Berthiaume
Councilmember Sarah Fincanon
Councilmember Don Reilly

Councilmembers Absent:

Mayor Pro Tem Scott Bradley
Councilmember Betty Nichols Spraggins

4. PUBLIC COMMENTS

Donna Jenkins, representative for the Murphy Historical Society. Donna provided an update to Council that the Murphy Historical Society has received a new grant in the amount of five hundred dollars (\$500.00) to publish a book on the Murphy cemeteries. The Murphy Historical Society has completed the 2015 grant on saving Texas history and on The Portal to Texas History site are two hundred fifty-seven (257) Murphy photos, eighty-two (82) postcards, sixteen (16) pages of text, four (4) letters and three (3) legal documents. Today, the Murphy Historical Society received a one thousand dollar (\$1,000) grant for 2016 and has provided to University of North Texas: two hundred thirty-six (236) photos and thirty-three (33) text documents that have been scanned by the university. The Murphy Historical Society has contributed ten (10) photos and narratives to the Historical Asset Survey for Collin County. Murphy history can be found in Collin County and in the State of Texas' websites. The last item, the Murphy Historical Society received a gift donation of artifacts from the estate of Dessie Haker. These artifacts came from the family of Nelle Turney, whose was the great granddaughter of William Murphy.

Projects for the future: 1). Working with the Exchange of Club of Murphy on a project called "Murphy Makers and Thinkers," project is still in the planning stages and hope to have completed by October 2017. 2). Another important item is the Wylie/Sachse/Murphy Societies collaborating together in a group instead of duplicating efforts, since we have a common heritage of people who lived in these communities and trying to preserve history. Three times a year, we will have a speaker participate from each group to speak and invite individuals from the community to hear about the history. 3). Murphy Family Cemetery, worked five (5) long years in trying to obtain state designation for the cemetery. The plaque has arrived and it is sitting in the Parks department at Collin County, will have marker installed sometime in November, planning a huge celebration and have contacted the Murphy family members to return for the event. Hopefully by then, will have the Murphy Cemetery book written and for sale with the proceeds to benefit the upkeep of the cemetery.

This year, the Murphy Historical Society will work on the history of World War I as it is the one hundred (100th) anniversary of the United States involvement in World War I. We are planning a display of four (4) brother's portraits who resided in Murphy who all fought in the war.

Council thanked Donna for her passion for the history of Murphy.

5. CITY MANAGER/STAFF REPORTS

- A. Radio Systems – Chief Cotten addressed that project is progressing well. Phase II - a few items remain with the Motorola installation. Phase III – Dispatch room is almost complete and ready to use. Portables have all been issued and old portables have been wiped cleaned in preparation for re-sale. Phase IV is the USDD bump out system for Fire, which will be completed early part of next year.
- B. Sidewalk Rehabilitation Program – Staff will be working in the Ranch subdivision with 17 sites to complete, once the Ranch is finished, the City will have completed six (6) of nine (9) subdivisions in the program.
- C. South Maxwell Creek Sewer Line – The crew has about two hundred fifty (250) feet of pipe left to complete on the south end of the project. The rain has slowed down the progress some but it's fairly close to being completed. Once the south end portion is complete, pipe line laying will stop as the crew will begin cleanup work. The crew will then move to the north side of FM 544, the north end work will stop at the railroad track. Council has approved change order no. four (4) to continue beyond the railroad track and interlock with Maxwell North subdivision.

Council asked for an estimated timeline for completion of the north end work. Staff will be meeting with contractor and will inquiry on a timeline. Staff will provide Council with a timeline from contractor on the completion of the north end of FM 544.

- D. North Murphy Road – TXDOT has completed the weep holes at the entrance to Wagon Wheel subdivision which effectively closes out the project.
- E. Safe Routes to School – Plaques have been installed on the monuments. The lettering is small and the City continues working with the engineer to utilize bigger letters. Major issues are left to complete on the project which are all administrative and staff is working with the attorneys for a resolution.
- F. FM544 Traffic Safety Update – The City's formal request has been submitted in a letter form to the Collin County Area Engineer's office on November 17, 2016. Staff received notice today (December 6, 2016) that the City's request had been forwarded to the District office in Mesquite for review. The District office will send out the appropriate personnel to review the intersection. Once the district office has reviewed, they will make their recommendations. At this point, waiting for feedback from TXDOT.

G. Department Director Vacancies:

Fire Chief - Chief Del Albright was welcomed this evening.

Public Services Director - In the process of interviewing candidates for the position, had one interview to complete this week and scheduled to make a tentative offer on that position.

Community and Economic Development Director - The finalists have been selected, working to schedule those interviews after the first of the year.

Finance Director - Currently reviewing the job description.

H. Upcoming Events –One additional item to include is the Strategic Planning Dates for January 6th, 7th and 8th.

- Boards and Commission Appreciation Dinner – Thursday, December 8, 2016 6:30 pm until 9 pm at the Community Center – 205 North Murphy Road, Murphy, Texas
- Tour of the City with the Capital Project Advisory Committee – Saturday, December 10, 2016 from 9:00 am until 1:00 pm beginning at the Murphy City Hall Community Room, 206 North Murphy Road, Murphy, Texas
- Capital Project Advisory Committee Orientation – Tuesday, December 13, 2016 from 6:00 pm until 9:00 pm at the Murphy City Hall Community Room
- Boards and Commission Training – Saturday January 7, 2017 from 8:30 am until Noon at the Murphy Activity Center, 205 North Murphy Road, Murphy Texas

Council wished to thank staff for Christmas In the Park, which was another great event.

6. CONSENT AGENDA

- A. Consider and/or act to approve the November 15, 2016 Regular Council meeting minutes. *Susie Quinn, City Secretary*
- B. Consider and/or act to approve the November 17, 2016 Special Council meeting minutes. *Susie Quinn, City Secretary*

COUNCIL ACTION (6.A. & 6.B.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve the consent agenda as presented. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 5-0 (Mayor Pro Tem Bradley and Councilmember Spraggins were absent).

7. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing and consider and/or approve Ordinance Number 16-12-1027 for the rezoning application by Mary Pat Elledge, agent for owner Mr. Baugh, for a 1.258 acre parcel at the southeast corner of North Murphy Road and Betsy Lane from Single Family Residential 20 (SF20) to Neighborhood Services (NS). *Kelly Carpenter, Interim Director of Community and Economic Development*

Interim Director of Community and Economic Development Kelly Carpenter addressed Council that the 1.258 acre parcel at the southeast corner of North Murphy Road and Betsy Lane to be changed from Single Family Residential 20 (SF20) to Neighborhood Services (NS). The uses surrounding this parcel: North of Betsy Lane as planned development – office, South as neighborhood services, East as planned development residential (SF9) and West – Murphy Road as planned development – retail. The Comprehensive Plan Future Land Use Map designates this property as a Neighborhood Services land use. The Planning and Zoning Commission recommend approval of this zoning change on November 28, 2016. Staff recommends the rezoning from Single Family Residential 20 (SF20) to Neighborhood Services (NS).

PUBLIC HEARING OPENED at 6:22pm

Mary Pat Elledge, resident addressed Council that she would be happy to answer any further questions.

PUBLIC HEARING CLOSED at 6:24pm

COUNCIL ACTION (7.A.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve Ordinance Number 16-12-1027 for the rezoning application by Mary Pat Elledge, agent for owner Mr. Baugh, for a 1.258 acre parcel at the southeast corner of North Murphy Road and Betsy Lane from Single Family Residential 20 (SF20) to Neighborhood Services (NS). Councilmember Berthiaume seconded the motion. The motion carried by a vote of 5-0 (Mayor Pro Tem Bradley and Councilmember Spraggins were absent).

- B. Consider and/or act on the staff request to hire Marsh Darcy Partners as a consultant to provide assistance in analysis of the Chapter 380 Agreement proposal of Philips Edison and assistance in negotiating a Chapter 380 Agreement with Philips Edison as warranted. MDD will consider this at its December 5, meeting so their recommendation will be provided at the December 6, 2016 City Council meeting. *Kelly Carpenter, Interim Director of Community and Economic Development*

Interim Director of Community and Economic Development Kelly Carpenter addressed Council that Murphy Development District (MDD) voted unanimously at the December 5, 2016 meeting to approve staff request to hire Marsh Darcy Partners.

COUNCIL ACTION (7.B.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve the hiring of Marsh Darcy Partners as a consultant not to exceed the dollar amount of \$12,500 to provide assistance in analysis of the Chapter 380 Agreement proposal of Philips Edison and assistance in negotiating a Chapter 380 Agreement with Philips Edison as warranted. Councilmember Berthiaume seconded the motion. For: Mayor Barna, Deputy Mayor Pro Tem Siddiqui, Councilmember Berthiaume, and Councilmember Fincanon. Against: Councilmember Reilly. The motion carried by a vote of 4-1. (Mayor Pro Tem Bradley and Councilmember Spraggins were absent).

- C. Consider and/or act on the request by Boomerjack's Murphy, LLC to forgive the final loan payment of \$20,400 that was part of an incentive agreement entered into between the City of Murphy,

Murphy Economic Development Corporation and Boomerjack's Murphy, LLC. MDD will consider this at its December 5, meeting so their recommendation will be provided at the December 6, 2016 City Council meeting. *Kelly Carpenter, Interim Director of Community and Economic Development*

Interim Director of Community and Economic Development Kelly Carpenter addressed Council that Murphy Development District (MDD) voted at the December 5, 2016 meeting to require Boomerjack's to pay five (5) years back payment that would have been due if they had joined the Murphy Chamber of Commerce as a member and for the City to forgive the remainder of the loan as requested.

COUNCIL ACTION (7.C.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to forgive the final loan payment of \$20,400 with Boomerjack's Murphy, LLC contingent upon back payment of five (5) year's annual membership to the Murphy Chamber of Commerce and upfront payment for the next five (5) year's annual membership to the Murphy Chamber of Commerce. Councilmember Fincanon seconded the motion. The motion carried by a vote of 5-0 (Mayor Pro Tem Bradley and Councilmember Spraggins were absent).

- D. Consider and/or act on a request for payment to developer related to an incentive agreement between the City of Murphy, Murphy Municipal Development District and Developer (Allen & Loucks Venture, LP; Murphy Four Venture, LP; Champion Langford Partners; Persimmon Trail Venture, Ltd.) for a one time Design Fee Grant related to construction of Dunkin' Donuts in the Murphy Marketplace. MDD will consider this at its December 5, meeting so their recommendation will be provided at the December 6, 2016 City Council meeting. *Kelly Carpenter, Interim Director of Community and Economic Development*

Interim Director of Community and Economic Development Kelly Carpenter addressed Council that Dunkin' Donuts met all of the requirements: summary letter, lease, financial information and inspection for quality design. Dunkin' Donuts incentive earnings would be \$30,145.73 payable over five (5) years. Staff recommends approval.

COUNCIL ACTION (7.D.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve the reimbursement amount of \$30,145.73 payable over the next five (5) years to the developer, Allen & Loucks Venture, LP; Murphy Four Venture, LP; Champion Langford Partners; Persimmon Trail Venture, Ltd. for a one time Design Fee Grant related to construction of Dunkin' Donuts in the Murphy Marketplace. Councilmember Berthiaume seconded the motion. The motion carried by a vote of 5-0 (Mayor Pro Tem Bradley and Councilmember Spraggins were absent).

- E. Consider and/or act on a request for payment to developer related to an incentive agreement between the City of Murphy, Murphy Municipal Development District and Developer (Allen & Loucks Venture, LP; Murphy Four Venture, LP; Champion Langford Partners; Persimmon Trail Venture, Ltd.) for a one time Design Fee Grant related to construction of Nothing Bundt Cakes in the Murphy Marketplace. MDD will consider this at its December 5, meeting so their recommendation will be provided at the December 6, 2016 City Council meeting. *Kelly Carpenter, Interim Director of Community and Economic Development*

Interim Director of Community and Economic Development Kelly Carpenter addressed Council that Nothing Bundt Cakes met all of the requirements: summary letter, lease, financial information and inspection for quality design. Nothing Bundt Cakes incentive earnings would be \$25,679.70 payable over five (5) years. Staff recommends approval.

COUNCIL ACTION (7.E.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve the reimbursement amount of \$25,679.70 payable over the next five (5) years to the developer, Allen & Loucks Venture, LP; Murphy Four Venture, LP; Champion Langford Partners; Persimmon Trail Venture, Ltd. for a one time Design Fee Grant related to construction of Nothing Bundt Cakes in the Murphy Marketplace. Councilmember Berthiaume seconded the motion. The motion carried by a vote of 5-0 (Mayor Pro Tem Bradley and Councilmember Spraggins were absent).

8. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 6:26 pm to discuss the following:

- A. §551.071. Consultation with the attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. Regarding Special Election Deadlines.
- B. §551.072 A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- C. §551.087 A governmental body may conduct a closed meeting to
 - (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).

9. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 7:37 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. §551.071. Consultation with the attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. Regarding Special Election Deadlines.

- B. §551.072 A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- C. §551.087 A governmental body may conduct a closed meeting to
- (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).
- D. Take Action on any Executive Session Items.

10. ADJOURNMENT

With no further business, the Council meeting adjourned at 7:48 pm.

APPROVED BY:


Eric Barna, Mayor

ATTEST:


Susie Quinn, City Secretary

