

CITY COUNCIL MINUTES
DECEMBER 10, 2013 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Barna gave the invocation and led the recitation of the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

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

Councilmembers absent: None

4. PUBLIC COMMENTS –

Barbara Harless, 709 Summer Place – Ms. Harless stated that she had provided the Council with printed letters from three residents on her street that were unable to attend the meeting. The letters were from Stan and Pauletta Shutts at 806 Summer Place, Joel and Kristi Williams at 809 Summer Place and Roger and Mary White at 811 Summer Place. All letters referenced concerns relating to neighborhood power outages. Ms. Harless stated that she spoke with Oncor Representative, Barry Young, immediately prior to the meeting and was encouraged by the scheduling of a meeting for next Monday. Ms. Harless stated the recent storm resulted in 60 hours without electricity.

Jeannie Smith, 704 Summer Place – Ms. Smith expressed her concerns regarding the recent power outage in her neighborhood of Travis Estates.

Kathy Fulmer, 703 Summer Place – Ms. Fulmer stated that her family was discouraged with regard to the frequent loss of power on her street. Ms. Fulmer stated that there were seniors and families with young children in the neighborhood. Ms. Fulmer praised Officer McCarty for his attentiveness to the neighborhood and his assistance.

Mary Rados, 706 Summer Place - Ms. Rados stated that she has been a Murphy resident for 30 years. Ms. Rados stated that she has cracked pool equipment and a damaged pool motor as a result of the recent storm.

The Mayor asked staff to thank the police, fire and public works employees for their efforts during the storm.

5. PRESENTATION ITEMS –

A. Presentation of CERT Graduation Certificates

Fire Chief Mark Lee presented CERT Graduation Certificates to new CERT Graduates:

Jennifer Berthiaume
Jason Fincanon
Joe Richardson
Jennifer Yoch
Adam Hornbeck

Those graduates not in attendance:

Sultan Ashraf
Tony Cruz

- B. Presentation of Certificates of Appreciation for CERT Volunteers
Fire Chief Lee presented Boy Scout Troup 78 and Erin Pierce with Certificates of Appreciation for their participation in the disaster drill.
- C. Presentation by the Chamber of Commerce – No presentation was made.

6. CONSENT AGENDA

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

- A. Consider and/or act upon minutes:
 - 1. November 15-16, 2013 special meeting minutes; and,
 - 2. November 19, 2013 regular meeting minutes.

COUNCIL ACTION (6.A.):

APPROVED

Mayor Pro Tem Siddiqui moved to approve the consent agenda as presented. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act upon a resolution casting votes for the position of Board of Director for the Central Appraisal District of Collin County.

Councilmember Thomas stated he would prefer to cast his votes for Ms. Tiffany Burleson as she would provide experience from a small town standpoint. Mayor Pro Tem Siddiqui and Councilmember Nichols Spraggins agreed with Councilmember Thomas.

COUNCIL ACTION (7.A.):

APPROVED

Councilmember Thomas moved to cast all 26 votes for Tiffany Burleson. Councilmember Nichols Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (*Resolution 13-R-785*)

- B. Consider and/or act upon Timbers Nature Preserve Park and Trail project items:
 - 1. Authorizing staff to prepare bid documents and put the project out to bid;

2. Authorizing the expenditure of funds for construction administration and project management fees; and,
3. Authorizing the payment of US Army Corp of Engineer mitigation fees.

City Manager James Fisher stated that Wade Peterson, landscape architect contracted for the project, had been submitting permits for the Timbers Nature Preserve Project.

Mr. Peterson provided the Council with an update. Mr. Peterson stated that the Corp of Engineer's permit is not grandfathered during the permitting process which resulted in a resubmittal of the permit. Mr. Peterson stated that a permit was expected this month. Mr. Peterson stated the FEMA Flood Map Revision approvals were approved.

Mr. Peterson reviewed the project scope with the Council. Mr. Peterson stated the preferred schedule, if approved by Council, would be to have a bid set ready by January 1, 2014. The bid could be awarded at the March 1, 2014 Council meeting and the project could begin on April 1, 2014.

Mr. Fisher stated there was approximately \$532,000 in unknown park project funds, \$488,000 allocated for Bunny Run Park, \$1.6 million in the Trail budget and a \$500,000 grant from Collin County.

Mr. Fisher recommended that Council postpone action until the January 7, 2014 Council meeting to provide staff an opportunity to firm up numbers.

COUNCIL ACTION (7.B.):

POSTPONE

No action was taken.

- C. Consider and/or act upon an Ordinance authorizing the issuance of "CITY OF MURPHY, TEXAS TAX NOTES, SERIES 2014" in the par amount of \$1,000,000.

Mr. Fisher stated that the Municipal Development District (MDD) had previously agreed to fund approximately \$1.1 million in items relating to Murphy Central Park. Mr. Fisher stated the MDD initially paid \$500,000 cash and would provide the remainder when needed. Mr. Fisher stated that with the increased costs from needed infrastructure, landscaping, and signage, as well as approximately \$150,000 to contribute towards the Animal Shelter raised the amount to \$1 million.

Mr. Fisher stated the MDD met on December 10th and authorized the issuance of \$850,000 in Tax Notes, subtracting the \$150,000 that was to be dedicated to the Animal Shelter since it was not an Attorney General approved use of MDD funds.

John Daugherty, 738 Rosewood Drive – Mr. Daugherty stated that he served on the MDD and the board considered the tax notes the previous night. Mr. Daugherty stated he agreed with the issuance of the tax notes and the vote by the MDD was four in favor and one opposed.

COUNCIL ACTION (7.C.):

Councilmember Bradley moved to approve all matters. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (*Ordinance 13-12-964*)

- D. Consider and/or act on a Resolution of the City of Murphy, Texas, approving and authorizing the execution of a Project Contract with the Murphy Municipal Development District.

Mr. Fisher explained that the contract was the mechanism authorizing the payment. Mr. Fisher stated that the Council would need to amend the contract to indicate \$850,000 rather than \$1 million.

COUNCIL ACTION (7.D.):

Councilmember Bradley moved to on a Resolution of the City of Murphy, Texas, approving and authorizing the execution of a Project Contract with the Murphy Municipal Development District in the amount of \$850,000. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (*Resolution 13-R-786*)

- E. Consider and/or act upon Ethics Review Commission recommendations:
1. A proposed resolution establishing the Rules and Procedures for the City of Murphy Ethics Commission
 2. A proposed ordinance amending Chapter 2, Article IX of the Code of Ordinances entitled Code of Ethics.

City Attorney Andy Messer presented the Council with the proposed Rules and Procedures and stated they have been before the City Council previously. Mr. Messer reviewed the rules with the Council.

Mr. Messer reviewed the changes to the proposed ordinance amending the Code of Ethics with the Council.

Councilmember Grant stated that he knew it was a long process and was appreciative of the efforts of the Ethics Review Commission and the City Attorney.

COUNCIL ACTION (7.E.):

APPROVED

Councilmember Bradley moved to resolution establishing the Rules and Procedures for the City of Murphy Ethics Commission Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (*Resolution 13-R-787*)

Councilmember Grant moved to approve ordinance amending Chapter 2, Article IX of the Code of Ordinances entitled Code of Ethics. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (*Ordinance 13-12-965*)

RECESS INTO EXECUTIVE SESSION (ITEM 9)

9. EXECUTIVE SESSION

The City Council convened into Executive Session at 7:16 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the
- a. City of Murphy Planning and Zoning Commissioners;
 - b. Board of Adjustment Board Members;

- c. Murphy Municipal Development District Members;
 - d. Murphy Community Development Members;
 - e. Ethics Review Commission Members;
 - f. Building and Fire Code Board of Appeals Members; and,
 - g. City Manager
- B. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. §551.071 Consultation with the City 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 the Texas Open Meetings Act regarding contemplated or pending litigation or matters where legal advice is requested of the City Attorney on open records request.

RECONVENE INTO OPEN SESSION (ITEM 10)

The City Council reconvened into Open Session at 8:26 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the
 - a. City of Murphy Planning and Zoning Commissioners;
 - b. Board of Adjustment Board Members;
 - c. Murphy Municipal Development District Members;
 - d. Murphy Community Development Members;
 - e. Ethics Review Commission Members;
 - f. Building and Fire Code Board of Appeals Members; and,
 - g. City Manager
- B. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. §551.071 Consultation with the City 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 the Texas Open Meetings Act regarding contemplated or pending litigation or matters where legal advice is requested of the City Attorney on open records request.
- D. Consider and or act upon any executive session items.

RETURN TO ITEM 7.F.

Consider and/or act upon the recommendations from the Council Interview Panel regarding appointing board members to the Planning and Zoning Commission, Board of Adjustments, Murphy Municipal Development District, Murphy 4B Community Development District, the Animal Shelter Advisory Committee, the Ethics Review Commission, the Parks and Recreation Board and the Building and Fire Code Board of Appeals.

COUNCIL ACTION (7.F.):

APPOINTMENTS

Councilmember Grant moved to approve the following appointments:

4B Community Development Corporation

Term: 1/1/14 – 12/31/15

Stephen Janiga

Eugene Weinstein

Lequita Davenport

Animal Shelter Advisory Committee

Term: 1/1/14 – 12/31/15

Beverly Mueller

Maggie Whitt

Appoint current member Buddy Russell as Chair

Board of Adjustment

Term: 1/1/14 – 12/31/15

Lindy Martin

Sharon Kindall

Beverly Gaither

Clint Pingleton

Kenneth Tatsch, Alternate

Ronald Hodges, Alternate

Taylor Packwood, Alternate

Building and Fire Code Appeals Board

Term: 1/1/14 – 12/31/15

Christine Johnson

Mahendra Parikh

Greg Mersch

Ethics Review Commission

Term: 1/1/14 – 12/31/15

Barbara Harless

Term 1/1/14-12/31/14

Donald Reilly – Appointed to replace Maggie Whitt

Murphy Municipal Development District

Term: 1/1/14 – 12/31/15

John Daugherty

Alex Acuna
Eric Lopez

Park & Recreation Board

Term: 1/1/14 – 12/31/15

Amy Lawrence
Kenneth Oltmann
Katie Westhora

Term: 1/1/14-12/31/14

Kelly Abdellatif – Appointed to replace Angelia Pinaga

Planning & Zoning Commission

Term: 1/1/14 – 12/31/15

Steve Levy
John Johnson
Camille Hooper
Greg Mersch, Alternate
Lloyd Jones, Alternate

Mayor Pro Tem seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

RETURN TO ITEM 10.D.

COUNCIL ACTION (10.D.)

Mayor Pro Tem Siddiqui moved to authorize the City Attorney to release the Investigative Summary regarding the City Manager under an open records request. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

Mayor Pro Tem Siddiqui moved to authorize the City Attorney to finalize the City Manager investigative matters and expenses. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

8. CITY MANAGER/STAFF REPORTS

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

North Murphy Road Construction Update – Mr. Fisher stated that the silent horn will be removed until construction is complete.

Christmas in the Park will be December 11th at 5:30 pm

Board and Commission Celebration Dinner – December 12th

Employee Luncheon – December 19th

City Hall Closed – December 24th & 25th

Community Meeting with Oncor on Monday, December 15th

9. ADJOURNMENT

With no further business, the meeting was adjourned at 8:36p.m.

APPROVED BY:



Eric Barna, Mayor

ATTEST:



Kristy Gilbert, City Secretary

