

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
MAY 17, 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

Mayor Eric Barna gave the invocation and led the Pledge of Allegiance

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 Jennifer Berthiaume
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Don Reilly

4. PUBLIC COMMENTS

Robert Mortonson, resident, expressed his wishes for the property where Goodwill was proposed. He is suggesting a standalone restaurant such as Cheddars, Olive Garden, or Texas Roadhouse. He explained an anchor restaurant like that will be successful in the location even without the frontage of FM 544.

Marv Williams, resident, representing the Exchange Club and Jill Engelking, Assistant Principal at Murphy Middle School informed council of their plans to fly the American Flags on Memorial Day in their normal locations, and fly the American Flags at Murphy Middle School on May 20th to honor Military Day. Veterans will be visiting classes and sharing their experiences, they will be taking donations for the G.I. Go Fund that helps all veterans especially those from Iraq and Iran. There will also be a lesson in the English classes on the poem "*In Flanders Fields*" and students will be "planting" red poppies outside of the school as a remembrance.

Ray Shahan, resident expressed his thoughts on PD 3-10-590, the letter and presentation by City Attorney Andy Messer. He read an excerpt from a letter from D. R. Horton regarding that area of Murphy. Mayor Barna expressed that over 120 hours had been spent working on this along with the City Attorney and Council feels this matter is closed.

5. PRESENTATIONS

A. Proclamation declaring May as Asian-Pacific American Heritage Month.

Deputy Mayor Pro Tem, Owais Siddiqui presented the proclamation to Marian Gallemore, Chair for the Asian-Pacific American Council (APAC). After receiving the award Ms. Gallemore thanked

Council for the proclamation and gave a brief description on what the APAC does and how they encourage people to get involved in their communities and vote.

B. Proclamation declaring May 15-21, 2016 as National Police Week.

Councilmember Fincanon presented the proclamation to many members of the Murphy Police Department. Chief Trey Cotten thanked the Mayor and Council and expressed the difficulties of this week and explained they continue to have a positive outlook. He thanked the Council and residents for all their support. Mayor Barna recognized Lieutenant Adana Barber for her accomplishment of running and completing the Boston Marathon for a second year.

C. Proclamation declaring May 15-21, 2016 as National Public Works Week.

Mayor Barna presented the proclamation to several members of the Public Works Department. Prior to reading the proclamation, Mayor specifically thanked them for all their hard work every day, and how they are the unsung heroes because a lot of their work is never known to the general public. Director of Public Services Bernie Parker thanked Council, residents, Fire Department and Police Department for working so well with each other between all the areas to provide excellent service to Murphy.

D. Proclamation declaring May 15-21, 2016 as Emergency Medical Services Week.

This item was presented second. Councilmember Fincanon presented the proclamation to several members of the Fire Department Emergency Responders. Fire Chief Mark Lee thanked Council and gave praise to the Emergency Medical Services Team for all their hard work.

E. Presentation of financial report and investment report as of April 30, 2016.

Director of Finance, Linda Truitt explained the investment report has dropped approximately one million dollars (\$1,000,000.00), due to construction costs from projects. The interest rate has increased to 0.33% for April. The General Fund/MDD/CDC reflects the city has collected 6% more in sales tax dollars than this time last year. Revenues are at 77.59% permits and licensing have increased during the past several months. Expenditures should be at 58% of the budget; however, many larger expenses will occur at the end of the fiscal year. Currently, expenditures are at 51.58% as of April 2016. Revenues for the Utility Fund are doing well, but will largely be dependent on the weather and usage for the summer to determine if projections are met.

Mayor Barna thanked Linda Truitt for her years of service and expressed high praise of her success here at Murphy. Linda Truitt thanked the Mayor and Council and expressed her praise for the staff at the City of Murphy especially regarding the level of education achieved by many of the employees; staff at the time of her hiring consisted of many individuals without degrees. Now the city have many staff with their Bachelors, Masters and/or are currently working towards those goals without much assistance from the city. She also expressed her desire for

Council to take care of staff and continue making Murphy a better place. Linda was presented with a plaque from Council.

There was a short recess for a brief reception in honor of retiring Finance Director, Linda Truitt.

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 May 2, 2016 Regular Council meeting minutes and Special Work Session minutes.

- B. Consider and/or act upon an ordinance approving a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2016 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel.

Agenda Item 6.B. was pulled from consent by Councilmember Reilly.

Finance Director, Linda Truitt explained there is a committee formed to negotiate the gas rates of which the City of Murphy is a member; there are about 150 cities in this group. There was a new process set in place a few years ago, with the proposed gas rates at a much higher rate; the committee was successful and negotiated the rate to be less than the proposed.

COUNCIL ACTION (6.B.):

APPROVED

Councilmember Reilly moved to approve a negotiated settlement between the Atmos Cities Steering Committee ("ACSC") and Atmos Energy Corp., Mid-Tex Division regarding the company's 2016 rate review mechanism filings; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement; finding the rates to be set by the settlement tariffs to be just and reasonable and in the public interest; requiring the company to reimburse ACSC's reasonable ratemaking expenses; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; adopting a savings clause; declaring an effective date; and requiring delivery of this ordinance to the company and the ACSC's legal counsel. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- C. Consider and/or act upon approval of a resolution supporting the nomination of representatives to serve as primary and alternate members to the Regional Transportation Council of the North Central Texas Council of Governments.

COUNCIL ACTION (6.A. and 6.C.):

APPROVED

Mayor Pro Tem Bradley moved to approve the consent agenda items A and C as presented. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act upon nominations for Mayor Pro Tem.

Councilmember Spraggins nominated Scott Bradley for Mayor Pro Tem.

Councilmember Fincanon nominated Owais Siddiqui for Mayor Pro Tem.

Mayor Barna, Mayor Pro Tem Bradley, Councilmembers Berthiaume, Spraggins and Reilly voted to approve Mayor Pro Tem Bradley to be re-elected. Councilmember Fincanon and Deputy Mayor Pro Tem Siddiqui opposed the nomination of Scott Bradley for Mayor Pro Tem.

COUNCIL ACTION (7.A.):

Mayor Pro Tem Scott Bradley was re-elected as Mayor Pro Tem.

- B. Consider and/or act upon nominations for Deputy Pro Tem.

Councilmember Reilly nominated Owais Siddiqui for Deputy Mayor Pro Tem.

Councilmember Spraggins nominated Sarah Fincanon for Deputy Mayor Pro Tem.

(Corrected 6-7-16) Mayor Barna, Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmembers Berthiaume, and Reilly voted to approve Deputy Mayor Pro Tem Siddiqui to be re-elected. Councilmembers Spraggins and Fincanon opposed the nomination of Owais Siddiqui for Deputy Mayor Pro Tem.

COUNCIL ACTION (7.B.):

Deputy Mayor Pro Tem Owais Siddiqui was re-elected as Deputy Mayor Pro Tem.

- C. Consider and approve an ordinance authorizing the issuance of "City of Murphy Tax Notes, Series 2016", in the par amount of \$1,800,000 for the acquisition, replacement and upgrade of certain City public safety voice, radio dispatch, emergency alert equipment and associated software.

Financial Advisor Jason Hughes from First Southwest explained the request for bids for tax notes and seven bids were received. TIB (Independent Bankers Bank) offered a 1.57% fixed rate; BB&T also provided the exact same rate. Staff is recommending TIB because there is more flexibility with regards to pay-off or refinancing; the City can pay off the tax notes early without penalty if the City

will occur February 2023. All public debt sells in the state of Texas go before the Attorney General's Office for review, so the closing is scheduled for June 16, 2016, at which time the money will be deposited. Payments are in February and August for the seven year duration.

Mayor Barna inquired regarding Murphy's bond rating and Hughes confirmed we are a double AA rating with Standards and Poor's which is the third highest rating achievable. There was discussion among council regarding any other fees associated with this bond. Hughes explained there are no other costs other than cost of issuance which is approximately \$30K which will be paid out of the General Fund.

COUNCIL ACTION (7.C.):

APPROVED

Mayor Pro Tem Bradley moved to approve all matters related to the issuance and sale of City of Murphy Tax Note, Series 2016 including the adoption of Ordinance Number 16-05-1012 authorizing the issuance of such tax notes in the amount of \$1,800,000 for the acquisition, replacement and upgrade of certain City public safety voice, radio dispatch, emergency alert equipment and associated software.. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- D. Consider and/or act upon approval of a resolution approving an Interlocal Agreement with Collin County for Betsy Lane Paving and Drainage Improvements for Collin County 2007 Bond Project No. 07-053.

Interim City Manager Shipp explained this project is approximately 95% complete with projected costs of \$3.965 million dollars, largely funded by RTR funding at \$2,560,480 with the remaining funds being paid by Collin County funding through a bond passed in 2007. An ILA was approved by Council in 2013 but did not make it to the Commissioners Court for various reasons. The County has the money set aside for \$1.2 million dollars and the ILA is in the amount of \$1,470,750 with the remainder of \$41,770 for the trail/sidewalk which are not covered by County or RTR funds.

City Engineer Gary Hendricks explained in 2005 Collin County had regional transportation funds for projects and the City of Murphy was approved in 2007 for McCreary Road and Betsy Lane. The requirement was for the county to pay for half and the cities pay for half; many cities were having difficulties getting the funds for their half which included the City of Murphy. In 2012, the county requested for applicants to apply to receive RTR (Regional Toll Revenue) funds. Murphy submitted and was awarded the funding for those projects, RTR paid for 80% with a local match of 20%; Collin County allowed their part of the funding to go towards the 20% city match and the RTR funding being the 50%, essentially this was a free project for the City of Murphy. Council asked about potential future RTR funds being used for neighborhood street repaving. Hendricks confirmed RTR funded projects must be used for inter mobility traffic traveled streets to help create traffic capacity and relieve some of the traffic on FM 544. RTR funds are for capacity issues on streets in towns to better connect the region and therefore are not eligible to repairing local streets.

COUNCIL ACTION (7.D.):

APPROVED

Mayor Pro Tem Bradley moved to approve Resolution No. 16-R-829 approving an Interlocal Agreement with Collin County for Betsy Lane Paving and Drainage Improvements for Collin County

2007 Bond Project No. 07-053 and providing an immediate effective date. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

E. Consider and/or act to approve a resolution authorizing the creation of the North Central Texas Regional 9-1-1 Emergency Communications District.

Police Chief Trey Cotton gave a brief synopsis of the program. He explained all citizens and businesses are charged fifty (50) cents each month for their telephone lines (land lines as well as cell phones) and those monies go towards the 9-1-1 system. Currently there are forty-three (43) public safety answering points in the North Central Texas COG and to create the proposed district will require 100% participation. Currently the money goes to the state to hold the funds and the state keeps about 15% of those funds. With the creation of these new 9-1-1 districts, the new districts will keep the entire fifty cents. Council asked questions regarding the rate and possible increases. Mark Brown, COG representative explained the State Legislature sets the rate and Brown confirmed the rate has not changed since it was created in 1989. Brown further explained, the collection of the fifty cents per phone line per month, and about how the money collected is held by the State Comptroller and dispersed back. The Legislature appropriates every 2 (two) years the funds to all Region Council Governments for 9-1-1 and some of the dollars are used to balance the State budget. Essentially the creation of the district will give us more ability to control the funds for our citizens and keep local projects and needs at the forefront. There were questions from council regarding what happens if we don't join, how many municipalities have joined so far and how the district board will be appointed. Brown confirmed there must be 100% participation or the district is not created. The current municipalities who have joined are: McKinney, Prosper, Allen, Celina, and Farmersville in Collin County. Other Counties that have joined are: Navarro, Hunt, Parker, Summerville, Johnson and Hood. Cities outside of Collin County who have joined are: Corsicana, Navarro, Waxahachie, Seagoville, Kent, Angus, Bradford, Weatherford and Decatur. Brown further explained home-rule entity cities are not involved in this such as, The City of Dallas, Denton County and Tarrant County. Brown explained if we become a district we will have more flexibility with the funds to purchase equipment instead of having to go back to the State to request appropriated funds every five years. The COG will remain the fiscal agent of record, and the district board will approve and set the budget. Council asked how the board is selected. Brown confirmed once the district is established with the proper resolutions, all the entities will determine the makeup of the board including the State of Texas mandatory requirement that two thirds of the board must be elected officials from within the agencies. From that created district board the Bylaws, Rules and Procedures will be created. Council voiced concerns regarding small cities like Murphy needs to be represented on the board and inquired as to when the Resolution has to be approved. Since the answer was about when the Resolution is approved is not urgent, Council asked for answers to the following questions be brought back to Council before they will vote to approve or not approve the Resolution: 1) How will the revenue share work? 2) What percentage will go towards overhead? 3) What will the mechanics of the board election be? 4) How can the money be spent? 5) Where are we in regards to getting bigger cities/counties to join that are part of this creation? Brown confirmed the questions posed by Council and there was no further discussion at this time. A list of the eligible cities that can participate will be provided. This item was postponed until further information can be provided and evaluated.

COUNCIL ACTION (7.E.):

NO ACTION

- F. Discussion with possible action regarding appointing members to various Boards and Commissions to comply with the City Charter.

City Secretary Susie Quinn explained there are two openings on the MCDC and Planning and Zoning boards. She asked Council for direction as to how they would like to proceed filling those positions. Susie confirmed there is 1 (one) alternate for the P&Z, 1 (one) regular member and 2 (two) vacancies on the MCDC board. Council discussed reconvening the interview committee and include the new Councilmembers. Advertising for this was discussed and decided to advertise for 2 (two) weeks on all public venues (Facebook, website, newspaper if time allows) and have it on the first Council meeting in June. The alternate on the P&Z board was recommended to become a full member and then advertise for both alternate positions on P&Z and the two positions on MCDC. An interview committee will consist of Councilmembers Spraggins, Berthiaume, and Reilly.

COUNCIL ACTION (7.F):

APPROVED

Councilmember Reilly motioned to appoint Julie Kamm, who is currently serving as an alternate to be named as a full Commission member to Planning and Zoning, whose term will end December, 2016, since she will be completing Councilmember Reilly's term. Councilmember Berthiaume seconded. For: Unanimous. The motion passing 7-0.

Prior to item 8, Mayor Pro Tem Bradley wanted to clarify to everyone on the Council that they may make and should make motions for any listed agenda items but specifically if they are driving the conversation.

8. CITY MANAGER/STAFF REPORTS

A. Radio Systems

Moving forward, purchasing agreements are being processed and getting final quotes.

B. Food Truck Court

This project is moving very quickly with approximately 99% of the concrete being completed along with the water, lighting and electricity lines.

C. Betsy Lane

The irrigation and electricity are currently being worked on, once those are finalized and in place Oncor and Farmers Electric services will be connected which will take approximately 6 weeks. The medians and right-of-way are currently being maintained by the contractor.

D. South Maxwell Creek Parallel Trunk Sewer Line

There are many issues with this project and there is a meeting scheduled for Wednesday, May 18, 2016 with the contractor to resolve issues. Public Services staff is visiting and inspecting the site at a minimum of four times per day. They are making sure the streets are being washed daily and holes are being closed if open for more than two days. The contractor was stopped by the City, due to lack of a trench safety plan resulting in pipe not being laid, but it has been resolved and they were given

permission to begin laying pipe, as a trench has been properly installed. There is also an issue regarding the bore under FM 544 which should be resolved soon. Council asked regarding a possible completion date. Shipp confirmed there was a 120 day extension granted and the city is working on getting a concrete date of completion which should be at the end of July. Director of Public Services Bernie Parker explained at this point we are approximately less than 50% complete on this project. Currently the contractor is working on laying pipe and getting out of the residential easement area. Council brought up questions regarding vegetation. Parker confirmed that the contractor will re-sod or replant prior to the completion of the contract in all affected areas.

E. North Murphy Road

TxDOT has decided on a dollar amount for the damage reimbursement for the HOAs that were impacted by the construction of this road. TxDOT will communicate the reimbursement amounts at a meeting with all parties. The longitudinal portion of this issue has not and will not be addressed by TxDOT but may be discussed at a later date with the City.

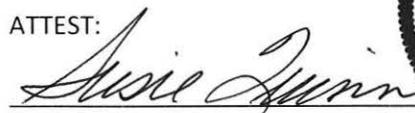
F. Upcoming events:

Sounds at Sundown will begin June 3rd with Le Freak. Followed by Pearl Gem on June 10th, June 17th will be Providence Outlaws, June 24th Memphis Soul and for the finale Emerald City will perform July 1st. The event opens at 7 pm with the bands playing at 8 pm until 10 pm.

9. ADJOURNMENT

With no further business, the meeting was adjourned at 8:09 pm.

ATTEST:


Susie Quinn, City Secretary



APPROVED BY:



Eric Barna, Mayor