

CITY COUNCIL MINUTES  
REGULAR CITY COUNCIL MEETING  
JUNE 21, 2016 AT 6:00 PM

**1. CALL TO ORDER**

Mayor Pro Tem Bradley called the meeting to order at 6:00 pm.

**2. INVOCATION AND PLEDGE OF ALLIGANCE**

Mayor Pro Tem Bradley 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 Pro Tem Scott Bradley  
Deputy Mayor Pro Tem Owais Siddiqui  
Councilmember Jennifer Berthiaume  
Councilmember Betty Nichols Spraggins  
Councilmember Sarah Fincanon  
Councilmember Don Reilly

Absent:

Mayor Eric Barna

**4. PUBLIC COMMENTS**

**Bob Mortonson**, resident, brought to the Council's attention that in one of the Planning and Zoning minutes, a commissioner abstained and Mr. Mortonson requested the minutes be changed to reflect a negative vote. Mr. Mortonson read through the Home Rule Charter, which states that any person on the Commission choosing to abstain from voting on any question before the Commission, where no conflict of interest exists, the person's vote shall be recorded as a negative vote. Mayor Pro Tem Bradley agreed and stated that is correct for Council as well.

**Marv Williams**, resident personally wanted to thank Councilmembers Spraggins, Reilly and Berthiaume and Interim City Manager, Bill Shipp for attending the 10<sup>th</sup> anniversary lunch, providing very good representation from the City of Murphy. The Exchange Club of Murphy has been featured in the national magazine "*Exchange Today*". The article highlights the club's visibility in the community which is in thanks to its relationship with the City of Murphy and Murphy Chamber of Commerce. A testament to this partnership is the club's annual participation at the city's Maize Days outdoor vendor fair. Each fall, members post American flags to help draw attention to the event, and in return, city officials speak at least three times each year at the club's bi-monthly meetings. Additionally, members provide free breakfast for Murphy First Responders on September 11 and every December; participate with a booth at the Murphy Christmas Tree Lighting Ceremony and parade. Also the club organized local children to write and color Christmas cards for military personnel, and then mailed all 176 cards to troops at a veteran's hospital in Bonham, TX. Another event in which the club participates is "Keep Murphy Beautiful". The Exchange Club of Murphy will be featured in the July issue of In & Around Lifestyle and Home Magazine.

**5. PRESENTATIONS**

A. Presentation of financial report and investment report as of May 31, 2016.

Interim Finance Director Steven Ventura explained the investment report is slightly down for the month of May. The interest rate has slightly decreased to 0.32% for May. The General Fund/MDD/CDC reflects the city has collected 9% more in sales tax dollars than this time last year. Revenues are at 82.53%; permits and licensing is higher due to the hailstorm damage with new contractor registrations, permits and fence fees. Expenditures should be at 66% of the budget; however, being on target will be dependent on where the departments are and what purchases and vacancies they may have. Currently, expenditures are at 58.68% as of May 2016. Revenues for the Utility Fund are tracking at about 64%, but will be dependent on engineering inspections and meter fees.

#### **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 June 7, 2016 Regular Council meeting minutes.
- B. Consider and/or act on the June 14, 2016 Special Council work session meeting minutes.
- C. Consider and/or act on the June 16, 2016 Special Council meeting minutes.

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

**APPROVED**

**Deputy Mayor Pro Tem Owais Siddiqui moved to approve the consent agenda items 6.A. through 6.C. as presented. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).**

- D. Consider and/or act upon authorizing the city manager to sign an Inter Local Agreement (ILA) with FireRescue GPO / Public Procurement Authority for cooperative purchasing of various goods and services.

This item was pulled at the request of Councilmember Reilly. Councilmember Reilly requested a more thorough explanation be explained for the record of item 6.D.

Chief Mark Lee explained that FireRescue GPO is a program of NPPGov, a national cooperative purchasing organization, serving government and non-profit organizations. NPPGov uses a lead public agency to solicit and award contracts through a public Request for Proposal process. "Piggybacking" language is inserted into the RFP and resulting contract, allowing members to utilize these contracts for public procurement purchases. Member benefits include access to publicly solicited contracts at no cost to members, and no purchasing obligations. The vendor burdens the cost and pays FireRescue GPO a small administrative fee to be allowed into their process. The City is seeking to see if we could "piggyback" to an existing contract.

**Bob Mortanson**, resident, had requested to comment on item 6.D.; he has a general mistrust of a number of businesses that are in the Northwest. He understands that the presentation tonight is similar to a government service agency for military programs where they get buying power of all the general contracts. His concern is, regarding any hidden hooks that may be imposed by Oregon State law or Washington State law. He requested that Council have cancellation clauses in the agreement. Things are not always as represented in the Northwest and he learned a lesson having been there for 15 years before coming to Murphy. "We had a lot of problems with buyers playing all sorts of games when I was at Boeing and they all sanction under local laws. Really caution, make sure our attorneys look into the back end of this, and make sure it is a proper agreement. It may be, as I said the concept I totally agree with and make sure we are not getting hoodwinked into something...."

The vendor for Fire Station Alerting, asked us to see if they were a member of any cooperative purchase agreements that would allow us to "piggyback" off an existing contract. Their recommendation was FireRescueGPO has the most favorable pricing so the membership into this agreement allows us, by signing the Inter Local Agreement (ILA), to purchase under this agreement. He addressed the resident who voiced some concerns about Virginia Medical Center losing their accreditation, by stating that the contract would not be associated with Virginia Medical Center in any shape, form or fashion. The association is with the vendor, and the city signs a contract with the vendor pays the vendor directly, and the vendor is associated with FireRescue GPO.

Council stated that by participating in this program, we have the benefit for a larger share of purchases, and Chief Lee agreed.

Council inquired on the state regulatory laws or authorities over this agreement. Chief Lee stated that the Texas State Law does allow Inter Local Agreement (ILA) amongst governmental entities for the purposes of purchasing good and services.

Council inquired to the length of membership of participation into the FireRescue GPO program and if we will maintain our memberships with other Inter Local Agreements (ILA) that we currently have in place. Chief Lee stated that we would become a member with this particular Inter Local Agreement (ILA), which are bid for 3 years with an automatic renewing of one year times three, a six year total agreement. The agreement that we are purchasing from was signed in February 2014 and we are actually near the end of the third year of the original agreement, with three one year renewal agreements left. The City will be first time members with FireRescue GPO. We would definitely maintain our other Inter Local Agreements (ILA) memberships. FireRescue GPO is just an additional national resource.

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

**APPROVED**

Councilmember Reilly moved to approve authorizing the city manager to sign an Inter Local Agreement (ILA) with FireRescue GPO / Public Procurement Authority for cooperative purchasing of various goods and services. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

## 7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act the application of the COP/VIPS for consideration of Community Grant fund award.

Chief Cotten presented the item on behalf of Glenda Cottle, Volunteer Coordinator who was unable to attend. Each year, \$1,500 for uniforms is budgeted but with 21 volunteers the money does not go very far. The \$2,500 grant would help the COP/VIPS program to participate in more schools and buy needed equipment as well as attend additional training or conferences. At the conferences they learn how other agencies are working with their volunteer program and possibly expand on what we have them do within the program. The COP/VIPS has a total of 21 volunteers and average 300 volunteer hours every month. The volunteers participate in such events as Maize Days, Movies in the Park and sometimes their work is very visible but there is a lot of behind the scenes work that they handle as well.

Council shared other important notable points of the COP/VIPS program. Most of the equipment that the volunteers use is a hand-me-down or they purchase their own equipment with personal funds. Training is vital as anyone of the volunteers can be called to respond to any call so consistency in training is important. Another point Council made is that the volunteers watch homes while citizens are away on vacation which gives citizens peace of mind. Council complimented the police department for utilizing the volunteers well and appreciated all of their hard work at all events.

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

***APPROVED***

**Councilmember Berthiaume moved to approve the application of the COP/VIPS for the Community Grant fund award. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).**

- B. Hold a public hearing and consider and/or act on the application of James Permenter to change current zoning of SF-20 (Single Family Residential-20) to Neighborhood Services (Non Residential Zoning District, low intensity retail and service facilities) of property located on 1.9589 acres, having the legal description of Abstract A0588, C A McMillan Survey, Tract 16.

Interim Director Economic and Community Development Lee Elliott presented to the Council a rezoning application that was presented to the Planning and Zoning Commission on May 23<sup>rd</sup> and approved with a 5-1 yes vote. The location is 1000 N. Murphy Road and approximately 2 acres. The property is currently zoned as Single Family 20, a residential zoning. The proposed change is to Neighborhood Services. When a zoning change is presented, it is best to refer to the future land use proposed in the comprehensive plan. The comprehensive plan is in compliance with the recommendation that was presented and staff would recommend approval of the zoning change.

Council inquired if all property owners within the 200 feet notification radius had been notified of the proposed zoning change. Lee Elliott stated that all homeowners were notified and staff had not received any public input from those notified. Council commented that the 200 feet notification radius seems inadequate to notify home owners. In order for the notification radius to be changed, Staff would need to modify the ordinance. Council commented that they are not changing policy at this meeting but would like to discuss the notification process for outgoing and also a notification for

being returned that is placed within the record. Sending communication out to the community is a different conversation. Council requested that this item be presented to Council for a future agenda discussion. Mr. Shipp recommended that the discussion go before Planning and Zoning first.

Council inquired the property is east of Murphy Road and south of Betsy Lane, three homes plus a horse farm. The second property, 1000 North Murphy Road is asking for the change in zoning. The other properties will remain SF20, including the horse farm.

Lee Elliott stated that currently there are no development plans for the property.

Council commented that the entire property from Betsy Lane to McMillan is currently zoned as SF20. If limited retail use is to be authorized, then Council would rather look at all three properties together. Even if the zoning is changed for this property, Nothing can be built on the property due to setback requirements of 100 feet from a residence.

Lee Elliott commented that it is difficult to force all three landowners to be involved at one time but the future land use is the guide for rezoning applications.

**Jim Permenter** resident addressed the Council that the property would bring in more money if it is for sale. He was not aware of the 100 feet setback for residential.

**Mary Pat Elledge**, resident and Murphy Keller Williams realtor addressed the Council that the process for rezoning that area needs to begin. It could be another 5 more years to begin the process if it is not follow-up now. The cost of the rezoning process could be part of the reason that other homeowners have not proceeded with rezoning their properties. The Permenter's have spent a lot of money on the process.

Mayor Pro Tem Bradley open the Public Hearing 6:58pm.

**Keith Patton**, resident, is in agreement with Council. Have a bigger prospect to develop unilateral instead of pieces.

**Don Kiertscher**, resident, commented that if you tie this to property to the north, which means that the existing owner who came here tonight that his fortune is really tied to someone he has nothing to do with. His concern, that we may be locking someone in for 5 to 10 years that they may not get the benefit of a piece of property that they have owned.

**Jim Smith**, resident, commented that they will be approaching Council soon with a similar type of property on FM 544. The plans are presented, he fits into those plans, and his request should be approved.

**Mary Pat Elledge**, resident, and Murphy Keller Williams realtor commented that this project has been a 5 to 6 year plan; her clients are ready to retire, get into a home that they can manage physically. She agrees Mr. Permenter put in a lot of money, but he doesn't resent that. He went by the book and we all did what we were told to do to present tonight.

Council inquired if the client might be better off marketing as a cohesive unit or if Council should just move forward with the approval? Mary Pat Elledge responded that Council should move forward for this family. If the city wants to pursue the other two lots, they can.

Council inquired how long had the property been marketed? Mary Pat responded a year and have received no offers.

The Public Hearing closed at 7:07pm.

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

**APPROVED**

Deputy Mayor Pro Tem Siddiqui moved to approve the application of James Permenter to change current zoning of SF-20 (Single Family Residential-20) to Neighborhood Services (Non Residential Zoning District, low intensity retail and service facilities) of property located on 1.9589 acres, having the legal description of Abstract A0588, C A McMillan Survey, Tract 16. Councilmember Fincanon seconded the motion. For: Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmembers: Berthiaume, Spraggins, and Fincanon. Against: Councilmember Reilly. The motion carried by a vote of 5-1 (Mayor Barna was absent).

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

Mark Brown with the North Central Texas Central Government addressed the Council regarding their questions from a previous City Council Meeting.

1. How would the money-share work after we create the district? *All of the money collected has to be spent on 911 services, which is done by state legislation.*
2. Percentage of what goes to overhead? *Historically the percentage to overhead would be 4.5% to 5%. The amount will change a little as more revenue is collected. The district board can set a cap if they choose and the state puts a cap of 10%.*
3. How the mechanics of new Board will come about? *Once all of the 149 resolutions are signed, a meeting will be held. All of the representatives from those entities that show up at that meeting will constitute as an interim board. At that time, the interim board will determine what the make-up of the actual board will be. State does require that 2/3's are elected officials.*

Update – 26 entities had approved the resolution when it was presented before and as of today 47 out of 149 have approved it. Approval has to be unanimous.

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

**APPROVED**

Deputy Mayor Pro Tem Siddiqui moved to approve Resolution No. 16-R-832 authorizing the creation of the North Central Texas Regional 9-1-1 Emergency Communications District. Councilmember Berthiaume seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

**8. CITY MANAGER / STAFF REPORTS**

**A. Radio Systems presented by Chief Lee**

The project began on May 2 replacing all of the radio equipment and dispatch items. Current status on the NCTCOG Tower is scheduled for a July 20 delivery and mid-August completion date. The Alcatel Nokia equipment PO has been issued and construction has begun. The dispatch consoles received final pricing on Sunday and reviewing those documents currently anticipation of preparing the PO for issue on Friday. Network recorder is a redundant piece; we are looking to partner with Wylie, Allen and Plano to expand the capabilities with the equipment we will be purchasing, the PO is on hold for now. All field radio's PO has been issued, mobile radios will be delivered Mid-July. Handheld radio and portable radios that will be shipped after August will be Wi-Fi enabled for programming, prior to August would not be enabled. The Wi-Fi upgrade is a local representative from Motorola who will absorb the cost since we are moving forward quickly. They will hold our handhelds until November or December delivery date as they will come equipped with Wi-Fi. Dispatch room finalizing the remodel expenses and have a February 28<sup>th</sup> completion date.

**B. Food Truck Court**

Going very well, concrete is poured on Food Truck court area itself and pathways. Initial pour on the north parking lot has begun as well. Water line has been pressure tested and complete. In the area of the food truck court, finishing out the mulch and the electricity should be completed at the end of the month. The complete project should be completed before Maize Days.

**C. South Maxwell Creek Sewer Line**

The contractor's schedule is scheduled to be complete early to mid-October. The contract actually expires on July 23rd and they will be in liquidated damages. We received a new schedule about a month ago; they are behind on that schedule now. In their defense they are recovering from flooding and additional work. They have a new crew with a new superintendent onsite and they are making progress. They are at the southeast corner at Mr. Betz's property, about 450 feet from FM 544. Daily visits to the site are still being conducted.

**D. Betsy Lane**

The contractor set the pedestals; Farmers Electric and Oncor Electric are working to connect power to the pedestals. They have hydro-mulch and hopefully will be watering with their water truck. Project is moving forward.

**E. North Murphy Road**

TxDOT has finalized a list of the reimbursement amounts for the HOA's and we should be receiving that letter soon, once we receive we will meet with the HOA's and determine how to distribute the reimbursement amount.

**F. Sidewalk Rehabilitation Program**

A map of Murphy identifying a priority numbering sequence was presented. The sequence is determined by the condition of the sidewalks. The worst area is The Timbers but the City determined to begin work first in Glen Ridge Estates as there is other driveway work being completed there. It is more cost effective.

Council requested that the Timbers Nature Preserve update be added to a future agenda.

Council inquired about the repairs on the wayside railroad horns at North Murphy Road. They have been repaired.

Council requested to have the gap on the sidewalk issue over by North Maxwell Creek Road near the railroad be repaired.

G. Upcoming events:

- Sounds at Sundown (7pm (band starts at 8 pm until 10 pm) – June 24 – Memphis Soul
- Sounds at Sundown (7pm (band starts at 8 pm until 10 pm) – Grand Finale July 1 – Emerald City Band (no fireworks, just an electronic pyrotechnics show)

Mr. Shipp announced that the City Manager from Parker informed him that Southfork Ranch will be having their Fireworks display on Saturday, June 25.

**9. EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 7:36 pm to discuss the following:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager.

**10. RECONVENE INTO REGULAR SESSION**

The City Council reconvened into Regular Session at 8:56 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager.

- B. Take Action on any Executive Session Items.

**COUNCIL ACTION (10.B.):**

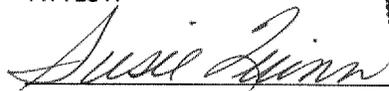
**APPROVED**

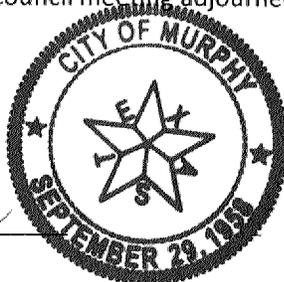
Deputy Mayor Pro Tem Siddiqui moved to authorize Mayor Barna and Mayor Pro Tem Bradley to negotiate an employment contract with a City Manager candidate. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0 (Mayor Barna was absent).

**11. ADJOURNMENT**

With no further business, the Council meeting adjourned at 8:57 pm.

ATTEST:

  
Susie Quinn, City Secretary



APPROVED BY:

  
Eric Barna, Mayor