

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

1. CALL TO ORDER

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

- A. Presentation of Proclamation recognizing September as Leukemia, Lymphoma & Myeloma Awareness Month.

Mayor Barna stated that the proclamation for Leukemia, Lymphoma & Myeloma would be mailed to The North Texas Chapter of the Leukemia & Lymphoma Society.

- B. Proclamation – National Payroll week.

Mayor Barna thanked and presented proclamation recognizing September 5 – 9, 2016 as National Payroll Week to Pat Skinner, Payroll Specialist and Steven Ventura, Interim Finance Director.

- C. Presentation of the upcoming Maize Days to be held September 24, 2016.

Recreation Manager Caitlyn Mullins presented to Council highlights for the upcoming Maize Days event to be held on September 24, 2016. Major difference is a change in location for Maize Days with the event being held at Central Park utilizing the Food Court and Amphitheater. Market vendors are another interest highlight with fifty (50) vendors confirmed. Kid Zone activities for pre-school children will be located by the playground and splash pad. Teens and Tweens activities include zip line, spider climb, human bowling and laser tag. Jon Lashbrook with the Murphy Chamber of Commerce will be hosting the Pumpkin Chunkin in conjunction with Dunkin' Donuts. Other highlights include a car show, Touch-A-Truck and the Progressive Waste truck displaying children's art.

D. Presentation of funds from the Exchange Club to Police Chief Cotten.

Marv Williams and several members of the Exchange Club presented a brief history on the mission of the club and how the club gives back to the community. In the past, the Exchange Club has donated funds to the Police Department for purchase of a patrol bike and to the Fire Department for purchase of additional mannequins for training exercises. Once again, the Exchange Club reached out to Chief Cotten asking if the club could assist in a particular project or need. Chief Cotten explained yes there is a need for a bench. Chief Cotten addressed Council explaining that the need for the bench is for prisoners who come in to be interviewed prior to being transported to Collin County Jail. Currently, Staff is utilizing a chair that is not bolted to the floor. The new bench will be specifically designed to be bolted to the floor, able to handcuff the prisoner to the bench limiting movement therefore, keeping the officer and prisoner safe. On behalf of the Exchange Club, a check was presented to Chief Cotten in the amount of five hundred dollars (\$500.00) for the purchase of a new bench.

5. PUBLIC COMMENTS

Lorraine Chalkley, resident brought forth again her concern to Council regarding the fact that she does have proper sanitary sewer on property. The property was annexed in 1997. A temporary undocumented solution was to disconnect the septic tank and connect to Rolling Ridge subdivision sewer lines. Council requested that Staff research further and present options at the first (1st) City Council Meeting in October.

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 August 16, 2016 Regular Council meeting minutes.
- B. Consider and/or act upon approval of Resolution Number 16-R-839 authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of two and a half cents (\$0.025) per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.
- C. Consider and/or act upon approval of Resolution Number 16-R-840 authorizing signature authority to sign and endorse checks and drafts of the City of Murphy bank accounts.

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

APPROVED

Mayor Pro Tem Bradley moved to approve the consent agenda items 6.A. through 6.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. Hold a public hearing on the proposed fiscal year 2016-2017 budget for the City of Murphy.

Interim City Manager Bill Shipp presented to Council an overview on the proposed fiscal year 2016-2017 budget for the City of Murphy. Two (2) dates for public hearing with the first (1st) public hearing being held tonight and second (2nd) public hearing will be held Tuesday, September 13, 2016 at 6:00pm. Budget and Tax Rate will be considered for adoption on Tuesday, September 20, 2016.

The budget will raise more total property taxes than last year's budget by \$593,517 or 5.8%, and of that amount \$131,968 is tax revenue to be raised from new property added to the roll this year. A hard copy of the budget is on file with City Secretary's office and is located on the "Notice of Tax Rate" link on the City's website. One change since the August 9, 2016 meeting, staff accidentally omitted four (4) positions from the proposed budget that was submitted to Council. The positions – two (2) firefighters and two (2) groundskeepers were vacant and inadvertently not included in the budget. The bottom line result to the General Fund is a \$99,200 deficit versus a \$91,700 surplus while the errors are regrettable, the impact can be absorbed during budget execution.

PUBLIC HEARING OPENED AT 6:52pm

Barbara Harless, resident is opposed to spending more money on services that are not necessary, services necessary are fire, police, utilities, streets and water.

PUBLIC HEARING CLOSED AT 6:54pm

The vote on the proposed fiscal year 2016-2017 budget will take place on Tuesday, September 20, 2016 at 6:00 PM in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas.

COUNCIL ACTION (7.A.):

NO ACTION

- B. Hold a public hearing on the proposed tax rate of \$0.5100 per \$100 valuation for City Budget Year of October 1, 2016 through September 30, 2017.

Interim City Manager Bill Shipp presented to Council that the City is proposing a Maintenance and Operations (M&O) tax rate of \$0.327749 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 \$0.182251, per \$100 valuation, a decrease from last year's tax rate.

PUBLIC HEARING OPENED at 6:55pm

Barbara Harless, resident appreciates the city decreasing the tax rate 4% but since the property values increased to 10% therefore, the city will receive 6% more in taxes which is an increase. She stated that she does not receive 6% more in services. The city will also be implementing a bond package to correct issues with streets which were improperly built four or five (4 or 5) years ago. If 60% of the budget is on labor, how many employees does the city employ? How many are vital and necessary? Collin County only increased the tax rate 2% actually decreasing 8% with a much larger budget than the City of Murphy. The city needs to cut back on non-necessary services because 6% in twelve (12) months is more than she is willing to pay.

PUBLIC HEARING CLOSED at 6:58pm

The vote on the proposed tax rate will take place on Tuesday, September 20, 2016 at 6:00 PM in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas.

COUNCIL ACTION (7.B.):

NO ACTION

- C. Consider and/or act on the Community Grant Application from the Moms of Murphy organization as approved by MCDC.

Interim Director of Economic and Community Development Kelly Carpenter presented to Council an application from the Moms of Murphy for consideration of Community Grant fund award in the amount of \$2,369.06 for the purchase of event supplies including a traveling trophy, advertising, and food related items. The grant application was approved by the Murphy Community Development Corporation (4B) board on August 15, 2016 as presented, with the change to the amount from \$2,369.06 to a not to exceed amount of \$2,500.00.

Colleen Halbert, representative with the Moms of Murphy presented to Council the upcoming football game event highlighting both school districts Plano East High School and Wylie High School on Friday, September 23 at Kimbrough Stadium in Murphy. The Moms of Murphy want to take this unique opportunity for Murphy public school students to have a friendly competition. The Moms of Murphy organization want to create an annual event to celebrate "The Murphy Community Classic" supporting Murphy residents and each high school at the same time. This event has the support of both school principals. The event also has the support of Carolyn Moebius, Secretary Plano ISD School Board and Tom Westhara, Vice-President Wylie ISD School Board and their respective school boards, both are Murphy residents.

COUNCIL ACTION (7.C.):

APPROVED

Mayor Pro Tem Bradley moved to approve the Community Grant Application from the Moms of Murphy organization. Councilmember Berthiaume seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- D. Hold a public hearing and consider and/or act on the application of StreetLevel Investments to request approval of Ordinance Number 16-09-1016 for a zoning change from SF-20 (Single Family Residential-20) to a Planned Development located on 4.6579 acres, having the legal description of Abstract A0579, Henry Maxwell Survey Tract 75.

Interim Director of Economic and Community Development Kelly Carpenter provided to Council a brief overview of the intent of this Planned Development district which is to provide high quality neighborhood services and development consistent with the Comprehensive Plan. The PD sets forth standards for mixed use development not limited to the following: 1) Restaurants; 2) Retail Shops and Boutiques; 3) Medical Facilities; and 4) Service Businesses. The Planned Development proposed will not affect any regulation found in the City of Murphy Code of Ordinances, Ordinance No. 15-09-1002, as amended, except as specifically provided herein. All regulations of the NS (Neighborhood Service) District set forth in Article 30.03, Division 13 of the City of Murphy Code of Ordinances are included by reference and shall apply, except as otherwise specified by the ordinance. Development shall be in general conformance with the approved concept plan set forth in Exhibit C; however, in the event of conflict between the concept plan and these conditions, the conditions shall prevail. Staff has suggested to the applicant a list of changes to the allowed uses and staff recommends approval of the zoning change request from SF-20 to a Planned Development. On August, 22, 2016 Planning and Zoning Commission recommended denial of the application for the Timbers PD. The motion does not contain a list of reasons for the denial. In the discussion; however, several reasons of some members were clear: 1) consideration of this PD application should wait until there is an updated comprehensive plan and 2) there are traffic concerns on FM 544. This item requires a super majority vote for approval because the Planning and Zoning Commission denied approval.

Margaret and Jim Smith, residents addressed Council on zoning change request for property 210 E. FM 544 from Single Family Residential (SF-20) to Neighborhood Services. Property is currently assessed at its highest and best use with Collin County regardless of the zoning designation that the City of Murphy has on file. Currently, the house on the property is assessed at \$4.00 and the unimproved land at a very large dollar amount, therefore the request for a zoning change is in order for them to sell the property. Margaret and Jim Smith thanked Council for listening and their time.

Jana Bean, applicant with StreetLevel Investments presented to Council a brief history on the steps and timeline taken to have the property at 210 E. FM 544 rezoned and approved by the Planning and Zoning Commission. At the August 22, 2016 Planning & Zoning meeting, the Commission denied the application on the basis that the PD application should wait until there is an updated comprehensive plan and because of traffic concerns on FM544. Applicant is requesting for a solution from Council. Council stated the options: deny the application, remand back to Planning and Zoning or chose to override and approve the rezoning.

PUBLIC HEARING OPENED at 7:32pm

Maggie Whitt, resident shared concerns with Council on Neighborhood Services. She is the President of the Timbers Community Organization and received complaints from residents in regards to the cut through traffic. She personally agrees that the City needs to have a comprehensive plan in place so properties are not rezoned piece by piece.

Barbara Harless, resident shared with Council if something other than SF-20 is going to be built on the property, the businesses will need to be stay viable for a long term. She would like to see an updated comprehensive plan as well.

Jim Taylor, resident in favor of acceptable list of uses. There is a plan, stick with that plan and come to an agreement on the types of business.

PUBLIC HEARING CLOSED at 7:38pm

Jana Bean, applicant addressed Council on the residents' concerns from the meeting on May 12, 2016. 1) Sound and noise – will install a barrier wall; 2) Lighting – no light pollution; 3) Willing to work with City on paring down the PD list of permitted uses.

Council discussion included the following items: par down the PD list of permitted uses, develop a side walk plan entrance into property, address the concerns from residents in regards to noise and lighting component. Council agrees to send Staff their recommendations on the PD permitted uses. Council requests that Staff and applicant par down the list of permitted uses and present Council an updated list.

PUBLIC HEARING RE-OPENED at 8:07pm

Mayor Barna continued the public hearing until September 20, 2016 City Council Meeting.

COUNCIL ACTION (7.D.):

NO ACTION

- E. Consider and/or act upon the approval of Ordinance Number 16-09-1017 amending Appendix A, Fee Schedule.

Interim Finance Director Steven Ventura reviewed with Council that the Appendix A, Fee Schedule has not been amended since 2013. Annually, staff reviews the fee schedule to ensure fees are lawful, in line with revenue and expense projections, and comparable to those of surrounding cities. Council discussed in detail the various fee changes/adjustments with staff. Staff to bring to City Council a comparison of cities who charge a dollar amount convenience fee or a percentage amount for credit card transactions online or by telephone. Questions about the nonrefundable deposit jumped from \$25 to \$75. The change is due to the carpet being laid to protect the flooring in the gym. The other rooms continue to be at \$25. The event determines the amount of the deposit. The rental fees for Saturday for the gym will only be after operating hours as the gym is generally reserved for open gym on the weekends. The seasonal fee was discussed regarding repeat vendors who attend more than one event. The time period was also discussed for the seasonal permit. Discussion was to allow a bi-annual permit. Ambulance fee increases were discussed. Comparison fees from other cities were also discussed. Council requested the percentage of collections and non-collection for fees in surrounding cities. Utility deposit show and increase for renters. The increase is to cover the final bill since the base rate for water usage is increasing.

COUNCIL ACTION (7.E.):

NO ACTION

- F. Consider and/or act upon the approval of Ordinance Number 16-09-1018 amending Section 8.003 of the Fee Schedule; water rates, sewer rates and irrigation rates.

Interim City Manager Bill Shipp reviewed with Council that the Volumetric Water Rates increased from \$2.34 to \$2.58 per thousand gallons of water for FY 2017 from North Texas Municipal Water District (NTMWD). Volumetric Sewer Rates, the base meter charge of \$18.00 and the city rate of \$0.76 will remain the same but North Texas Municipal Water District charge will increase for FY 2017. Staff will continue to monitor the percentage monthly charges from NTMWD. Council inquired if North Texas Municipal Water District explained the months where the City had large increases, staff's responded that NTMWD does not have an explanation. It dropped last month and staff is tracking it. The Mayor explained that in the past the City absorbed all the NTMWD increases but that is no longer feasible.

PUBLIC COMMENT

Barbara Harless, resident – not present. Mayor Barna read her comment which only stated "7. F. Water Rates."

COUNCIL ACTION (7.F.):

APPROVED

Mayor Pro Tem Bradley moved to approve Ordinance Number 16-09-1018 amending Section A8.003(a)(4)(B); A8.003(b)(2); A8.003(c)(2) of the Fee Schedule and adjusting the water, sewer and irrigation rates effective October 1, 2016. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- G. Consider and/or act upon appointing a Capital Bond Improvement Committee.

Interim City Manager Bill Shipp addressed Council on appointing the Capital Bond Improvement Committee or name an interview panel to talk with the applicants and bring their recommendations to the September 13, 2016 Council meeting after the Public Hearing.

COUNCIL ACTION (7.G.):

NO ACTION

- H. Consider and/or act to approve the City of Murphy's ballot selection for the election of Texas Municipal League Risk Pool (TML-IRP) Board of Trustees, Places 6, 7, 8, and 9.

COUNCIL ACTION (7.H.):

APPROVED

Mayor Pro Tem Bradley moved to approve the City's ballot selection of the Texas Municipal League Risk Pool (TML-IRP) Board of Trustees, as follows: we chose for Place 6 Kyle J. Jung; we chose for Place 7 Richard Jorgensen; we chose for Place 8 Larry Melton; we chose for Place 9 Rick A. Schroder. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- I. Consideration and/or act on a request for funding from the Municipal Development District for drainage and parking improvements at Murphy Village 3. This item may be discussed in executive session before action is taken.

COUNCIL ACTION (7.I.):

NO ACTION

8. CITY MANAGER / STAFF REPORTS

These items were not discussed at this meeting because of time limitations.

- A. Radio Systems
- B. Food Truck Court
- C. Sidewalk Rehabilitation Program
- D. South Maxwell Creek Sewer Line
- E. North Murphy Road
- F. Betsy Lane
- G. Safe Routes to School

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 9:01 pm to discuss the following:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Municipal Judge and City Secretary.
- 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 government 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).

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 9:31 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 Municipal Judge and City Secretary.
- 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 government 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).

C. Take Action on any Executive Session Items.

COUNCIL ACTION (10.A. – MUNICIPAL JUDGE):

APPROVED

Mayor Pro Tem Bradley moved to continue the contract for the Municipal Judge with an effective date of August 16, 2016 and set the salary at \$85,311. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

COUNCIL ACTION (10.A. – CITY SECRETARY):

APPROVED

Mayor Pro Tem Bradley moved to adjust the City Secretary salary to \$81,500 effective immediately. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

11. ADJOURNMENT

With no further business, the Council meeting adjourned at 9:33 pm.



APPROVED BY:

A handwritten signature in black ink, appearing to read "Eric Barna", written over a horizontal line.

Eric Barna, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Susie Quinn", written over a horizontal line.

Susie Quinn, City Secretary