

CITY COUNCIL MINUTES
MARCH 19, 2013 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

Mayor Pro Tem Grant called the meeting to order at 6:00p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Richmond 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 Pro Tem Bernard Grant
Councilmember Dennis Richmond
Councilmember John Daugherty
Councilmember Scott Bradley
Councilmember Dave Brandon

Councilmembers absent:
Mayor Bret Baldwin
Deputy Mayor Pro Tem Colleen Halbert

4. PUBLIC COMMENTS – No one was signed in to speak.

5. PRESENTATION ITEMS –

- A. Presentation from Progressive Waste Solutions on the proposed implementation schedule and program details for solid waste and recycling services.

Mayor Pro Tem Grant moved Agenda Item 5.A. regarding the solid waste presentation to coincide with Agenda Item 7.D. with the consideration of the solid waste contract.

- B. Finance Director Linda Truitt presented the Comprehensive Annual Financial Report for the 2012 fiscal year along with Mike Conway of Conway Company CPAs. Mr. Conway stated that Murphy was one of only four of his current 27 city audits that had received the Certificate of Achievement for Excellence in Financial Reporting from the Government Financial Officers Association of the United States and the unaudited investment and financial report as of December 31, 2012. Mr. Conway stated that internal control in Murphy was considered very strong. Mr. Conway stated the only minor item for consideration was the issuance of 1099's instead of W2's in certain circumstances. Ms. Truitt indicated the City was taking steps to remedy the situation.

Ms. Truitt stated that \$3,060,756 was the current unassigned general fund balance as of September 30, 2012, which is approximately 29% of the general fund expenditures for FY 2012. Ms. Truitt stated that the city wide net assets exceeded liabilities by \$77 million and there was an increased net position of \$1,862,761, of which, an increase of \$2,136,868 was attributed to the governmental fund and a decrease of \$274,107 was attributed to the business unit. The revenues were over the budget by approximately \$36,000 and the actual expenditures were \$204,000 under budget. Ms. Truitt reviewed the bond refinancing from the previous fiscal year that saved the City approximately \$1,000,000 over the life of the debt.

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 take action, if any, on the approval of the March 5, 2013 meeting minutes.
- B. Consider and take action, if any, to authorize approval of purchasing 12 BigBelly solar compactor duo trash and recycle units from the BuyBoard Contract 346-10, in accordance with the TCEQ Solid Waste Implementation Project 13.04.G06 grant program.

Councilmember Brandon requested that Item 6.B. be removed from consent. Councilmember Bradley requested that Item 6.A. be removed from consent.

COUNCIL ACTION (ITEM 6.A.):

APPROVED

Councilmember Bradley moved to approve the minutes with the correction to indicate he voted for Deputy Mayor Pro Tem Halbert to serve as Mayor Pro Tem. Councilmember Daugherty seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

COUNCIL ACTION (ITEM 6.B.):

APPROVED

Councilmember Brandon asked if the BigBelly units would require a monthly data plan. Kim Lenoir indicated that it was now standard for the units to come with the ability to be monitored, but the City would not be using that function.

Councilmember Brandon moved to authorize approval of purchasing 12 BigBelly solar compactor duo trash and recycle units from the BuyBoard Contract 346-10, in accordance with the TCEQ Solid Waste Implementation Project 13.04.G06 grant program. Councilmember Daugherty seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and take action, if any, on the recommendation from the Council Interview Panel regarding appointing an alternate commission member to the Planning and Zoning Commission for a term expiring December 31, 2013.

COUNCIL ACTION (ITEM 7.A.):

RHEA APPOINTED

Councilmember Bradley moved to appoint Danny Rhea to fill the unexpired position as an alternate member of the Planning and Zoning Commission for the term expiring December 31, 2013. Councilmember Brandon seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

- B. Consider and take action, if any, on the approval of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2012.

COUNCIL ACTION (ITEM 7.B.):

APPROVED

Councilmember Brandon moved to approve the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2012. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

- C. Discuss and take action, if any, on the review of the STEP Program and Traffic Study conducted on Moonlight Drive.

Police Chief GM Cox provided the Council with an update on the STEP program that was conducted from February 22nd to March 9th on Moonlight Drive. Chief Cox stated that a baseline study was also conducted on Mustang Ridge. Chief Cox indicated that there was significant improvement compared to the first study, however, there were still issues that needed to be addressed. Chief Cox recommended the reinstallation of the Metro Count equipment for an additional 30 days to determine a compliance rate after the STEP program. Chief Cox indicated that the speed trailer was no longer working and would need to be replaced either with another trailer or two pole-mounted, solar powered speed indicator signs, both at a cost of approximately \$10,500.

Public Comments:

Glenn and Gail Tobleman, 1004 Mason Lane – Both Mr. and Mrs. Tobleman indicated that the Council should consider impacts to other residents if the determination was made to restrict access to Moonlight Drive.

The following residents spoke in favor of continued permanent improvements to Moonlight Drive to mitigate the speed and volume problems:

Pam Johnson, 147 Moonlight Drive

Julia Matocha, 151 Moonlight Drive

Linda Martin, 142 Moonlight Drive

Councilmember Brandon inquired as to the data logging capabilities of a speed trailer.

Mr. Fisher stated that Staff was still reviewing the volume issues in accordance with the newly adopted Traffic Calming Policy.

Councilmember Richmond thanked the residents for their feedback and patience and assured the residents that the Council was working towards a resolution of their problem.

COUNCIL ACTION (ITEM 7.C.):

APPROVED

Councilmember Bradley moved to amend the budget in an amount not to exceed \$15,000 to allow for the purchase of speed trailer with data logging capabilities. Councilmember Brandon seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0.

EXECUTIVE SESSION

The City Council convened into Executive Session at 6:51 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:

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 a contract for solid waste.

RECONVENE INTO REGULAR SESSION

The City Council reconvened into Open Session at 7:17 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving: 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 a contract for solid waste.

No action was taken as a result of Executive Session items.

Item 5.A. Shawn Eiras with Progressive Waste Solutions presented the Council with program details for solid waste and recycling services.

- D. Consider and/or act on authorizing the City Manager to execute a contract with Progressive Waste Solutions/IESI to provide Solid Waste Collection & Disposal and Recyclable Material Collection & Processing services for the City of Murphy.

COUNCIL ACTION (ITEM 7.D.):

APPROVED

Councilmember Brandon authorizing the City Manager to execute a contract with Progressive Waste Solutions/IESI to provide Solid Waste Collection & Disposal and Recyclable Material Collection & Processing services for the City of Murphy, subject to final approval from the city attorney. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0. (Assigned CLA 201303002)

- E. Consider and take action, if any, on the proposed Animal Shelter Project, to include authorizing the City Manager to execute the Architectural Agreement and Scope of Work with Quorum Architects, Inc.

Council held discussions with regard to the proposed fee structure for the construction plans for Expansions A, B and C. Chief Cox stated that the proposed design fees and with the outdoor runs was approximately \$620,000. To add the architectural design costs for Expansions A, B and C would be an additional \$45,000.

Public Comments:

Keith Pattion, 451 Poindexter – Mr. Patton stated that he was concerned at the potential \$1.1 million cost of a new animal shelter, especially with a \$100,000 overrun on Murphy Central Park.

Gus Delaloye, 430 Poindexter – Mr. Delaloye stated that he had lived in the area since 1983 and wasn't aware of any complaints with the existing facility.

Councilmember Brandon stated that he served on the Animal Shelter Advisory Committee (ASAC) and the option before Council was not the most expensive option they considered. Mr. Brandon stated that the proposed design met the minimum state requirements.

Councilmember Bradley stated that the Council had initially budgeted \$500,000 for the shelter and was surprised at the \$665,000 estimate, but it met the needs of the committee.

Mayor Pro Tem Grant stated that the Council has not made decisions on the project in haste and the design was a result of many ASAC meetings and Council work sessions.

The Council reached a consensus to not move forward with the designs for Expansions A, B and C at this time.

COUNCIL ACTION (ITEM 7.E.):

NO ACTION

Councilmember Brandon moved to accept the concept drawing for the Animal Shelter Project and approve the agreement and scope of work with Quorum and allow the City Manager to move forward with signing the agreements. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0. (Assigned CLA 201303003)

8. CITY MANAGER/STAFF REPORTS

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

North Murphy Road Construction Update – Will be restriping the area in front of Murphy Middle School within the next 10 days to begin work on the east side of the lanes within the next 30 days. TxDOT has approved the traffic signal in front of Walmart at FM 544, as well as the signal at FM 544 and Maxwell Creek.

The budget work sessions will begin in June.

April 13th is the Chamber's Spring Fever Event

April 29th the City is partnering with the Drug Enforcement Agency for a turn in of old prescription drugs.

9. EXECUTIVE SESSION

The City Council convened into Executive Session at 7:57p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:

- a) Michael Cantrell v. City of Murphy, et al, Cause No. 6:09-cv-225.
- b) 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 a contract for solid waste.

§551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of:

- a) Municipal Judge

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Open Session at 8:38 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:

- a) Michael Cantrell v. City of Murphy, et al, Cause No. 6:09-cv-225.

- b) 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 a contract for solid waste.

§551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of:

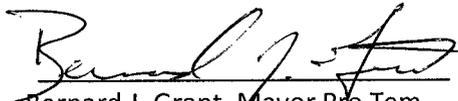
- a) Municipal Judge

No action was taken as a result of Executive Session items.

11. ADJOURNMENT

With no further business, the meeting was adjourned at 8:38 p.m.

APPROVED BY:


Bernard J. Grant, Mayor Pro Tem

ATTEST:


Kristi Gilbert, City Secretary

