

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 20, 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 Keep Murphy Beautiful and Keep Texas Beautiful award acknowledgements.

Candy McQuiston introduced Suzanne Kho, Executive Director with Keep Texas Beautiful Organization who recognized three (3) community members for winning awards at the state's 2016 Keep Texas Beautiful Youth and Educator Recognition Program.

Ruthe Jackson Youth Leadership Awards:

- Second Place Youth Individual – Middle School Category award recipient was Isabella Haen for her involvement in the Soles4Souls Organization collecting one thousand and two (1,002) pairs of shoes to be distributed to those in need. Isabella Haen thanked Mayor Barna, Mayor Pro Tem Bradley, Mrs. Quinn, and Mrs. McQuiston for all of their help.
- First Place Youth Individual – Female Scouts Category award recipient was Ashley Rodda for her design and implementing the Blue Jeans Go Green Program that repurposes worn denim fabric as insulation for homes in economically disadvantage neighborhoods. In addition, Ashley also received a one hundred dollar (\$100.00) check. Ashley thanked the Murphy community, Progressive Waste, City Council and city staff for their support.

Sadie Ray Graff Educator and Educational Institution Awards:

- First Place in the Educator – Middle School Category award recipient was Tina Pilgrim in her sponsorship of the Murphy Middle School Environmental Club. In addition, Tina received a one hundred dollar (\$100.00) check. Joining Tina in her acceptance of the award was Murphy Middle School Principal Matthew Conrad. Tina thanked everyone for their support, and she especially thanked her kids.

Government Awards recognizes outstanding contributions to the Texas environment made by government departments.

- The City of Murphy and Keep Murphy Beautiful received First Place for a City with a population under 40,000. Murphy received the honor for collecting more than ninety-two thousand (92,000) pounds of trash and recyclables at two (2) major cleanup events in 2015.

2016 Governor's Community Achievement Award:

- Murphy received Second Place Category 5 population 15,001-25,000 Landscape Award \$180,000

Additionally, the City of Murphy was awarded the following awards:

- Keep Murphy Beautiful was recognized as a Gold Star affiliate of Keep Texas Beautiful
- Keep Murphy Beautiful was recognized by STAR, State of Texas Alliance for Recycling for First Place for the City's Community Clean and Green event.
- Elizabeth Combs Keller with Progressive Waste Solutions presented to the City and Staff an award for recycling. Since 2013, the City of Murphy has recycled five (5) million pounds of recycling materials.

Candy McQuiston shared with Council upcoming events, the annual Fall Community Clean and Green Cleanup event on October 8, 2016 and annual art decorating contest for the Progressive Waste Solutions Recycle Truck.

B. Presentation of financial report and investment report as of August 31, 2016.

Interim Finance Director Steven Ventura explained why the financial report for August ended with a loss. The City pays debt payments twice a year and August is the second month in which the debt payment was paid. The interest rate remained the same at 0.36% for August. The General Fund/MDD/CDC Sales tax collected through September, 11% increased from 2015 to 2016 versus 2014 to 2015. In the Revenues through August, sales tax number projections were short of the revenue \$1.8m budget even with the audit adjustment being included. Permits & licenses increased due to the Murphy Meadows Addition, twenty-one (21) single family permits were issued for the month. In the General Fund Expenditures listing, the Facilities department is over budget due to contractor payments for repairing city facilities roofs. The Utility Fund Water Revenue's current demand with North Texas Municipal Water District is 1,384,660 gallons, this year the City exceeded the cap and new annual demand will be 1,404,775 gallons at 108.90% of budget. The Utility Fund Expenditures indicates Wastewater Collection expense was at 102.06% of the budgeted funds.

5. PUBLIC COMMENTS

Keith Huyck, resident addressed Council that due to the South Maxwell Sewer Trunk Project near his home that the drainage ditch in front of his home and/or pipes under the driveway are collecting silt, sediment and are half full of mud. He requested the matter be addressed because prior to all of the construction, he did not have these issues with the pipes under the driveway filling with mud. Staff was asked to look into the matter.

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 to approve the September 6, 2016 Regular Council meeting minutes. *Susie Quinn, City Secretary*
- B. Consider and/or act to approve the September 13, 2016 Special Council meeting minutes. *Susie Quinn, City Secretary*

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

APPROVED

Mayor Pro Tem Bradley moved to approve the consent agenda items 6.A. through 6.B. as presented. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

Items 6.C. and 6.D. were pulled for individual consideration

- C. Consider and/or act to approve Resolution Number 16-R-841 to renew the Ambulance Billing Service Agreement between Emergicon, LLC, and the City of Murphy. *Ed Henderson, Interim Fire Chief*

Interim Chief Ed Henderson addressed Council that the current billing agreement has been in place for five (5) years and it will expire on September 30, 2016. This new billing agreement is scheduled to go into effect October 1, 2016. Council inquired as to the increase from five percent (5%) to six percent (6%).

President and CEO of Emergicon Christopher Turner explained to Council that clients seeking a renewal on the contract, Emergicon will no longer maintain the five (5%) contracts as they are marginal contracts. Over the last three (3) years, Emergicon has made adjustments in contracts with all of their clients when renewing.

Emergicon will present at the regular City Council meeting on October 18, 2016 a performance analysis report and trend year-over-year analysis. Emergicon will review the section in the contract which states: "Emergicon reserves the right to add simple interest at an annual rate of 18%, compounded daily, on all where Emergicon has not received payment within thirty (30) days of the date of its invoice."

COUNCIL ACTION (6.C.):

APPROVED

Mayor Pro Tem Bradley moved to approve a thirty (30) day extension to the Emergicon Contract. Councilmember Reilly seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- D. Consider and/or act to approve Resolution Number 16-R-842 authorizing the City Manager to execute the renewals of the Clinical Affiliation Agreement, Emergency Medical Advisory Services Agreement, and Business Associate Agreement between the City of Murphy, Texas on behalf of Murphy Fire Department and Columbia Medical Center of Plano Subsidiary, L.P., d/b/a Medical Center of Plano. *Ed Henderson, Interim Fire Chief*

Interim Fire Chief Ed Henderson addressed Council that this renewal allows for the continuation of a clinical learning experience through the application of knowledge and skills in actual patient-centered situations in a health care hospital. It also provides Clinical Affiliation Services under the terms and conditions of the Agreement; through the utilization of an assigned Medical Director and other hospital staff personnel. This Agreement ensures that all participants will perform their duties and services in accordance with all relevant local, state and federal laws, and will comply with the standards and guidelines of all applicable accrediting bodies and bylaws, rules and regulations of the Hospital, and any rules and regulations of the Murphy Fire Department. The new Clinical Affiliation Agreements will serve the fire department for the next three (3) years with consideration given for three (3) additional years. The term of the new Agreement is October 1, 2016 to September 30, 2019.

COUNCIL ACTION (6.D.):

APPROVED

Mayor Pro Tem Bradley moved to approve Resolution Number 16-R-842 authorizing the City Manager to execute the renewals of the Clinical Affiliation Agreement, Emergency Medical Advisory Services Agreement, and Business Associate Agreement between the City of Murphy, Texas on behalf of Murphy Fire Department and Columbia Medical Center of Plano Subsidiary, L.P., d/b/a Medical Center of Plano. Councilmember Berthiaume seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act upon approval of Ordinance Number 16-09-1019 adopting the fiscal year 2016-2017 budget and appropriating funds to a sinking fund to pay interest and principal on the City's indebtedness, and appropriating funds to support the City of Murphy, Murphy Municipal Development District and Murphy Community Development Corporation for the fiscal year beginning on October 1, 2016 and ending on September 30, 2017.

City Manager Mike Castro addressed Council stating that the budget had been presented at previous meetings and that this budget will raise more revenue from property taxes than last year's budget by an amount of \$593,517, which is a 5.8% increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$131,968. Two public hearings were held on September 6th and September 13th.

COUNCIL ACTION (7.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve Ordinance Number 16-09-1019 adopting the fiscal year 2016-2017 budget and appropriating funds to a sinking fund to pay interest and principal on the City's indebtedness, and appropriating funds to support the City of Murphy, Murphy

Municipal Development District and Murphy Community Development Corporation for the fiscal year beginning on October 1, 2016 and ending on September 30, 2017. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- B. Consider and/or act upon ratifying the property tax revenue increase reflected in the 2016-2017 fiscal year budget.

City Manager Mike Castro addressed Council that this 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.

COUNCIL ACTION (7.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve ratifying the property tax revenue increase reflected in the 2016-2017 fiscal year budget. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- C. Consider and/or act upon approval of Ordinance Number 16-09-1020 levying ad valorem taxes for use and support of the municipal government of the City of Murphy for the fiscal year beginning October 1, 2016 and ending September 30, 2017.

City Manager Mike Castro addressed Council that property taxes fund the debt service obligations of the City and accounts for a large portion of the general fund revenue.

COUNCIL ACTION (7.C.):

APPROVED

Mayor Pro Tem Bradley moved to approve that the property tax rate be increased by the adoption of a tax rate of \$0.510000, which is effectively a 3.59 percent increase in the tax rate. Approve Ordinance Number 16-09-1020 fixing and levying municipal ad valorem taxes for the fiscal year beginning October 1, 2016 and ending on September 30, 2017, and for each fiscal year thereafter until otherwise provided. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- D. Reconvene a public hearing and consider and/or act on the application of StreetLevel Investments to request approval of Ordinance Number 16-09-1021 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. Reconvene a public hearing and consider and/or act on the application of StreetLevel Investments to request approval of Ordinance Number 16-09-1021 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.

Mayor Barna reconvened the Public Hearing:

Interim Director of Economic and Community Development Kelly Carpenter addressed Council on the two major issues: permitted uses in the Planned Development and height of the wall adjacent to the residential area to the south.

PUBLIC COMMENTS

Richy Earle, resident – In Favor

Don Kiertscher, resident – In Favor

Margaret and Jim Smith, residents presented to Council an overview on the steps taken to date on the request for a zoning change from SF-20 (single family residential-20) to a planned development for the property. Margaret and Jim Smith are in favor of the zoning change for the property that would bring a positive impact for the city and their livelihood.

Jana Bean, applicant with StreetLevel Investments introduced Jonathan Crawford with Edge Realty, the broker on Margaret and Jim Smith's property.

PUBLIC HEARING CLOSED at 7:01 pm

The Planned Development changes which were reached by agreement changed from 85 permitted uses to the 46 items listed as follows as permitted uses on the property in discussion:

1. Accessory Building/structure (nonresidential) (e.g. Gazebo)
2. Art Dealer/Gallery
3. Artist Studio
4. Auto Supply Store for new and rebuilt parts (SUP)
5. Bakery (Retail)
6. Barber/Beauty Shop (Nail Salon/Spa requires SUP)
7. Bed and Breakfast Inn
8. Bike Sales and/or Repair
9. Book Store
10. Child Care Center Business, Kindergarten (SUP)
11. Computer Sales
12. Confectionary Store (Retail)
13. Convenience Store without gas sales (SUP)
14. Credit Union
15. Dance/drama/music schools
16. Dinner Theater (SUP)
17. Drapery Shop (SUP)
18. Financial Services (Advice/Invest)
19. Florist
20. Boutique Food or Grocery Store, approximately 5000 square feet in size
21. Furniture Sales (Indoor) (SUP)
22. Garden Shop (inside only, no outside storage)
23. Golf Course (mini) (SUP)
24. Handicraft Shop
25. Hardware Store
26. Health Club (indoors only) (SUP)
27. Insurance Agency Offices
28. Laundry/Dry Cleaning (Drop Off/Pickup Only)

29. Locksmith
30. Mailing Service (private)
31. Martial Arts School
32. Museum (Indoors)
33. Needlework Shop
34. Offices (brokerage, health, medical, legal, professional services)
35. Pet Shop/Supplies
36. Pharmacy (SUP), including compounding pharmacy
37. Philanthropic Organization (SUP)
38. Photo Studio
39. Photocopying/Duplicating
40. Real Estate Office
41. Restaurant
42. Restaurant (Drive-thru) (SUP)
43. Retail Store
44. Shoe Repair
45. Tailor Shop
46. Travel Agency

The height of the wall and landscaping were discussed as well as sidewalks around the property and adjacent areas near the property. Drainage ditches were also discussed.

COUNCIL ACTION (7.D.):

APPROVED

Mayor Pro Tem Bradley moved to approve the application of StreetLevel Investments to request approval of Ordinance Number 16-09-1021 as adjusted during the meeting 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. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- E. Consider and/or act upon the approval of Ordinance Number 16-09-1022 amending Appendix A, Fee Schedule.

Interim Finance Director Steven Ventura addressed Council that 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. Discussion among Staff and Council regarding various schedule fee changes to the following sections of Appendix A, Sec. A1.001 – city payment charges, changing from a flat rate to a percentage rate; Sec. A3.001 – parks and recreation usage fees; Sec. A5.004 – food, food establishments, and food vendor permit and inspection fees; and Sec. A6.001 – emergency medical services.

COUNCIL ACTION (7.E.):

APPROVED

Mayor Pro Tem Bradley moved to approve Ordinance Number 16-09-1022 amending Appendix A, Fee Schedule with the following change to Sec. A1.001 for online and telephone credit card payment for municipal court and building permits at 3.5%. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- F. Consider and/or act to approve Resolution Number 16-R-843 adopting the Collin County Hazard Mitigation Action Plan.

Interim Fire Chief Ed Henderson addressed Council that the original multi-jurisdictional Hazard Mitigation Action Plan (HMAP) for Collin County was adopted in 2011 and six jurisdictions were involved in the development of that plan (Collin County, City of Allen, City of Frisco, City of Lavon, City of Lucas and the City of Wylie). Updating of the HMAP started in 2014 with the addition of 14 jurisdictions, including the City of Murphy. The City of Murphy assembled a planning team to participate in the updating of the 2011 HMAP and the team consisted of the Mayor, Fire Chief, Fire Marshal, Assistant Fire Chief, Community ISD Board Member and NT Municipal Water District Board Member. Within the updated plan each jurisdiction is represented by an apex that serves to address their specific areas of vulnerability (Dam/Levee Failure, Drought, Earthquake, Expansive Soils, Extreme Heat, Flooding, Hail, High Winds, Lightning, Tornado, Wild Fire, Winter Storms, etc.). The Collin County HMAP has been given a preliminary approval by FEMA but now they are requesting a resolution signed by the Mayor before issuing their final approval of the plan.

COUNCIL ACTION (7.F.):

APPROVED

Mayor Pro Tem Bradley moved to approve Resolution Number 16-R-843 adopting the Collin County Hazard Mitigation Action Plan. Councilmember Berthiaume seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

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

COUNCIL ACTION (7.G.):

FAILED

Mayor Pro Tem Bradley moved to approve a request for funding from the Municipal Development District for drainage and parking improvements at Murphy Village. Councilmember Spraggins seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, and Councilmember Spraggins. Against: Deputy Mayor Pro Tem Siddiqui, Councilmember Berthiaume, Councilmember Fincanon, and Councilmember Reilly. The motion failed by a vote of 3-4.

8. CITY MANAGER / STAFF REPORTS

- A. Radio Systems – Recording system installation is in progress. Dispatch room is in the construction stage and moving forward.
- B. Food Truck Court – final cleanup was completed with final walk thru on Friday, 9/23. It is now ready for Maize Days.
- C. Sidewalk Rehabilitation Program – Timbers and Glen Ridge subdivisions have been completed and the project is moving on to The Aviary subdivision.

- D. South Maxwell Creek Sewer Line – Contractor cleaning up including Betz property and have hydro mulched. Contractor currently working at the south end of the project.
- E. North Murphy Road – TxDOT agreed to repair the damages incurred for one of the homeowners association along North Murphy Road. A signage plan will be submitted by the City to TxDOT for their approval to review signage along North Murphy Road. Three (3) of the four (4) subdivisions have accepted their reimbursement checks, Daniels Crossing is the only remaining subdivision. Rolling Ridge street light which is out at the entrance was discussed.
- F. Betsy Lane – Fencing is complete for Ms. Bailey and Thomas & Susan Sauter’s property. Access easement through Ms. Bailey’s property that the city utilizes has been cleaned up. Betsy Lane project signs will be removed. No trespassing signs will be installed once received by the City.
- G. Safe Routes to School – Push button heights have been adjusted. Curb and repairs will be completed as a sidewalk repair program. Working with the engineer on how best to complete the caps part of the project.

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 8:33 pm to discuss the following:

- A. §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 9:13 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. §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).
- B. Take Action on any Executive Session Items.

See Item 7. G.

11. ADJOURNMENT

With no further business, the Council meeting adjourned at 9:15 pm.

APPROVED BY:



Eric Barna, Mayor

ATTEST:



Susie Quinn, City Secretary

