

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
OCTOBER 18, 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 ALLEGIANCE

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

Don Kiertscher, resident addressed Council in regards to the public comments form to be discussed in agenda item 6H. He is not in favor of limiting speaker comments from five (5) to three (3) minutes as proposed. He questioned if the phone number and email address information will be available to anyone. He is concerned that the information could become a public record and therefore, the information could end up on a sales call list.

5. PRESENTATIONS

A. Presentation of financial report and investment report as of September 30, 2016.

Interim Finance Director Steven Ventura explained the financial report for month ending September 30th. On the "Account Balances" report, year-end expenditures transfers have been completed for MDD fund to the general fund and utility fund actually completed in October. The interest rate remains the same at 0.36% for September. The General Fund/MDD/CDC actual Sales tax collected over budget for fiscal year 2016 was \$88,000 and excludes the prior period adjustment. Revenues through September, other revenue amount reflects increase due to the insurance proceeds. Permits & licenses reflects registrations due to construction in the city for a total of 70 for the year as compared to 44 last year. General Fund Expenditures are over budget for Administration due to vacancies and having to fill with Interim contracts. Information Technology reflects financial agreements payments that were paid in fiscal year 2016 twice but one payment will be reversed and will be added back to fiscal year 2017. Facilities had an increase due to the hail damage. Parks also had a director vacancy that was not filled with a contracted Interim. Utility Fund-Other Revenue increased due to unexpected interest rate that was a better rate than anticipated. It was noted that the cap has been exceeded in water usage with the North Texas Municipal Water District contract. Utility Fund-Expenditure, wastewater collection are due

to an increase for sewer rates as the sewer rates were not adjusted last year but absorbed by the budget.

Outstanding Debt slides were provided for Tax Backed, Water & Sewer and MCDC – 4B (PSA building and Animal Shelter) in regards to type of issue, the dollar amount, and term length for when the specific project timelines will be paid.

6. INDIVIDUAL CONSIDERATION

- A. Consider and/or act to approve the October 4, 2016 Regular Council meeting minutes.

COUNCIL ACTION (6.A.):

APPROVED

Councilmember Fincanon moved to approve the October 4, 2016 Regular Council meeting minutes. Deputy Mayor Pro Tem Siddiqui 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 Dowdey, Anderson & Associates, Inc. requesting approval of a commercial re-plat. The property is located on 3.549 acres, having the legal description of Lot 2 Block A of the Heritage Addition. This property is located on W. FM544 adjacent to the property located on Shelby Trace.

Interim Director of Economic and Community Development Kelly Carpenter addressed Council stating that this property is being re-platted because it was a part of the agreement to develop this property, Baylor Emergency Medical Center made an agreement with the adjacent property owner. The city was not part of this agreement. This item is directly related to the re-plat of the residential property located on Shelby Trace, Item 6.C. One cannot be approved without the approval of the other. This item was approved unanimously by the Planning and Zoning Commission at the September 26, 2016 meeting. Staff recommends approval as long as Item 6.C. is approved.

Brian Jaffe, Dowdey, Anderson & Associates, Inc. explained to Council that during the construction of Baylor Emergency Medical Center with all of the construction noise, the hospital agreed to deed this piece of property to owners, Steinruck. Baylor Emergency Medical Center tried to dedicate property but the city's consultant would not approve, therefore; the request for re-platting of Baylor Emergency Medical Center and Steinruck properties will correct the situation.

PUBLIC HEARING OPENED at 6:18pm

PUBLIC HEARING CLOSED at 6:18pm

COUNCIL ACTION (6.B.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve the application of Dowdey, Anderson & Associates, Inc. requesting approval of a commercial re-plat. The property is located on 3.549 acres, having the legal description of Lot 2 Block A of the Heritage Addition. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0. Mayor Barna was absent.

- C. Hold a public hearing and consider and/or act on the application of Dowdey, Anderson & Associates, Inc. requesting approval of a residential re-plat. The property is located on .478 acres, having the legal description of Windy Hill Farms #3 (CMR), BLK I, Lot 1. This property is located on Shelby Trace.

Interim Director of Economic and Community Development Kelly Carpenter addressed Council that state law requires that when property lines are changed or lot sizes changed in a residential subdivision, then a public hearing must be held for owners of lots in the residential subdivision within 200 feet of the project. In this case, property is being added to a residential lot located at 430 Shelby Trace. This item is directly related to the re-plat of the Baylor Emergency Medical Center, Item 6.B. One cannot be approved without the approval of the other. A public hearing notification for this zoning change request was published in the newspaper and notification was mailed to the property owners within the required 200 feet notification radius. To date (10/21/2016) no reply forms have been received. This item was approved by the Planning and Zoning Commission at the September 26, 2016 meeting. Staff recommended approval since item 6.B. was approved.

PUBLIC HEARING OPENED at 6:19 pm

PUBLIC HEARING CLOSED at 6:19 pm

COUNCIL ACTION (6.C.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve the application of Dowdey, Anderson & Associates, Inc. requesting approval of a residential re-plat. The property is located on .478 acres, having the legal description of Windy Hill Farms #3 (CMR), BLK I, Lot 1. 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 on the application of Claymoore Engineering, requesting approval of a site plan, landscape plan, building elevations and construction plat for Murphy Professional Centre on a property located on approximately 1.5 acres on Brand Road just south of FM 544 to build a 10,500 square foot medical office building.

Interim Director of Economic and Community Development Kelly Carpenter addressed Council that the applicant is requesting approval of a site plan, landscape plan, building elevations and construction plat for Murphy Professional Centre on a property of approximately 1.5 acres on Brand Road just south of FM 544 to build a 10,500 square foot medical office building. This building will face Brand Road. This is the first of two buildings that will be built on this property. The property is part of PD 09-12-823 (Planned Development). The proposed use of medical offices is an approved use of the PD. The item was approved unanimously by the Planning and Zoning Commission at the September 26, 2016 meeting. Please note the sign 13 on the construction plat is a monument sign. Staff recommends approval of the construction plat, site plan, landscape plan and building elevations.

Conversation regarding residential properties in Plano and the distance between the residential property lines; the commercial buildings; interpretation of the Code of Ordinances, along with the other built commercial buildings in the area was discussed by Council.

Rian Maguire, CHC Development addressed Council's question in regards to the 100 foot setback of the development.

COUNCIL ACTION (6.D.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve the application of Claymoore Engineering, requesting approval of a site plan, landscape plan, building elevations and construction plat for Murphy Professional Centre on a property located on approximately 1.5 acres on Brand Road just south of FM 544 to build a 10,500 square foot medical office building. Councilmember Berthiaume seconded the motion. For: Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmember Berthiaume, Councilmember Spraggins, and Councilmember Fincanon. Against: Councilmember Reilly. The motion carried by a vote of 5-1. Mayor Barna was absent.

- E. Consider and/or act upon the approval of Resolution Number 16-R-843 to renew the Ambulance Billing Service Agreement between Emergicon, LLC, and the City of Murphy.

Interim Fire Chief Ed Henderson addressed Council that the current ambulance billing service agreement between the City of Murphy and Emergicon was extended for 30 days during the Council meeting on September 20, 2016. The contract has been reviewed by the city's legal staff and made suggestions that have been incorporated into the agreement. Staff identified seven (7) items that have been reviewed with Council. 1) estimated value of the contract at \$229,944 with \$11,497 sent to Emergicon (5%); 2) Emergicon will provide an annual report prior to renewal, at least sixty (60) to ninety (90) days before.; 3) Item 10B Billing has been corrected to be receive monthly invoices from Emergicon.; 4) Item 10E Add simple interest at an annual rate of 18% compounded daily, section has been removed from the contract. 5) Redline the old agreement against the new agreement.; 6) The contract increased from 5% to 6% was explained by Mr. Turner.; 7) The collection rate drop was also explained by Mr. Turner.

Christopher Turner, President and CEO of Emergicon, explained to Council in detail the billing collection management summary report, the EMS collections report – fiscal year 2016, and the performance analysis report.

COUNCIL ACTION (6.E.):

APPROVED

Councilmember Reilly moved to approve Resolution Number 16-R-843 to renew the Ambulance Billing Service Agreement between Emergicon, LLC, and the City of Murphy. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6-0. Mayor Barna was absent.

- F. Consider and/ or act on Resolution Number 16-R-844 to approve the establishing of a new Capital Projects Advisory Committee.

City Secretary Susie Quinn addressed Council that the proposed resolution will determine the name of the Committee, the number of members and the length of term of the Committee members. Staff is recommending to approve Resolution Number 16-R-844 establishing the name of the Committee, the number of members and the length of the term of the Committee.

COUNCIL ACTION (6.F.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve Resolution Number 16-R-844 with additions of the name of the Committee to be Capital Projects Advisory Committee with a specific number of members to be seven (7) for a two (2) year term. Councilmember Berthiaume seconded the motion. For: Unanimous. The motion carried by a vote of 6-0. Mayor Barna was absent.

- G. Consider and/ or act on the extension of Sanitary Sewer Service to property located at 1101 N. Murphy Road, aka, the Chalkley Tract.

PUBLIC COMMENTS

Dr. Lorraine Chalkley, resident presented to Council a detailed timeline that began 1976 through 2016 of the sewer connections and water connections to property, 1101 N. Murphy Rd.

City Manager Mike Castro addressed Council that the tracts were annexed into the City of Murphy on August, 19, 1996 under the provisions of the Ordinance No. 401. At the time of annexation, the city filed a service plan for the subject property and provided water and sewer. The City Attorney has provided his opinion that the City of Murphy has met the provisions of the original service plan. The City is not required to service this property to ultimate buildout. Granted Utility easement that the City owns is at the southeast corner of Betsy and North Murphy Road, this easement was integral to and part of TxDOT for the expansion of North Murphy Road. A separate easement would have been required to accommodate expanded sewer system to the Chalkley tract. A utility easement was requested by the City for the east side of the tract and refused at the time by the Chalkleys. The sewer expansion to the Chalkley tract was eliminated from the TxDOT North Murphy Road project.

To accomplish what Dr. Chalkley seeks would require new construction of a sanitary sewer line to the east of the Chalkley property. The required line would be a minimum of eight inches in diameter and would extend for approximately 850 linear feet. The line would begin near the southeast corner of the Chalkley tract. The line would traverse both N. Murphy Road and Betsy Lane. The line would run within the Betsy Lane right-of-way, on the southern portion of the city right-of-way, connecting with an existing manhole in the vicinity of Cactus Path Drive and Betsy Lane. The newly constructed sewer line could potentially serve two other undeveloped properties in the same vicinity. The current projected cost of the line is \$130,000. Staff have met with Dr. Chalkley on two occasions to discuss the matter in detail. It is understood that development of the property is not imminent. Any depictions of planned / proposed developments are conceptual in nature and do not reflect a pending submission.

What follows is a discussion of options that present themselves at this juncture.

1. Status Quo
2. Include in November 2017 Bond Election
3. Fund through Utility Reserves
4. Utilize Pro-Rata Funding
5. Utilize Economic Development Funding
6. Sewer Impact Fee Credits

Staff is to investigate and document the existing sewer line on Chalkley tract.

COUNCIL ACTION (6.G.):

NO ACTION

H. Discussion regarding updating the Governance Policy.

City Secretary Susie Quinn addressed Council that the governance policy has not been reviewed since November 15, 2010. Provide guidance to staff regarding changes Council would like to see, if any, made to the Governance Policy and/or the agenda format. The public comment form needs to be updated to include each citizen's phone number and email address. The amount of time to speak has been proposed to be changed from five minutes to no more than three minutes. Should Council wish to make this change, the Governance Policy Ordinance would need to be amended at the next Council meeting. The agenda format should also be reviewed as the City of Murphy will begin using an agenda software program in the upcoming months and now is the time to make any changes that Council would like to incorporate to the agenda format style.

Council consensus was to add the phone number and email address but make them both optional for the citizen to complete if they choose. The amount of time on the public comment form will remain as it is. Moving the **City Manager / Staff Reports** was requested to be moved before the items that are voted on (**Consent Agenda Items** and/or **Individual Consideration**) with regard to agenda format changes. It was discussed to try moving the **City Manager / Staff Reports** for a couple of meetings to see how it might work.

Ryan Sullentrup, resident, commented that he would like to see the **City Manager / Staff Reports** moved to the beginning of the meeting.

COUNCIL ACTION (6.H.):

NO ACTION

7. CITY MANAGER / STAFF REPORTS

- A. Radio Systems – Tile floor is installed and door has been replaced. Ongoing work continues in the server room, and the AC for the server room is functional. Dispatch consoles are arriving the 2nd week in November.
- B. Update on Maize Days – Caitlyn Mullins provided to Council an overview on the event. New layout and location made for a successful festival that brought approximately 11,500 people throughout the day. The survey results were positive and most people indicated that they will return to Maize Days again. Next Year's date is scheduled for Saturday, September 30, 2017. Event was advertised

and promoted in newspaper, signs & banners, social media and online. A Snap Chat filter was introduced and was well received. Vendors consisted of 13 Food vendors and 64 Market vendors, food truck vendors specifically enjoyed the new food truck court. Community Outreach and Special Programs included Touch-a-Truck, Murphy Community Classic Football Game, Classic Car Show and the Punkin' Chunkin' (which raised \$2300 for a student scholarship and a teacher grant). Festival attractions included activities for tweens and teens, preschool and school age children. Entertainment included community stage performances, Charlie Robison on the main stage amphitheater and fireworks finale. Volunteers consisted of returning volunteers from past years because they enjoyed participating in Maize Days. Council complimented staff for their hard work to provide a very successful Maize Days in 2016.

- C. Sidewalk Rehabilitation Program – The Aviary repairs completed last week, currently working in the Maxwell Creek subdivision. Next on the list will be Murphy Farms and that will begin expending the FY 17 funds.
- D. South Maxwell Creek Sewer Line – Contractors are progressing, 1300 hundred feet east of McCreary Road. Once finished on the south end, it will move to the north of FM 544. At the November 1st agenda will have a change order to present to Council on this project to assist the city in the sanitary sewer overflow issues.
- E. North Murphy Road – The decorative lights have been installed at Rolling Ridge subdivision entrance. Regarding the retaining walls at Wagon Wheel and North Murphy Road, staff has sent pictures to the TxDOT engineer for repairs. TxDOT engineer acknowledged receipt of the pictures and assured that the repairs would be taken care of and staff will follow up with TxDOT about that item for completion.
- F. Betsy Lane – The City has accepted the project and assumed maintenance. Staff will monitor vegetation in the medians through the Spring, if problems arise with the vegetation the contractor will be contacted to address the issues as this will fall under the warranty period.
- G. Safe Routes to School – Letters have been installed on the monument signs. Memorandum of Understanding has been signed by all parties and processing the final pay requests for close out of the project.
- H. Upcoming events – the list was included in the packet and consists of:
- Fall Drug Take Back – Saturday, October 22, 2016 from 10 am until 2 pm at the Police Station – 206 North Murphy Road, Murphy, Texas
 - Arbor Day – Saturday, November 5, 2016 from 9 am until 11 am behind the Murphy Community Center – 205 North Murphy Road, Murphy, Texas
 - Early Voting – October 24 through November 4, 2016 at the Community Center – 205 North Murphy Road, Murphy, Texas

- Election Day – Tuesday, November 8, 2016 from 7am until 7pm at the Community Center – 205 North Murphy Road, Murphy, Texas
- Christmas in the Park – December 1, 2016 5 pm until 8pm at the front of City Hall – 206 North Murphy Road, Murphy, Texas

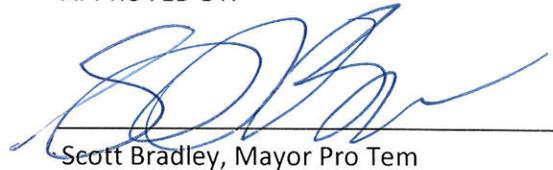
Requested Items for Staff to bring to future Council meetings:

- Update on the Department Head vacancies
- Park playground equipment to be more ADA compliant
- Research tiny libraries

8. ADJOURNMENT

With no further business, the Council meeting adjourned at 8:19 pm.

APPROVED BY:



Scott Bradley, Mayor Pro Tem

ATTEST:



Susie Quinn, City Secretary

