

CITY COUNCIL MINUTES  
REGULAR CITY COUNCIL MEETING  
MARCH 21, 2017 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 the 4<sup>th</sup> Annual Recycle Truck Art Contest Awards Ceremony.

Customer Services Manager Candy McQuiston thanked Council for their continued support of the Keep Murphy Beautiful project. The winners of the 4<sup>th</sup> Annual Recycle Truck Art Contest were recognized. The contest involved creating art work that has a mascot with an emphasis on recycling and the contest was open to local school students who live or attend a Murphy school. Close to one hundred (100) entries were received, all of the contestants who participated were thanked. Waste Connections (formerly Progressive Waste Solutions) has partnered and promoted the contest with Keep Murphy Beautiful and the City of Murphy for the last four years.

Elizabeth Keller with Waste Connections (formerly Progressive Waste Solutions) was welcomed and made a few remarks. Waste Connections was very happy to be a part of this endeavor with the City of Murphy. She remarked that Waste Connections feels that they do more than just service trash and recycling, but are also a part of the community. She also remarked that the company is changing the name from Progressive Waste Solutions to Waste Connections, all trucks will be rebranded and will arrive onsite shortly to display the new artwork for everyone to see. It was also stated that the application of the new changes to the trucks was completed by a local Murphy Company.

Mayor Barna thanked the judges: Councilmember Betty Spraggins, Councilmember Sarah Fincanon, Mary Pat Elledge, Debra Mandala and Elizabeth Keller. He also thanked Waste Connections (formerly Progressive Waste Solutions) for their sponsorship of the project and continued support.

Mayor Barna announced each winner individually, presented each winner with a certificate, gift card and a photograph was taken with each winner.

**Second Place Winners - Received a certificate and a \$50.00 gift card**

Varshini Arulkumaran  
Riley Welock  
Sydney Trieu

**First Place Winners - Received a certificate and \$300.00 gift card and their artwork will be displayed on trucks that service Murphy.**

Asha Sareen  
Taarena Rathore  
Katie Nguyen

Mayor Barna, all the contest participants, and the Green Team gathered for a group picture.

**Mayor Barna temporarily recessed the Council Meeting at 6:13 pm.**

Council and all who were in attendance were asked to step outside in front of City Hall to view one of the Waste Connections (formerly Progressive Waste Solutions) trucks where the artwork for the new name and the winning art on the sides of the truck were revealed. Refreshments were served in the atrium.

**Mayor Barna reconvened the Council Meeting at 6:26pm.**

B. Presentation of financial report as of February 28, 2017.

Interim Finance Director Alan Guard presented to Council the financial report for February 28, 2017. Account Balances increased significantly in December and January due in part to when the city received property taxes. In February, the City paid debt service payments plus the principal and interest payments. In the General Fund Revenues explanation slide, current property taxes collected YTD total \$6.96 million in the General Fund or 98.2% of budget. Sales Tax collected through February in the General Fund totals \$871K or 45.1% of budget. A Texas Municipal League insurance payment in the amount of \$639,628 related to the 2016 hailstorm was received. Permits & Licenses – issued 2 single family building permits in February, for a total of sixteen (16) for the fiscal year. Issued four (4) single family building permits in February of last year with a year to date total of twenty-three (23). All departments are within their parameters for expenditures with the exception of Facilities (hail storm damage repair), IT (hardware purchases, software maintenance and equipment leases) and pay plan increases across departments. General Fund/MDD/CDC slide explanation, sales tax reported in March is for receipts in January, two months behind. All sales tax thru March 2017 is \$161,843 or 8.8% more than thru March 2016. Only one month has been lower than the same month in the prior fiscal year, February. March bounced back. Four months of double digit increases is recorded. Utility Fund Expenditure slide explanation, cost of water and cost of sewer both up over last year due to increased usage. Debt service payment made in February. Bulk of the water sales will occur during the summer months. Staff will probably add a budget amendment to a future City Council agenda.

C. Presentation by John Wideman, Chair of the Capital Projects Advisory Committee.

Capital Projects Advisory Committee Chair John Wideman provided Council with an update on the progress of the Committee. He thanked Council and city staff for all of their assistance. The

Committee is a fantastic team who is very engaged. They are one hundred percent (100%) on track and will deliver a final recommendation according to Council's expectations and on time. The Committee reviewed previous processes and came to the conclusion that there was not a real process in place to follow, so the Committee developed a process that is repeatable for future Committees if they choose to follow it. The process is based on Murphy's vision statement and guiding principles.

Chairman Wideman shared with Council an example of the Project Overview form explaining that there are eight (8) evaluation criteria that focuses on public input that will have a quantitative and qualitative component with a one (1) for low, three (3) for medium, and five (5) for high, ranking for each evaluation criteria and a section to input comments. After each staff presentation, the Committee is utilizing the form to rank and enter the eight (8) evaluation criteria. The information compiled should be beneficial to Council. The Committee has had two (2) Saturday work sessions and hope to schedule one (1) more work session, Council is invited to attend. Public participation at the meetings has been light and the Committee has scheduled two (2) upcoming Town Hall meetings for Saturday, April 22 at 10:00am and Tuesday, April 25 at 6:30pm. The format for the Town Halls will be a vendor fair format with storyboards for a visual representation to display the types of requests that have been presented to the Committee by city staff. The storyboards will be displayed outside Council Chambers in the atrium of City Hall prior to the start of the Town Hall meeting for residents to review and formulate questions. An explanation of the review process will be explained to the public with everyone meeting back in the Council Chambers for further discussion with City Staff (Subject Matter Experts). Staff and the Committee have worked with Celso Martinez of Municipal Voice to develop a formal communication process ensuring that the process is repeatable for future committees. The Committee and Celso have worked on a communication plan for the two (2) Town Hall meetings that will be available to residents. Chairman Wideman shared final observations with Council that a few of the requests presented to the Committee have a high percentage of deferred maintenance. A suggestion for the future is that the City develop an ongoing maintenance plan for the years ahead so that the city doesn't have to implement deferred maintenance as part of a bond package. The process timeframe is very compressed and staff has done a wonderful job of providing cost estimates. The committee understands that since the time is so compressed, staff is limited in what they are able to present as far as cost estimates could be, so the numbers may change. Council thanked the members of the Committee for all of their work and dedication. Committee members also in attendance are Greg Matocha, Chris Holloway and Chris George.

## 5. PUBLIC COMMENTS

None were presented.

## 6. CITY MANAGER/STAFF REPORTS

- A. Radio Systems – Chief Trey Cotten stated that the installation for the bump out system is progressing well but they still have a few items to complete at the Police Department during the last week of

March. Training will be held on March 27 through 31. The final software piece to be installed will be ProQA. The project is on track and on budget.

- B. Sidewalk Rehabilitation Program – Public Services Director Tim Rogers provided an update to Council that Stratford, Hunter’s Landing and Daniel Crossing have been completed and about 90% of the funding has been expended. A couple of small locations still need to be addressed but they may be completed in conjunction with the opening of the Timbers Nature Preserve.
- C. South Maxwell Creek Sewer Line –Public Services Director Tim Rogers stated that the project is moving slow. The crew installed one manhole on the north side and are waiting on delivery of pipe. The crew is working down in the manholes, cleaning and getting ready for testing to complete final inspections. On the south, the infrastructure for the utilities is installed so when the testing is completed, the old lines will be tied to the new lines. Anticipated date of completion is May but will be determined by the weather and the location, as some areas are very deep where the crew is working, so it will be moving slowly.
- D. Upcoming Events –
- Community Clean & Green/Great American Clean-up – Saturday, April 1, 2017 at City Hall parking lot, from 9:00 am until Noon, 206 North Murphy Road, Murphy, Texas 75094
  - Earth Day (recognized on April 22<sup>nd</sup>) but KMB will recognize it on Friday, April 21<sup>st</sup> at the Moonlight Movie Event, *Finding Dory*, 8:00 pm, Murphy Central Park Amphitheater – 550 North Murphy Road, Murphy, Texas 75094
  - Drug Take Back (Police Department and KMB partner on this) is on Saturday, April 29<sup>th</sup> in front of the Police Station, from 10:00 am until 2:00 pm, 206 North Murphy Road, Murphy, Texas 75094
  - Tunes, Tails, & Ales on Saturday, April 29<sup>th</sup> from 1:00 pm to 8:00 pm, Murphy Central Park, 550 North Murphy Road, Murphy, Texas 75094

Regarding the Parks Master Plan – the Parks Board will hold a Public Meeting to brief the public on the plan. The public meeting is scheduled for April 10, 2017 at 6:30pm and consultant will be facilitating the meeting.

## 7. 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 March 7, 2017 Regular Council meeting minutes.
- B. Consider and/or act to approve the March 13, 2017 Special Council meeting minutes.
- C. Consider and/or act to approve a Professional Services Agreement with HealthTexas Provider Network.

### **COUNCIL ACTION (7.A.-7.C.):**

**Mayor Pro Tem Bradley moved to approve the consent agenda as presented. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.**

**APPROVED**

**8. INDIVIDUAL CONSIDERATION**

- A. Discuss the FY 2016 Comprehensive Annual Financial Report. *Alan Guard, Interim Finance Director*

Interim Finance Director Alan Guard introduced John Manning with Pattillo, Brown & Hill, L.L.P (PB&H).

John Manning provided Council with a copy of the FY 2016 Comprehensive Financial Annual Report. Mr. Manning began by explaining that PB&H audited the accompanying financial statements of the governmental activities, and the business-type activities. The aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Murphy, Texas, as of and for the year ended September 30, 2016, and the related notes to the financial statements, which collectively comprised the City of Murphy, Texas' basic financial statements. Even though the report is about one hundred twenty (120) pages, only about six or seven (6 or 7) pages belong to PB&H (financial statements) as the contents of the presented document are the responsibility of the City. PB&H's responsibility is to express opinions on the financial statements based on the audit. The numbers behind the report actively state the financial position of the City as of September 30, 2016. The annual report is an unmodified opinion, meaning that the auditor did not have to modify these opinions for exceptions or items that are not correct. When an "exception" is added, it is referred to as a "modification". The City of Murphy has not had any modifications in the past which is a plus especially since the city is looking to issue bonds. Mr. Manning referenced management's discussion in the analysis comments section where the auditors added the numbers but the narrative is predominately provided by the City. That section of the report has comparative totals for this year versus last year financials. Mr. Manning provided Council an in depth discussion in relation to the following sections of the comprehensive report: financials that included basic financial statements; statistical documents, continuing disclosure (unaudited) tables and compliance narrative.

**COUNCIL ACTION (8.A.)**

**DISCUSSION ONLY**

**Prior to discussion of the individual items 8.B., 8.C., and 8.D.**

**Myron Dornic on behalf of StreetLevel Investments** requested Council to remand Items 8.B., 8.C., and 8.D. back to Planning and Zoning Commission for further study.

City Attorney Andy Messer addressed Council on the question that was asked at the previous meeting, March 7, 2017 regarding what happens if "no action" is taken by Council. City Attorney reviewed the city ordinances, and the City Council options are to approve; deny; defer or refer back to Planning & Zoning Commission.

- B. Consider and/or act on Ordinance No. 17-03-1031 approving a Specific Use Permit (SUP) allowing a drive-thru for an Andy's Frozen Custard restaurant to be located on a 4.696 acre tract of land at the south west corner of Timber Ridge Drive and FM 544 zoned Neighborhood Services (NS) in Planned Development (PD) District 16-09-1021 having the legal description of ABS A0579 Henry Maxwell Survey, Tract 75.

**Keith Patton, resident** addressed Council on the concern of stacking of the development.

**COUNCIL ACTION (8.B.):**

**APPROVED**

**Mayor Pro Tem Bradley moved to remand Item 8.B. back to Planning and Zoning Commission for further consideration. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.**

- C. Consider and/or act on Ordinance No. 17-03-1032 approving a Specific Use Permit (SUP) allowing a drive-thru Jason's Deli restaurant to be located on a 4.696 acre tract of land at the south west corner of Timber Ridge Drive and FM 544 zoned Neighborhood Services, in Planned Development (PD) district 16-09-1021 having the legal description of ABS A0579 Henry Maxwell Survey, Tract 75.

Guidance was provided to the applicant as to why the City of Murphy has the Specific Use Permit (SUP) relating to drive-through's, it was explained that the SUP is in place to protect the City.

***COUNCIL ACTION (8.C.)***

***APPROVED***

**Mayor Pro Tem Bradley moved to remand Item 8.C. back to the Planning and Zoning Commission for further consideration. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.**

- D. Consider and/or act on Ordinance No. 17-03-1033 amending the Development Conditions and Standards and approving a Concept Plan located for a 4.696 acre tract at the south west corner of Timber Ridge Drive and FM 544 zoned Planned Development (PD) District 16-09-1021, having the legal description of ABS A0579 Henry Maxwell Survey, Tract 75.

***COUNCIL ACTION (8.D.)***

***APPROVED***

**Mayor Pro Tem Bradley moved to remand Item 8.D. back to the Planning and Zoning Commission for further consideration. Councilmember Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.**

- E. Hold a public hearing and consider and/or act on Ordinance No. 17-03-1035 amending Planned Development (PD) 09-07-803 to add Gymnastics as an approved use within the District, an approximate 1.19 acres of land having the legal description of ABS A0403 Isaac Herring Survey, Tract 30, located on the south west corner of North Murphy Road and Betsy Lane. (Applicant Engineering Concepts)

Director of Community and Economic Development Jared Mayfield addressed Council that the applicant is requesting an amendment to the PD (Planned Development) District to allow, by right, "Gymnastics" as a use on the list of Permitted Uses. Permitted Uses in this Planned Development District would be amended to include Gymnastics, along with:

- a. Automotive Gasoline or Motor Fuel Service Station
- b. Bank
- c. Offices (Health Services)
- d. Offices (Legal Services)
- e. Offices (Professional)
- f. Real Estate Offices
- g. School, K through 12 (Private) (SUP)
- h. Swim School

The site plan, construction plan, landscape plan and building elevations for this building were approved by City Council on August 16, 2016. To date (March 10, 2017) the City received the following responses via Reply Forms, emails and Public Comment forms: In Favor: 2; Opposed: 0.

On March 6, 2017 the Planning and Zoning Commission unanimously recommended approval of this item.

**PUBLIC HEARING OPENED at 7:17pm**

**Keith Patton, resident** addressed Council on traffic concerns going in and out of the proposed location.

**PUBLIC HEARING CLOSED at 7:19pm**

***COUNCIL ACTION (8.E.)***

***APPROVED***

Mayor Pro Tem Bradley moved to approve Ordinance No. 17-03-1035 amending the Planned Development (PD) 09-07-803 to add Gymnastics as an approved use within the District, an approximate 1.19 acres of land having the legal description of ABS A0403 Isaac Herring Survey, Tract 30, located on the south west corner of North Murphy Road and Betsy Lane. (Applicant Engineering Concepts). Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

**9. EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 7:20 pm to discuss the following:

- A. § 551.071: Consultation with City's Attorney on a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding zoning, moratorium, and land use.
- B. § 551.071: Consultation with City's Attorney regarding pending litigation – City of Murphy vs George Parker, dba Parker Tree Service.
- C. § 551.087: To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Murphy and with which the City is conducting economic development negotiations; and/or to deliberate the offer of a financial or other incentive to the business prospect.

**10. RECONVENE INTO REGULAR SESSION**

The City Council reconvened into Regular Session at 7:40 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding, and he read the following into the record:

- A. § 551.071: Consultation with City's Attorney on a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding zoning, moratorium, and land use.
- B. § 551.071: Consultation with City's Attorney regarding pending litigation – City of Murphy vs George Parker, dba Parker Tree Service.
- C. § 551.087: To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Murphy and with which the City is conducting economic development negotiations; and/or to deliberate the offer of a financial or other incentive to the business prospect.

No motions were made but the following statements were made: The Council is internally acting on the moratorium and Staff has provided Council a list of all of the uses for the retail landscape, Council is to provide Staff feedback

**11. ADJOURNMENT**

With no further business, a motion was entertained by the Mayor and the Council meeting adjourned at 7:40 pm.

APPROVED BY:



Scott Bradley, Mayor-Pro Tem

ATTEST:

Susie Quinn, City Secretary