

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 20, 2017 AT 6:00 PM

1. CALL TO ORDER

Mayor Bradley called the meeting to order at 6:00 pm.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor 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 Scott Bradley
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Jennifer Berthiaume
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Don Reilly

4. PUBLIC COMMENTS

Abbas Shah with East Plano Islamic Center personally extended a warm invitation to Murphy City Council Members to an "End of Ramadan EID Celebration Event and Dinner" to occur on Thursday, June 29, 2017.

5. PRESENTATIONS

- A. Presentation of a check to the Murphy Chamber of Commerce Scholarship Fund from Tunes, Tails and Ales. *Kayla McFarland, Special Events Coordinator*

Special Events Coordinator Kayla McFarland provided an overview of the 2nd annual Tunes, Tails and Ales event held on Saturday, April 29, 2017. Partnering with Brewvolution for the event hosted thirty-two (32) beer vendors, six (6) additional vendors within the tent, crawfish caterer (sold three hundred (300) pounds) and four (4) food trucks. Due to the limited size of the tent, five hundred forty-eight (548) tickets were sold for the event with one dollar of each ticket sold to be donated to a charity of the City's choice, which was the Murphy Chamber Scholarship Foundation. Nellie and Chad Montgomery, owners of Brewvolution, LLC graciously rounded up the shortfall of four hundred sixty-two dollars (\$462.00) and created a \$1,000 scholarship award. Nellie and Chad Montgomery, owners of Brewvolution, LLC; Debra Mandala, Executive Director of the Murphy Chamber of Commerce, Jon Lashbrook who serves as volunteer Director of Education and President of Murphy Chamber Scholarship Foundation, all joined Special Events Coordinator Kayla McFarland to present the \$1,000 check.

- B. Presentation of a Proclamation designating July as Park and Recreation Month. *Matt Foster, Parks Superintendent*

Councilmember Fincanon recognized and presented a Proclamation to the Parks and Recreation staff designating July as Parks and Recreation month. Councilmember Fincanon thanked staff.

- C. Presentation from the Capital Projects Advisory Committee (CPAC) regarding a possible Bond Election on November 7, 2017. *John Wideman, CPAC Chair*

CPAC Chair John Wideman read the following: Honorable Mayor Scott Bradley and Members of City Council. On behalf of the seven members of the Capital Projects Advisory Committee (CPAC), I am happy to report we have completed our work for the November 2017 Bond Election. Our detailed work includes: priority list of Capital Projects; specific recommendation of the funds requested/needed and estimated tax rate impact to the residents of Murphy. The CPAC first met on December 13, 2016 and subsequently held thirteen (13) meetings, three (3) work sessions and two public town hall meetings. Each member committed over fifty (50) hours to this process. Our team also created a formal structured process guiding us in the development of our recommendation. We believe our final recommendation is intuitive, accounts for project linkages, is sequenced in a logical order, considers dependencies, and most importantly meets the needs of Murphy and its citizens. In summary, our final recommendation includes; \$27.4M in General Obligation Bonds supporting prioritized projects; Parks and Rec (\$3.6M), Public Safety (\$4.9M), and Roads, Drainage and Infrastructure (\$18.9M) and \$5.2M in Certificates of Obligation supporting prioritized Water projects. We look forward to sharing further details with you in our joint special meeting, Wednesday, June 21st, 2017.

- D. Presentation of the financial report for the month ending May 31, 2017. *Karen Montgomery, Finance Director*

Finance Director Karen Montgomery presented to Council an update on the financial report for the month ending May 31, 2017 that displayed account balances ending with interest income increases and an interest rate of 0.71%.

General Fund/MDD/CDC

- Sales tax reported for June: April sales and two month lag.
- June sales tax collections - \$2,319 more than last June, 101% of last June collections and 8% increase year to date.
- Five out of nine (5 out of 9) months of double digit increases; May & June relatively flat.
- If July through September remain flat, will still exceed FY16 and FY17 budget.

General Fund Revenue explanation YTD through May 2017 (67% of fiscal year):

Property Taxes - \$7.1 million, or 100% of budget

Sales Taxes - \$1.3 million, or 70% of budget

Franchise fees - \$820K, or 78% of budget

Other Revenue:

- TML insurance payments of \$795,245 (not budgeted)
- Drainage fees of \$149,536 (214% of budget)
- Solid Waste Revenue \$615,359 (68% of budget)
- EMS Revenue \$142,600 (70% of budget)

Municipal Court revenue - \$205,597, or 69% of budget

Permits & Licenses:

- Zero (0) single family permit issued in May 2017; twenty-one (21) total year to date
- Two (2) single family permits in May 2016; thirty-eight (38) total year to date

General Fund Expenditure explanation YTD through May 2017 (67% of fiscal year): Expenditures are at 67% of budget

Key variances from last month are still affecting year to date results:

- Facilities is over budget due to 2016 hail storm and other emergencies that arose (FY17 - \$702,912)
- IT dept. is 83% expended due to hardware purchases and equipment leases, insufficient budget
- Pay plan increases in all departments
- Timing of purchases affects variances

Utility Fund Revenue and Expenditure explanation YTD through May 2017 (67% of fiscal year):

- Water Revenue 52% of FY17 budget compare to 66% of FY16 budget
- Wastewater revenue 62% of FY17 budget compare to 71% of FY16 budget
- Water and sewer costs higher than prior year
- Sales (usage) expected to increase in summer (weather dependent)

NewGen Strategies consultant has been working on incorporating the updated expenditures for the cost of water and sewer to the current study (will be an update). CPAC also requested to incorporate their recommendation of certificate of obligation of \$5.2m into the analysis presentation. NewGen Strategies is scheduled to present to City Council on Monday, June 26, 2017 at the budget worksession.

6. CITY MANAGER/STAFF REPORTS

- A. South Maxwell Creek Sewer Line - Public Services Director Tim Rogers stated that the project has reached a milestone as all major pertinences are in the ground (manholes and sewer lines, but they have not been connected yet). All testing (vacuum, mandrel, pressure) has to be completed before going active and have to install the fence on the manholes. Met with contractor to determine a realistic timeline for completion of the project. Contractor provided two dates (weather permitted, barring no major storm events), substantial completion of the project to be September 22, 2017 with the system live and the remaining ascetic items and a final clean up date to be October 31, 2017.

- B. Parks Master Plan - Public Services Director Tim Rogers stated that the recommendations from the public outreach meeting have been incorporated into the plan. Last month, the Parks Master Plan was presented to the Parks board for their review and they have requested to add a couple of items. The plan has been submitted to Dunkin Sims Stoffels Incorporated, consultant for their review and all looks good. Currently, the Parks Master Plan is with Texas Parks and Wildlife for their review barring no surprises. The consultant is anticipating receiving the approved document in a week but it could take as long as a month. If the plan is received in a week, the item will be added to the July, 2017 Parks meeting otherwise it will be at the August, 2017 Parks meeting date before presenting plan to Council for final approval.

C. Upcoming Events

Sounds at Sundown Summer Concert Series - Fridays in June from 8:00 pm to 10:00pm. Food trucks open at 7:00 pm. Central Park Amphitheater at 550 N. Murphy Road - Murphy, Texas 75094.

- **M80's** - Friday, June 23, 2017 from 8:00 pm to 10:00 pm
- **Emerald City Band** - Friday, June 30, 2017 from 8:00 pm to 10:00 pm

City offices are closed Tuesday - July 4, 2017 for Independence Day

Low Cost Vaccine Clinic - Saturday, July 22, 2017 from 10:00 am till NOON at the Animal Shelter - 203 N. Murphy Road - Murphy, Texas 75094 (Directly behind the Murphy Community Center)

7. ELECTION PROCEDURES

Mayor Bradley stated for the record that the agenda posted for Tuesday, June 20, 2017 meeting had the ordinance numbers typed incorrectly but the motions and the minutes reflect the correct ordinance numbers.

- A. Consider and/or act upon approval of Ordinance Number 17-06-1046 canvassing and declaring the election results of the June 10, 2017 Runoff Election. *Susie Quinn, City Secretary*

City Secretary Susie Quinn stated that the unofficial results posted on Saturday, June 10, 2017, had changed. The posted vote difference was three (3) votes but after the provisional vote was counted the difference changed to a two (2) vote difference for the final presented results.

COUNCIL ACTION (7.A.)

APPROVED

Councilmember Berthiaume moved to approve Ordinance Number 17-06-1046 canvassing and declaring the election results of the June 10, 2017 Runoff for the 2017 General Election. Councilmember Fincanon second the motion. For: Unanimous. The motion carried by a vote of 6-0.

- B. Issue Certificate of Election. *Mayor Scott Bradley*

Mayor Scott Bradley presented Chris George a Certificate of Election that stated: In the name and by the authority of the State of Texas, this is to certify that at a general runoff election held on June 10, 2017 Chris George was duly elected Council Member Place 3 of the City of Murphy. In testimony whereof, I have hereunto signed my name and caused the Seal of the City of Murphy to be affixed this 20th day of June, 2017. Mayor Scott Bradley, Presiding Officer of Canvassing Authority.

COUNCIL ACTION (7.B.)

NO ACTION

- C. Administer Oath of Office to newly elected Council Member. *Susie Quinn, City Secretary*

City Secretary Susie Quinn administered the Oath of Office to Chris George for Council Member Place 3. Chris George was seated to Council Member Place 3.

COUNCIL ACTION (7.C.)

NO ACTION

- D. Consider and/or act upon nominations and election for Mayor Pro Tem. *Susie Quinn, City Secretary*

Mayor Scott Bradley called for nominations for the position of Mayor Pro Tem. Councilmember Reilly nominated Councilmember Berthiaume for the office of Mayor Pro Tem.

COUNCIL ACTION (7.D.)

APPROVED

Mayor Bradley called for a vote on the nomination of Councilmember Berthiaume for Mayor Pro Tem.

For: Unanimous. The nomination carried by a vote of 7-0.

- E. Consider and/or act upon nominations and election for Deputy Mayor Pro Tem. *Susie Quinn, City Secretary*

Mayor Scott Bradley called for nominations for the position of Deputy Mayor Pro Tem. Councilmember Spraggins nominated Councilmember Fincanon for Deputy Mayor Pro Tem.

COUNCIL ACTION (7.E.)

APPROVED

Mayor Scott Bradley called for a vote on the nomination of Councilmember Fincanon for Deputy Mayor Pro Tem. For: Unanimous. The nomination carried by a vote of 7-0.

8. 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 May 19, 2017 Budget Work Session meeting minutes. *Susie Quinn, City Secretary*
- B. Consider and/or act upon the issuance of a special permit to allow a fireworks display during the Murphy Maize Days celebration on September 30, 2017. *Kayla McFarland, Special Events Coordinator*

COUNCIL ACTION (8.A. and 8.B.)

APPROVED

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

9. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing and consider and/or act on Ordinance Number 17-06-1047 approving the application of Ruth Ononogbu for an amendment to Planned Development 05-07-663, adding a Concept Plan, for property located on 1.64 acres, having a legal description of ABS A0699 George H. Pegues Survey, Tract 31. *Jared Mayfield, Community & Economic Development Director*

Community & Economic Development Director Jared Mayfield stated that the property is located on the west side of North Murphy Road, just south of the Murphy Activity Center. The property is

zoned Town Center with a Planned Development (PD) District overlay. The PD, approved by City Council in July 2005, encompasses the subject property along with several other tracts of land between the DART railroad right-of-way to the south, the City of Murphy Community Center (adjacent to Glen Ridge Estates) to the north, and Windy Hill Farms to the west. The PD requires a Concept Plan to be submitted for the entire site prior to the acceptance of a site plan for individual tracts. The property contains an existing white frame house, which will be demolished to make way for a two-building commercial development. The proposed Concept Plan shows development will occur in two phases. Phase I included a 4,984 square foot, two tenant building with a gazebo at the northwest corner of the property. Phase II included a second building separated by a courtyard. Access is provided via Murphy Road and through the front parking area of the Murphy Activity Center. In order to accommodate the future development of adjoining tracts of land, the applicant provided cross access easements and utility easements. Any proposed development on these other tracts of land would require a Concept Plan amendment. No changes to the PD, including building setbacks or permitted uses, were requested. Proper notice was sent to the surrounding property owners. As of June 12, 2017 one "in favor" Reply Form was received. Action requested by staff is consider approving Ordinance No. 17-06-1047 regarding an amendment to the Planned Development to add a Concept Plan. On May 22, 2017 the Planning and Zoning Commission unanimously recommended approval of this item.

Ruth Ononogbu, applicant addressed Council in regards to the concept plan of the property. The concept plan includes the house in the front (which we will be acquiring), an L shape property and behind that lot another property that are owned by three (3) individuals. Applicant stated she would like to have had direct access entry into the property but was unable to secure easement approval. Permitted uses will be services and retail. Adjacent L shape property behind the proposed property may present future development challenges.

PUBLIC HEARING OPENDED at 6:47 pm

PUBLIC HEARING CLOSED at 6:47 pm

COUNCIL ACTION (9.A.):

APPROVED

Mayor Pro Tem Berthiaume moved to approve Ordinance No. 17-06-1047 approving the application of Ruth Ononogbu for an amendment to the Planned Development 05-07-663, adding a Concept Plan, for property located on 1.64 acres, having a legal description of ABS A0699 George H. Pegues Survey, Tract 31. Seconded by Councilmember Reilly. For: Unanimous. The motion carried by a vote of 7-0.

- B. Consider and/or act on the application of Arpan Ventures, LLC for approval of an Amending Plat of Murphy Village Addition, Lot 5B, Block A. The property is located on 1.531 acres, having the legal description of Abstract A0580, James Maxwell Survey. *Jared Mayfield, Director of Community & Economic Development*

Community & Economic Development Director Jared Mayfield stated that Murphy Village Addition is located at 318 W. FM 544 near the southeast corner of FM 544 and Brand Road. This is amending one lot final plat for a new office condominium which was constructed on the property and is ready for occupancy. The new office complex is directly adjacent to the Lynridge Assisted Living facility. Staff recommends approval of the amending plat as submitted.

COUNCIL ACTION (9.B.):**APPROVED**

Councilmember Reilly moved to approve the application of Arpan Ventures, LLC for approval of an Amending Plat of Murphy Village Addition, Lot 5B, Block A. The property is located on 1.531 acres, having the legal description of Abstract AB0580, James Maxwell Survey. Deputy Mayor Pro Tem Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- C. Consider and/or act upon approval of Ordinance No. 17-06-1048 amending the FY17 revenue, expenditures and fund balances for the General Fund, Utility Fund, and the Murphy Community Development Corporation. *Karen Montgomery, Finance Director*

Finance Director Karen Montgomery stated that the original FY17 budgets were adopted at the department level and may be amended throughout the fiscal year. During the course of the fiscal year however, there were costs incurred which were not budgeted, the majority of which have been covered by insurance proceeds. Additionally, there are departmental savings which were not anticipated when the FY17 budget was adopted. The additional expenditures exceed the additional revenue and the departmental budget savings by \$101,694. This difference will need to be appropriated out of Fund Balance. Updated numbers have been included based on the FY16 audited ending fund balances.

General Fund:

Revenues - the FY17 original revenue budget was \$14,765,201, a shortfall of \$99,199 is necessary to cover the FY17 original expenditures. Other revenue was projected to exceed budget by \$982,844 primarily due to insurance proceeds from TML of \$795,000, drainage fees of \$153,128, interest income of \$23,000, and various other line items totaled \$11,716. Permits and licenses are projected to exceed budget by \$173,897, but this increase was offset by franchise fees projected to be under budget by \$87,543 and two other line items projected to exceed budget by \$1,105. The net increase being recognized in this category of the Budget Amendment is \$87,459. An additional \$7,000 in unanticipated revenue from the Murphy Community Development Corporation (MCDC) fund was recognized in order to match the amounts in both funds. A transfer from the General Fund balance of \$101,694 is necessary to cover the amended expenditures. This amount was \$8,000 less because the budgeted use of fund balance for capital outlay will not be needed. This resulted in a total increase in revenues of \$1,178,997, and a total FY17 amended revenue budget of \$15,944,198. This covered the shortfall in the original budget of \$99,199 to fully balance the FY17 budget, and left a remaining fund balance of \$4,033,572.

Expenditures - the FY17 original expenditure budget was \$14,864,400. Several departments have projected savings for the year, which totaled \$270,822. Other departments projected expenditures would exceed budget by \$1,350,620, for a net increase to expenditures of \$1,079,798, or FY17 amended budget of \$15,944,198. The departments with projected savings will have their budgets reduced by the amounts shown below, in order to use those savings to partially offset the departmental increases. Following are the details of the departmental changes:

Departments with projected savings:

- Administration \$23,680
- Human Resources \$2,202
- City Council \$27,084
- Fire \$921
- Public Works \$9,050

- Community Development \$35,120
- Economic Development \$31,367
- Police \$99,559
- Parks \$30,138
- Municipal Court \$2,307
- Solid Waste \$9,394

Total Savings \$270,822

Departments with increases:

- Information Technology \$260,840
- City Secretary \$5,000
- Finance \$33,000
- Facilities \$1,034,093
- Animal Control \$1,687
- Recreation \$16,000

Total Increases \$1,350,620

Following are the category increases by department. These increased expenditures were either unplanned/unanticipated or inadequately budgeted when the FY17 budget was approved.

- Information Technology - computer hardware \$12,500; consultant services \$55,000; data processing \$6,000; dues and memberships \$2,000; hardware and software maintenance \$146,300; leases \$23,740; overtime \$8,000; software subscriptions \$7,300
- City Secretary - cost of elections \$5,000
- Finance - bank service charges \$33,000
- Facilities - building and grounds (additional light fixtures - insurance related) \$6,593; (chiller replacements) \$30,000; (UPS batteries) \$2,500; (emergency repairs) \$94,000; (repairs - insurance related) \$901,000
- Animal Control - workers compensation \$1,687
- Recreation - part time personnel \$16,000

Utility Fund:

Revenue:

- Water and sewer revenues are projected to be less than budget by \$538,500 and \$333,016, respectively. This shortfall is partially offset by other revenue which is projected to exceed budget by \$16,500. The net decrease in total utility fund revenues was \$855,016. The original FY17 budget included a surplus of \$177,020. Therefore, the transfer from the Utility Fund fund balance to cover the \$855,016 revenue shortfall, and the \$120,329 in increased departmental increases should be \$798,325.

Expenditures:

- Water distribution - consulting services \$6,011; overtime \$10,000; cost of water \$20,347; miscellaneous equipment \$18,500; for a total of \$54,858.
- Wastewater - consulting services \$3,058; cost of sewer operations \$34,081; for a total of \$37,139.
- Customer Service - salaries \$4,001; TMRS \$8,000; group insurance \$6,200; consulting services \$931; and contract labor (temp from Aug 15 - Sept 30) \$9,200; for a total of \$28,332.

Murphy Community Development Corporation:

A contract mowing charge of \$13,364 for FY16 was not paid and recorded in the general ledger until FY17. Since there is no budget in that line item, a budget amendment is needed. A budget amendment is also needed to cover a portion of the transfer to the Community Events Fund. The transfer from MCDC did not match the transfer to the Community Events fund in the original FY17 budget. The budget amendment for \$2,400 was because the remaining increase was absorbed with anticipated savings in other line items. Current year revenues were sufficient to absorb the cost of the budget amendments. Revenues were projected to exceed expenditures by \$97,336. Therefore, it was not necessary to use fund balance to cover the additional costs. Action required is approval of Ordinance No. 17-06-1048 amending the FY17 revenue, expenditures and fund balances for the General Fund, Utility Fund and the Murphy Community Development Corporation.

COUNCIL ACTION (9.C.):

APPROVED

Mayor Pro Tem Berthiaume moved to approve Ordinance No. 17-06-1048 amending the FY17 revenue, expenditures, and fund balances for the General Fund, Utility Fund, and the Murphy Community Development Corporation. Deputy Mayor Pro Tem Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- D. Consider and/or act upon approval of Ordinance Number 17-06-1049 amending Section 1.000 of the Appendix A - Fee Schedule in the Code of Ordinances of the City of Murphy, Texas. *Kim Parker, Support Services Manager*

Support Service Manager Kim Parker presented to Council that in November, 2016 administrative Code Title 1, Part 3, Chapter 70, Rule 70.13 adopted provisions outlining the amount charged for copies of body camera videos. (a) This section provides the fee for obtaining a copy of body worn camera recording pursuant to § 1701.661 of the Government Code. (1) Section 1701.661 of the Government Code is the sole authority under which a copy of a body worn camera recording may be obtained from a law enforcement agency under the Public Information Act, Chapter 552 of the Government Code, and no fee for obtaining a copy of a body worn camera recording from a law enforcement agency may be charged unless authorized by this section. (2) This section does not apply to a request, or portions of a request, seeking to obtain information other than a copy of a body worn camera recording. Portions of a request seeking information other than a copy of a body worn camera recording are subject to the charges listed in §70.3 of the chapter. (b) The charge for obtaining a copy of a body worn camera recording shall be: (1) \$10.00 per recording responsive to the request for information; and (2) \$1.00 per full minute of body worn camera video or audio footage responsive to the request for information, if identical information has not already been obtained by a member of the public in response to a request for information. (c) A law enforcement agency may provide a copy without charge, or at a reduced charge, if the agency determines waiver or reduction of the charge is in the public interest. (d) If the requestor is not permitted to obtain a copy of a requested body worn camera recording under §1701.661 of the Government Code or an exception in the Public Information Act, Chapter 552 of the Government Code, the law enforcement agency may not charge the requestor under this section. Action requested was to approve Ordinance Number 17-06-1049 amending Section 1.000 of the Appendix A - Fee Schedule in the Code of Ordinances of the City of Murphy, Texas.

COUNCIL ACTION (9.D.):

APPROVED

Councilmember Reilly moved to approve Ordinance Number 17-06-1049 amending Section 1.000 of the Appendix A - Fee Schedule in the Code of Ordinances of the City of Murphy, Texas. Mayor Pro Tem Berthiaume seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

E. Consider and/or act on a correction to the May 16, 2017 minutes. *Susie Quinn, City Secretary*

City Secretary Susie Quinn stated that on May 16, 2017, following a lengthy discussion, a motion was made and seconded and then transferred to the minutes. Mistakes were made during the transfer process. At the June 6, 2017 meeting, the minutes were pulled from Consent and the possible miscommunication was discussed. Because items 7B and 7C were discussed and recorded together, finding the actual motion was difficult in the audio and video recordings but once found the words "Jason's Deli" were definitely heard as being in the original motion. This is to correct that misunderstanding as well as correcting two additional mistakes that were found in the same motion.

COUNCIL ACTION (9.E.):

APPROVED

Councilmember Reilly moved to approve the following: "In the motion made by Mayor Pro Tem Bradley the name of Deputy Mayor Pro Tem Siddiqui should be struck and Mayor Pro Tem Bradley's name placed there. The word Special should be struck and the word Specific be placed there. The motion for the corrections made at the June 6, 2017 meeting should reflect that Jason's Deli is part of the original motion and should remain in the motion made on May 16, 2017 and reflected as it is stated in the May 16, 2017 minutes with the other errors corrected." Deputy Mayor Pro Tem Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

10. ADJOURNMENT

With no further business, a motion was entertained by the Mayor and the Council meeting adjourned at 7:28 pm.



APPROVED BY:

[Signature]
Scott Bradley, Mayor

ATTEST:

[Signature]
Susie Quinn, City Secretary