

CITY COUNCIL MINUTES  
REGULAR CITY COUNCIL MEETING  
JULY 18, 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 led the invocation and 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  
Mayor Pro Tem Jennifer Berthiaume  
Deputy Mayor Pro Tem Sarah Fincanon  
Councilmember Owais Siddiqui  
Councilmember Chris George  
Councilmember Betty Nichols Spraggins  
Councilmember Don Reilly

**4. PUBLIC COMMENTS**

**David Hatzenbuehler, resident** commented about the fence ordinance as an item he will bring to Planning and Zoning and requesting for Council when item is brought before them to take the time to review.

**5. PRESENTATIONS**

A. Presentation of the Level III plaque by Matthew Freeman and Lisa Davis to Patti Towne, Certified Municipal Court Clerk.

Matthew Freeman Frisco Court Administrator & Director at Large with the Texas Court Clerks Association stated the requirements needed to obtain Level III certification.

- Must complete required level I, II, III exam with three hundred questions or more.
- Forty (40) hours of continuing education, and pass the four (4) hour exam at each level
- Attended 24 hours of assessment clinic on professional standard and practices of a court clerk.
- Forty (40) hours of court observation and submit a journal graded by judges and attorneys throughout the state.
- Attended a twelve (12) hour seminar specifically for court administrator.

Lisa Davis, Wylie Court Administrator on behalf of the Texas Court Clerks Association in conjunction with Texas Municipal Court Education Center, Texas Municipal Courts Association and Texas State University at San Marcos present to Patti Towne her Level III certification plaque.

- B. Presentation of the financial report for the month ending June 30, 2017 from Karen Montgomery, Finance Director.

Finance Director Karen Montgomery presented financial report ending June 2017.

Summary of General Fund/MDD/CDC:

- Sales tax reported for July:
  - May Sales
  - Two month lag
- July sales tax collections
  - \$19,149 more than last July
  - 6% over last July collections
  - 7% increase YTD
- 5 out of 10 months of double digit increases; May & June relatively flat; July increasing again
- Even if August & September flat, will still exceed FY16 & FY17 budget

Summary of General Fund FY2017 Revenue Explanation YTD through June 2017 (75% of fiscal year):

- Property taxes - \$7.1 million or 105% of budget
- Sales taxes - \$1.5 million or 78% of budget
- Franchise fees - \$895 thousand or 86% of budget
- Other revenue
  - Fund balance transfer recorded \$1,101,700 for capital; \$109,694 for budget amendment
  - TML insurance payments of \$795,245
  - Drainage fees of \$168,099 (240% of budget)
  - Solid Waste Revenue \$691,854 (76% of budget)
  - EMS Revenue \$167,518 (82% of budget)
- Municipal Court revenue - \$226,368 or 75% of budget
- Permits & Licenses
  - Zero single family permit issued in June 2017; 21 total year to date
  - Four single family permits issued in June 2016; 42 total year to date

Summary of General Fund FY2017 Expenditure Explanation YTD through June 2017 (75% of fiscal year):

- Expenditures overall are at 73% of budget
- Budget amendment recorded; department spending should level out over next two months.
- Significant expenditures in June:
  - Fire Dept purchased new Mini Pumper for \$250 thousand
  - IT software support of \$55 thousand and equipment leases \$21 thousand
  - Facilities building & ground repairs \$67 thousand
  - Parks contract moving \$24 thousand
  - Solid waste charges \$64 thousand

Summary of Utility Fund FY2017 Revenue & Expenditure Explanations YTD through June 2017 (75% of fiscal year):

- Budget amendment has been recorded
- Water revenue

- 67% of FY17 budget
- 79% of FY16 budget
- Wastewater revenue
  - 77% of FY17 budget
  - 80% of FY16 budget
- Other revenue – Fund balance transfer \$798,325 – in June
- Water and sewer costs higher than prior year
- Wet summer is impacted sales (usage)

## 6. CITY MANAGER /STAFF REPORTS

### A. South Maxwell Creek Sewer Line

Public Services Director Tim Rogers provided an update on the project with the installation of grass at RacTrac and ensuring that irrigation is working properly. The contractor continues to test on the manholes, pressure test on the lines and have received the mandrel to begin mandrel testing next week.

### B. Upcoming Events

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)

School Zone Alert – Monday, August 21, 2017 first day of School for students attending Wylie ISD and Plano ISD

Maize Days – Saturday, September 30, 2017 from 10:00 AM till 8:30 PM at Central Park – 550 N. Murphy Road – Murphy, Texas 75094 (Parking at the Kimbrough Stadium)

## 7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act to approve the June 20, 2017 Regular City Council Meeting. *Susie Quinn, City Secretary*

### **COUNCIL ACTION (7.A.)**

**APPROVED**

**Councilmember Reilly moved to approve the June 20, 2017 Regular City Council Meeting Minutes. Mayor Pro Tem Berthiaume seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.**

- B. Consider and/or act upon approval of Resolution No. 17-R-852 finding that Oncor Electric Delivery Company LLC's ("Oncor" or "Company") application to change rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this resolution is passed is open to the public as required by law; and requiring notice of this resolution to the Company and legal counsel. *Karen Montgomery, Finance Director*

Finance Director Karen Montgomery presented that the City is a member of the Steering Committee of the Cities Served by Oncor ("Steering Committee"). On March 17, 2017, Oncor filed an application to change rates with cities retaining original jurisdiction. In the filing, the Company seeks to increase system-wide transmission and distribution rates by \$317 million or approximately 7.5% over present revenues. The Company asked the City to approve an 11.8% increase in residential rates and a 0.5% increase in street lighting rates. If approved, a residential customer using 1000 kWh per month would see a bill increase of about \$6.68 per month. In March, the Steering Committee engaged the services of three consultants who identified numerous unreasonable expenses and propose significant reductions to the Company's request. The Steering Committee's attorneys recommended that all cities adopt the Resolution denying the rate change on or before August 19, 2017. Staff recommends approval of the resolution and deny the rate application consolidation proposed by Oncor.

**COUNCIL ACTION (7.B.)**

**APPROVED**

Mayor Pro Tem Berthiaume moved to approve Resolution No. 17-R-852 finding that Oncor Electric Delivery Company LLC's ("Oncor" or "Company") application to change rates within the City should be denied. Councilmember Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- C. Consider and/or act on the application of Elevate Church for a variance to Section 26.06.002 of the Murphy Code of Ordinances and Planned Development 12-06-916 to allow less than 90% masonry exterior construction for property located at 701 E. FM 544, having the legal description of Lot 1, Block A of America's Country Store Addition. *Jared Mayfield, Community & Economic Development Director*

Community & Economic Development Director Jared Mayfield presented that the Elevate Church building sustained significant hail damage in 2016. As a result, the Church desires to replace the damaged metal siding. However, this activity requires the building to come into compliance with the city's exterior construction standards which require 90% brick and/or stone. This variance request would allow the church to replace the metal siding on the north, east and west façades with the majority of stucco and a band of accent stone around the bottom portion of the façade. The front elevation of the building will change with half of the covered porch columns being wrapped in stacked stone. Staff recommends to consider the exterior construction variance request. On June 26, 2017 the Planning & Zoning Commission unanimously recommended approval of the variance request.

**COUNCIL ACTION (7.C.)**

**APPROVED**

Deputy Mayor Pro Tem Fincanon moved to approve the application of Elevate Church for a variance to Section 26.06.002 of the Murphy Code of Ordinances and Planned Development 12-06-916 to allow less than 90% masonry exterior construction for property located at 701 E. FM 544, having the legal description of Lot 1, Block A of America's Country Store Addition. Councilmember Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- D. Consider and/or act on the application of Bowen Baugh and Jacqueline Permenter for approval of a final plat of Oasis Plaza. The property is located on 3.22 acres, having the legal description of Abstract A0588, C.A. McMillan Survey, Tract 15 & 16. *Jared Mayfield, Director of Community & Economic Development*

Community & Economic Development Director Jared Mayfield presented the final plat for Oasis Plaza located on the southeast corner of North Murphy Road and Betsy Lane. Two existing single-family residential homes are located on the property. The applicant proposes to create three (3) lots zoned Neighborhood Services (NS). The plat conforms to the minimum standards required by the Subdivision Ordinance. Staff recommends approval of the final plat as submitted.

**COUNCIL ACTION (7.D.)**

**APPROVED**

**Mayor Pro Tem Berthiaume moved to approve the application of Bowen Baugh and Jacqueline Permenter for approval of a final plat of Oasis Plaza. The property is located on 3.22 acres, having the legal description of Abstract A0588, C.A. McMillan Survey, Tract 15 & 16. Deputy Mayor Pro Tem Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.**

- E. Consider and/or act on amendments to the Bylaws of the City of Murphy Planning and Zoning Commission. *Jared Mayfield, Community & Economic Development Director*

Community & Economic Development Director Jared Mayfield presented that a review of the Planning and Zoning Commission Bylaws revealed the need to propose a few minor changes as follows:

- Article IV, Section 1 – Bylaws state officer elections shall be held in July. Staff proposes moving this date to January, which would be the first Commission meeting following City Council appointments. City Council now conducts candidate interviews in the fall and makes appointments effective January 1<sup>st</sup>.
- Article V, Section 1 – Bylaws state the regular meeting time is 7:00 pm; however, the Commission meets at 6:00 pm. Legal staff recommends eliminating a specific meeting time.
- Article VII, Section 5 – eliminate typographic error.
- Article VII, Section 8 – correct Code of Ordinances reference.
- Article VII, Section 9 – eliminate typographic error.

Staff recommends to consider the proposed bylaw amendments. On June 26, 2017 the Planning & Zoning Commission unanimously recommended approval of this item.

**COUNCIL ACTION (7.E.)**

**APPROVED**

**Deputy Mayor Pro Tem Fincanon moved to approve amendments to the Bylaws of the City of Murphy Planning and Zoning Commission as presented. Mayor Pro Tem Berthiaume seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.**

- F. Hold a public hearing and consider and/or act on Ordinance Number 17-07-1050 to amend Chapter 30, Section 30.02.072, Planning & Zoning Commission Created, Membership, Officers; Rules and

Bylaws, of the Murphy Code of Ordinances. *Jared Mayfield, Community & Economic Development Director*

Community & Economic Development Director Jared Mayfield presented the proposed amendment to the Planning and Zoning Commission Bylaws, associated with the timing of officer elections, creates the need to also amend Section 30.02.072(h) of the Murphy Code of Ordinances in a corresponding manner. This amendment will provide consistency with the Bylaws by moving officer elections to January. Staff recommend consider the proposed code amendment. On June 26, 2017 the Planning & Zoning Commission unanimously recommended approval of this item.

**PUBLIC HEARING OPENED at 6:31 pm**

**PUBLIC HEARING CLOSED at 6:31 pm**

***COUNCIL ACTION (7.F.)***

***APPROVED***

Councilmember Reilly moved to approve Ordinance Number 17-07-1050 to amend Chapter 30, Section 30.02.072, Planning & Zoning Commission Created, Membership, Officers; Rules and Bylaws, of the Murphy Code of Ordinances as presented. Deputy Mayor Pro Tem Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- G. Consider and/or act to advertise for applicants to fill vacant Board and Commission places and/or appoint an interview committee to work with applications currently on file and/or appoint members from current applications. - *Susie Quinn, City Secretary*

City Secretary Susie Quinn stated when vacancies occur on Boards and Commission, Council by Charter has the responsibility to name replacements. Currently have four new applications and eleven applications on file.

***COUNCIL ACTION (7.G.)***

***APPROVED***

Mayor Pro Tem Berthiaume moved to fill the following vacant Board and Commissions places as noted:

- For Planning & Zoning alternate members Michael Post for the term ending in 2017; Alain Dermakar term ending in 2018;
- For Board of Adjustment alternates Scott Smith and Elizabeth Abraham both terms ending in 2018;
- Murphy Community Development Corporation member Margaret Malone for the term ending 2017.

Councilmember Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

## **8. EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 6:32 pm to discuss the following:

- A. §551.074. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee:

- a. City of Murphy Planning and Zoning Alternate Commissioners;
- b. Board of Adjustment Board Alternate Members;
- c. Murphy Community Development Member.

B. §551.071. Private consultation with the City Attorney for the City.

**9. RECONVENE INTO REGULAR SESSION**

The City Council reconvened into Regular Session at 7:03 pm, pursuant to the provisions of Chapter 551, Subchapter D Texas Government Code, to take action on any Executive Session Items.

- A. §551.074. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee:
  - a. City of Murphy Planning and Zoning Alternate Commissioners;
  - b. Board of Adjustment Board Alternate Members;
  - c. Murphy Community Development Member.

B. §551.071. Private Consultation with the City Attorney for the City.

**NO ACTION TAKEN.**

**10. ADJOURNMENT**

With no further business, a motion was entertained by the Mayor Bradley and the Council meeting adjourned at 7:08 pm.



APPROVED BY:

  
Scott Bradley, Mayor

ATTEST:



Susie Quinn, City Secretary