

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 15, 2016 AT 6:00 PM

1. CALL TO ORDER

Mayor Eric Barna called the meeting to order at 6:00 PM.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Betty Nichols Spraggins gave the invocation and Mayor Barna 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 Ben St. Clair
Councilmember Betty Nichols Spraggins
Councilmember Rob Thomas

Absent:

Councilmember Sarah Fincanon

4. PUBLIC COMMENTS

Marv Williams, resident thanked Council for the opportunity to speak. He invited everyone to the Chamber of Commerce Spring Fever event on March 26, 2016. He spoke about some of the different things going on for that event. Williams also mentioned the Exchange Club will be raffling off a BBQ Grill as a fundraiser at the Spring Fever event and encouraged people to purchase raffle tickets.

Jennifer Berthiaume, on behalf of the MCDC, encouraged people to apply for the community grant program and invited Council and residents to attend the MCDC meeting next Monday, March 21st at 6:00pm.

5. PRESENTATIONS

A. Presentation by the Green Team regarding the upcoming Community Clean and Green event on Saturday, April 9, 2016.

This item is postponed until a future meeting.

B. Presentation of financial report and investment report as of February 29, 2016.

Finance Director, Linda Truitt explained the investment report which stated the City has \$19 million dollars invested which is down from \$21 million in January. Payments made on the outstanding debt in February and April accounts for the decline in investments. The interest

rate increased to 0.29%, the General Fund revenues shows a collection of about 68% of the total revenues. Eighteen (18) single family building permits have been issued compared to nineteen (19) during this time last year. The City is at 35.63% of the General Fund Expenditures. The Utility Fund revenues are at 38.99% and will continue to see this rise due to expected water sales in the summer months. Utility Fund expenditures are at 43.29% which is slightly high due to the principal payment made last month for water/wastewater debt.

Councilmember Thomas requested finance to create an estimated General Fund expenditures update with projections for the year end to be presented at the April 19, 2016 meeting.

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 on the February 29, 2016 special meeting minutes.
- B. Consider and/or act on the March 1, 2016 regular meeting minutes.
- C. Consider and/or act on approval of Ordinance Number 16-03-1009 to amend the Code of Ordinances, Sec. 20.03.047 Speed through school zones.
- D. Consider and/or act upon authorizing the acting city manager or Council's designee to sign a mutual aid agreement with City of Richardson for the provision of fire, search and rescue, hazardous material response, and Emergency Medical Services.
- E. Consider and/or act on approval of a vote for Jorge Bermudez as an Unaffiliated Director to the ERCOT Board of Directors (Board), for his third and final term.

COUNCIL ACTION (5.A. through 5.E.):

APPROVED

Mayor Pro Tem Bradley moved to approve the consent agenda as presented. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember Fincanon was absent).

7. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing and consider and/or act on the application of Murphy Equity Management Ltd., requesting by ordinance (Ordinance Number 16-03-1010) to amend PD (Planned Development) District No. 12-06-916 Concept Plan and to permit a self-storage facility as a permitted use on property located at the northwest quadrant of FM 544 and McCreary Road.

Mayor Barna explained the applicant formally withdrew their application for this item. The Mayor also explained the Public Hearing will be held to allow individuals to express their questions/concerns regarding this item. He also explained if there is a storage unit petitioning to change a zoning use to accommodate such, that he will do all he can to stop it. Mayor Barna

expressed asked Council to give their thoughts regarding this item before opening the public hearing.

Mayor Pro Tem Bradley explained his thoughts regarding frontage property and access to the rear areas of properties especially along FM 544. Deputy Mayor Pro Tem Siddiqui explained he is opposed to having more storage facilities in Murphy. He expressed his desire to use all remaining land areas for the highest and best use. He apologized if all residents did not receive a response to their emails regarding this item, and explained that Council received over 100 emails. Councilmember St. Clair explained he understands the frustrations of residents, but encouraged residents to think before sending an emotionally driven email. Councilmember Spraggins explained she appreciated everyone taking the time to send emails and is pleased that so many care about Murphy. Councilmember Thomas encouraged residents to understand the process and take time to fully understand the process before sending an email; He said that although the majority of email he received were respectful, some of the emails he received regarding this item were inappropriate and/or embarrassing. Mayor Barna encouraged residents to contact him with any questions people may have regarding how the City works or concerns they have and gave his cell phone number: 214-274-9567.

Public Hearing opened at 6:28PM

Maggie Whitt, resident explained she is representing the Timbers Community Organization and the neighborhood affected. She feels council and listeners need to adhere to the seven (7) guidelines in the Planned Development Purpose Statement. She read the guidelines, and explained she feels this item fails in six (6) out of the seven (7) presented guidelines. Whitt also explained she wishes to receive all of the information regarding future development in a free newspaper and requested Council to look into those notices being published in a free paper. Mayor Barna explained Texas law states we cannot place legal notices in an unrecognized newspaper, as based upon the post office definition but the City is willing to look into the logistics of printing in both.

Cindy Persinger, resident explained her concerns regarding storage facilities in general and the potential hazards such as dangerous chemicals, drug labs, and people living in them and the safety concerns regarding that with neighborhoods and the HOA pool so close to this location specifically.

Joseph Cleveland, resident opposed for ascetic reasons and concerns regarding hazardous materials being stored in places such as storage facilities. He asked Council what provisions were considered to ban hazardous materials from being stored in these types of facilities. He also voiced concern regarding the height of the building and if the City of Murphy has equipment to handle if a person is on the roof and an accident occurs.

Jennifer Berthiaume, resident voiced concerns regarding the comprehensive land use plan, and encouraged council to look at doing an update to the plan. She also requested a moratorium to be established until a new City Manager and Director of Economic/Community Development can be hired.

Jim Morris, resident explained he emailed council and asked for Council to be understanding if some emails were sent emotionally. He voiced his concern that Murphy is on the verge of becoming less than what Murphy citizens want it to be.

Brad Baker, resident explained he feels this property is a gem within Murphy that can be developed with a little creativity.

Bill Dahlstrom, representing the applicant explained he appreciated the input from Council and the residents.

Public Hearing Closed at 6:42PM

COUNCIL ACTION (7.A.):

APPROVED

Mayor Pro Tem Bradley moved to deny the application by ordinance (Ordinance Number 16-03-1010) to amend PD (Planned Development) District No. 12-06-916 Concept Plan and to permit a self-storage facility as a permitted use on property located at the northwest quadrant of FM 544 and McCreary Road. Deputy Mayor Pro Tem Siddiqui and Councilmember Ben St. Clair tied to second the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember Fincanon was absent).

- B. Consider and/or act upon the proposed revisions to the Murphy Personnel Policies and Procedures Handbook.

Interim City Manager, Chief Mark Lee explained we have modified this since our last presentation. Mayor Pro Tem Bradley explained he does not have any additional recommendations for this item at this time. Councilmember Thomas explained he feels there a few things that still need to be addressed when the new City Manager is in place unless there is a specific timeline that needs to be met. Chief Lee explained some of the language in this policy needs to be addressed such as the fraternization piece. Lee asked if the items like Retirement regarding sick leave, work chart in regards to the Assistant City Manager position, to be removed from the approval for tonight and address those items individually at a later date. Councilmember Thomas explained the items he felt needed a closer look were Sections 6.14.01, 11.04.01, 11.04.03 and the organizational chart.

COUNCIL ACTION (7.B.):

APPROVED

Councilmember Thomas moved to authorize the proposed revisions to the Murphy Personnel Policies and Procedures Handbook removing proposed Sections 6.14.01, 11.04.01, 11.04.03, (leaving the original wording in place) and removing the assistant City Manager from the organizational chart until further conversation. Mayor Pro Tem Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember Fincanon was absent).

- C. Consider and/or act upon approving the acting city manager or Council's designee to take action on an agreed order from Texas Commission on Environmental Quality regarding Storm Water Management Enforcement Action.

Director of Public Services, Bernie Parker gave a presentation on the TCEQ situation. Parker addressed the violations we currently have and the proposed solutions. Parker explained some explanations that lead to the violations occurring were staff turnover, thus losing institutional knowledge. Council asked about the notification process from TCEQ and how we will ensure the

deadlines are met, and in the future these things will not be missed.

Parker explained in detail the violations and the steps to rectify them. Council asked for clarification on how the regulatory mail information is received/delivered to the Mayor. Interim City Manager Chief Lee explained the process. Parker also explained they have established a Standard Operating Procedure, multiple parties now have all of the dates, various parties are responsible for different TCEQ reports this will help not having all the knowledge/responsibility on one person. We have also created more Stormwater materials to handout at various events to help with community knowledge on this subject.

COUNCIL ACTION (7.C.):

APPROVED

Mayor Pro Tem Bradley moved to direct the acting city manager to take action on an agreement with the Texas Commission of Environmental Quality regarding storm water management enforcement action including notice of payment towards TCEQS pre-approved supplemental environment project. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember Fincanon was absent).

8. CITY MANAGER/STAFF REPORTS

Acting City Manager, Chief Mark Lee explained the safety health and public welfare are the number one concern and priority of Staff and Council. We have learned many lessons throughout this and will continue to ensure that things such as these do not happen again. Council expressed their belief that none of this was done intentionally.

A. Timbers Nature Preserve

Acting City Manager, Chief Mark Lee reported this project is continuing but delayed last week due to rain.

B. Betsy Lane Road Widening Project

This project is continuing, sidewalks are nearing completion, and irrigation is continuing and finishing.

C. South Maxwell Creek Parallel Trunk Sewer Line

There are many challenges with this project due to rainfall.

D. North Murphy Road

A meeting was held with TxDOT, Jodie Laubenberg's office and the HOAs that were impacted by the construction last week and there was discussion regarding possible reimbursement for landscaping/irrigation but no confirmed resolutions at this point. TxDOT confirmed they do not maintain once it goes curb and gutter. Council asked regarding the conduit that was supposed to be installed for potential future median lighting. Parker confirmed at this time no electrical conduit has been installed to date but it is on our punch list and we are working on getting a firm answer from TxDOT.

E. Upcoming events:

- March 26, 2016 Murphy Chamber of Commerce – Spring Fever 2016 - 10 am till 4 pm at Lowes Parking lot
- April 30, 2016 Drug take back day at the Police Department
- April 9th is the community Clean and Green event. A special announcement regarding the Keep Murphy Beautiful green team as being selected as #1 in communities under 40,000. Council thanked the City Staff for their dedication, participation and hard work on the Green Team.

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed at 7:32pm into Executive Session (closed meeting) to discuss the following:

- A. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager and Acting City Manager.
- B. §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 governmental 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 will reconvened into Regular Session at 8:50 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager and Acting City Manager.
- B. §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 governmental 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).
- C. Take Action on any Executive Session Items.

COUNCIL ACTION (10.A., 3 motions):

APPROVED

Mayor Pro Tem Bradley moved to approve a separation agreement for the City Manager and authorize the Mayor to sign and execute the same. Deputy Mayor Pro Tem Siddiqui Seconded. Passed 6-0 (Councilmember Fincanon was absent).

Mayor Pro Tem Bradley moved to authorize the Mayor to execute a contract with Texas First for an interim City Manager effective March 16th and appoint Bill Shipp as Interim City Manager also effective March 16th. Passed 6-0 (Councilmember Fincanon was absent).

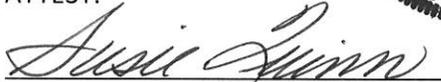
Mayor Pro Tem Bradley moved to approve a salary adjustment of \$500 a week for the period Chief Lee worked as Acting City Manager those dates are March 1st through March 15th. Passed 6-0 (Councilmember Fincanon was absent).

10. ADJOURNMENT

With no further business, the regular council meeting was adjourned at 8:51 PM.



ATTEST:


Susie Quinn, City Secretary

APPROVED BY:



Eric Barna, Mayor