

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
JULY 5, 2016 AT 6:00 PM

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:01 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. PUBLIC COMMENTS

Bob Mortonson, resident expressed his thoughts on City Council agenda items 4, 6A, 7A, 7B and 7C.

5. PRESENTATIONS

A. Proclamation declaring July, 2016 as Park and Recreation Month.

Mayor Barna presented the proclamation to several members of the Parks and Recreation Teams. Prior to reading the proclamation, Mayor shared the awesome job the team did at the Friday night concert with Emerald City. It had the best turnout. The Mayor specifically thanked each and every one; and stated that they do so much with very little and are appreciated.

Mayor Pro Tem Bradley shared the attendance breakdown of Sounds at Sundown:

June 10th Pearl Gem/La Freak about 3,000
June 17th Prophets and Outlaws over 1,000
June 24th Memphis Soul over 1,000
July 1st Emerald City, over 3,500

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 approve the June 21, 2016 Regular Council meeting minutes.

- B. Consider and/or approve the June 23, 2016 Special Council work session meeting minutes.
- C. Consider and/or approve the June 28, 2016 Special Council meeting and work session meeting minutes.

COUNCIL ACTION (6.A. through 6.C.):

APPROVED

Mayor Pro Tem Bradley moved to approve the consent agenda items 6.A. through 6.C. as presented. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or approve the Community Grant Application from the Murphy Middle School Environmental Club.

The Community Grant Application from the Murphy Middle School Environmental Club was approved on June 20, 2016 by the Community Development Corporation by a vote of 4-0 (three board members were absent from the meeting). The Murphy Middle School Environmental Club is seeking \$2,200.00 to fund the design, construction of a modular, mobile experiment and test unit. This unit will be utilized for the following topics: Alternative energy services, plants/garden, soil, water and the atmosphere.

Ms. Tina Pilgrim, Sponsor of the Murphy Middle School Environmental Club began in 2003. The club is involved in recycling and participates in the campaign mascot drawing contest for the Progressive Waste Recycling Program. The club began with an area outside of the school, planting native plants, not using any pesticides and also planting several trees around the school. The club is comprised of 6th to 8th graders, with about 30 to 40 children attending meetings twice a month. The club has no fundraising events, but funds are collected through the recycling efforts held twice a year at the City.

The proposal is to build a teaching station that will be situated between the two elevated garden soil beds and will include a rain water storage tank frame. They would like to build a more efficient composting system. And finally, they proposed to build a temporary netting solution for trash that collects due to the runoff from the neighborhood behind the school.

The projects benefit Murphy citizens, as the children become the experts about gardening, composting and the importance of recycling.

The Council thanked Ms. Pilgrim for all of her work with the Murphy Middle School Environmental Club.

COUNCIL ACTION (7.A.):

APPROVED

Councilmember Berthiaume moved to approve the Community Grant Application from the Murphy Middle School Environmental Club. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- B. Consider and/or approve adoption of the pay plan, revisions to the existing sworn-employee step plans and authorize revisions to the Murphy Personnel Policies and Procedures Handbook, as presented.

Bill Shipp, Interim City Manager stated that staff has worked on a pay plan since last year. Staff members Mark Lee, Fire Chief; Steven Ventura, Interim Finance Director and Jana Traxler, Human Resource Director reviewed the comparable market findings with the five comparable cities (Highland Village, Rockwall, Wylie, Little Elm and Sachse) and based the pay plan on these findings. The pay plan is important to the City as the plan will provide structure and will allow the City to be more competitive in recruiting, retaining and hiring staff. Bill Shipp would like to recommend one change to the pay plan upon further reflection, the City Secretary should be removed as the position is appointed by Council.

Council recommended adding the word "City" in front of the word Council throughout the personnel policy.

COUNCIL ACTION (7.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve the adoption of the pay plan, revisions to the existing sworn-employee step plans and authorize revisions to the Murphy Personnel Policies and Procedures Handbook, as presented with the exception of removing the City Secretary from the pay plan. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- C. Consider and/or approve the presentation of the Charter Review Commission recommendations.

Andy Messer, City Attorney, stated that the Murphy Charter requires Council to appoint a Charter Review Commission (CRC) at least once every 6 years to determine whether provisions of the Charter require revision, propose recommendations to the Charter, and report its findings and present recommendations to the City Council. City Council may choose any of the recommendations to be submitted to the voters for the upcoming November 8, 2016 election. The Charter originally was adopted in 2004, amended in 2010 and currently is in review for 2016 as required in the Charter. The Charter Commission held six meetings (April 25, May 2, May 9, May 16, June 6, and June 13, 2016). A Town Hall meeting was held on June 13, 2016 asking for public input as well.

Andy Messer, City Attorney, extended a thank you to all of the 11 members of the Charter Review Commission for all of their hard work, dedication and effort. The presentation highlighted the Charter Review Commission objectives, Reason for Review, Proposed Timeline, and Legal Requirements. The provisions detailed in chronological order included Article III – The City Council in regards to 3.03 Qualification of City Council, and 3.06 Vacancies, Forfeiture, and Filling of Vacancies. Article V – Nominations and Elections in regards to 5.02 Filing for Office. Article VI – Recall, Initiative and Referendum in regards to 6.10 Restrictions on Recall, 6.14 Referendum and 6.20 Ordinances Passed by Popular Vote, Repeal or Amendment. Article VII – Financial Procedures in regards to 7.02 Submission of Budget and Budget Message. Article VIII – Boards and Commissions in regards to 3.06 Vacancies, Forfeiture, and Filling of Vacancies. Article XI – General Provisions in regards to 11.10 New: Sale of Liquor Prohibited in Residential Districts. Article XII – Legal Provisions

in regards to 12.10 Disaster Clause. Article XIV – Nepotism, Prohibitions, and Penalties in regards to 14.01 Nepotism.

City Council, City Attorney Andy Messer and Charter Review Commissioner Chi Eqwuekwe discussed each of the items and what the changes would mean to the Murphy City Charter. No action was taken but it was decided that each item will be voted on individually at the next City Council meeting.

COUNCIL ACTION (7.C.):

NO ACTION

8. CITY MANAGER / STAFF REPORTS

A. Radio Systems

Project is going well with the laying of the tower foundation behind the Police department. Assigning POs, reviewing agreements, and ordering of items continues.

B. Zoning Issues

A detailed map of 1000 N. Murphy Rd was presented to Council displaying the surrounding properties and outlining the current zoning and future land use plan.

C. Food Truck Court

The project is moving forward very well, the parking lot has been poured, grading and electrical are near completion. The location will be ready for Maize Days to be held in September.

D. Sidewalk Rehabilitation Program

The project will begin next week with Glen Ridge being the first neighborhood and then move onto The Timbers.

The North Maxwell Creek Road Railroad gap was part of the 2012 Trail Project and the estimated dollar amount at the time was about \$200,000. Project can be re-engaged, and dollar amount reconfirmed but there are no current plans at this time to complete the gap at the railroad.

E. South Maxwell Creek Sewer Line

The project continues to move slowly, difficulties now involve equipment issues. They have progressed a couple of hundred feet, hopefully by end of next week they will be at FM 544. Council inquired as to the resident impacted by the flooding, if they have been fully remediated. No, Staff has been working with the homeowners to obtain damage dollar amounts estimates and are ready to provide necessary payment to homeowners following verification.

F. North Murphy Road

Project is complete with the exception of the homeowner's reimbursement to the entry ways. TXDOT has approved and provided a reimbursement dollar amount for each of the HOA's. TXDOT's general contractor will sign an agreement and provide a check to the City for disbursement to the HOA's. The medians were also discussed and that warranty if the grass doesn't grow. A meeting is to be held in the near future with all the contractors, TxDOT, and bonding companies.

G. Betsy Lane

The Contractor has installed temporary irrigation and have hydromulch median. The contractor should be maintaining the median and the right of way. As far as a permanent irrigation, the contractor has set their meters but currently are waiting on Famers Electric Cooperative and Oncor to provide electricity.

H. Timber Reserve

A couple of issues: recent rain created a washout and other portion is the drainage. Staff will need to further explore a solution with the contractor on when a washout occurs so a repair is not necessary every time it rains. Staff has met with Pacheco Koch engineers and the plan is to handle the drainage issue with the project being sent out for three (3) telephone bids with a dollar amount of \$15,000, \$20,000 or \$25,000 range. Then will negotiate with Pacheco Koch engineers for the differences in costs as the drainage was designed but not included in the bid documents.

Council inquired if the dollar amount was over the amount budgeted for the project. Staff replied technically yes it would be over due to the drainage item was omitted originally from the bid documents by the engineers.

I. Safe Routes to School

A letter from the City Attorney was mailed to the contractor notifying them that they were not performing in accordance to their contract and had ten (10) days to response. Contractor responded to the letter and denied all of the charges. Staff is meeting with contractors next week.

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 8:04 pm to discuss the following:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager.
- B. § 551.072 Deliberation regarding the purchase, exchange, lease, or value of real property.
- C. § 551.087 Deliberation regarding Economic Development Negotiations and projects.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 8:34 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 MCDC Board Member and City Manager.
- B. § 551.072 Deliberation regarding the purchase, exchange, lease, or value of real property.
- C. § 551.087 Deliberation regarding Economic Development Negotiations and projects.
- D. Take Action on any Executive Session Items.

11. ADJOURNMENT

With no further business, the Council meeting adjourned at 8:34 pm.

APPROVED BY:



Scott Bradley, Mayor Pro Tem

ATTEST:



Susie Quinn, City Secretary

