

MURPHY CITY COUNCIL AGENDA
WORK SESSION AND REGULAR CITY COUNCIL MEETING
JULY 2, 2013 AT 4:00 P.M.
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



Eric Barna
Mayor

Owais Siddiqui
Mayor Pro Tem

Ben St. Clair
Deputy Mayor Pro Tem

Scott Bradley
Councilmember

Betty Spraggins
Councilmember

Bernard Grant
Councilmember

Rob Thomas
Councilmember

James Fisher
City Manager

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on July 2, 2013 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL WORK SESSION TO ORDER AT 4:00 P.M.

2. ROLL CALL & CERTIFICATION OF A QUORUM

3. DISCUSSION OF WORK SESSION ITEMS

- A. Discussion regarding the FY 2014 General Fund and Utility Fund Revenues & Expenditures and other associated budget discussions.

4. RECESS WORK SESSION

5. CONVENE REGULAR SESSION AT 6:00 PM

6. INVOCATION & PLEDGE OF ALLEGIANCE

7. PUBLIC COMMENTS

8. PRESENTATION ITEMS

- A. Proclamation declaring July 2013 as Parks and Recreation Month in the City of Murphy
- B. Presentation – Murphy Exchange Club

9. 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 upon meeting minutes:
1. June 10, 2013 Special Meeting Minutes;
 2. June 11, 2013 Special Meeting Minutes;
 3. June 12, 2013 Special Meeting Minutes;
 4. June 13, 2013 Special Meeting Minutes;
 5. June 17, 2013 Special Meeting Minutes;
 6. June 18, 2013 Regular Meeting Minutes; and,
 7. June 19, 2013 Special Meeting Minutes.

10. INDIVIDUAL CONSIDERATION

- A. Discussion regarding board and commission goals and objectives, including board and commission appointments.

11. CITY MANAGER/STAFF REPORTS

North Murphy Road Construction Update
Murphy Central Park Construction Update
Betsy and Heritage Intersection
Moonlight Drive Update
Budget Work Sessions
Trash Pick-Up Holiday Schedule
Moonlight Movie – Men in Black III, July 12th

12. EXECUTIVE SESSION

The City Council will hold a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§ 551.071, consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: to receive legal advice regarding the Texas Open Meetings Act.

§ 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; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

13. RECONVENE INTO REGULAR SESSION

The City Council reconvene into Regular Session (Open Meeting) pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in to discuss and consider the following:

§ 551.071, consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: to receive legal advice regarding the Texas Open Meetings Act.

§ 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; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

14. ADJOURN REGULAR SESSION

15. RECONVENE WORK SESSION

CITY COUNCIL MINUTES
JUNE 11, 2013 CITY COUNCIL WORK SESSION

1. CALL TO ORDER

Mayor Barna called the meeting to order at 7:00 p.m.

2. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

Mayor Eric Barna
Mayor Pro Tem Owais Siddiqui
Deputy Mayor Pro Tem Ben St. Clair
Councilmember Scott Bradley
Councilmember Betty Nichols Spraggins
Councilmember Bernard Grant
Councilmember Rob Thomas

Councilmembers absent: None

3. INDIVIDUAL CONSIDERATION

- A. Discussion with residents of Moonlight Drive, Mason Lane and Pleasant Run regarding speed control and volume control measures on Moonlight Drive and the surrounding area.

City Manager James Fisher reviewed a timeline of action for Moonlight Drive and surrounding roads. Mr. Fisher reviewed the results of the three studies on Moonlight, the baseline study of Mustang Ridge and the studies of Ridgeview and Grant.

Residents made statements regarding the following:

- Inadvertently directing traffic to surrounding roads;
- Access by the special pedestrian population and bicyclists;
- The decreased traffic on Moonlight and increased traffic on Love Bird as a result of the recent temporary shut down due to a water main break;
- Gating off Green Acres, Love Bird and Moonlight as a single gated community;
- The exclusion of Murphy Farms from the meeting notifications;
- The potential damage to resident vehicles as a result of multiple trips over speed bumps or speed humps;
- Inadequacy of street signs; and,
- Road closures.

4. ADJOURNMENT

With no further business, the meeting was adjourned at 8:31 p.m.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Kristi Gilbert, City Secretary

CITY COUNCIL MINUTES
JUNE 12, 2013 CITY COUNCIL BUDGET WORK SESSION

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:00 p.m.

2. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

Mayor Eric Barna
Mayor Pro Tem Owais Siddiqui
Deputy Mayor Pro Tem Ben St. Clair
Councilmember Scott Bradley
Councilmember Betty Nichols Spraggins
Councilmember Bernard Grant

Councilmembers absent: Councilmember Rob Thomas

3. INDIVIDUAL CONSIDERATION

A. Discussion regarding the FY 2014 Police Department and Animal Control Budget.

Police Chief Cox reviewed the Police Department budget for Fiscal Year 2014.

RECESS:

Mayor Barna recessed the meeting at 7:01 p.m.

RECONVENE:

Mayor Barna reconvened the meeting into open session at 7:09 p.m.

Police Chief Cox reviewed the Animal Control budget for Fiscal Year 2014.

4. ADJOURNMENT

With no further business, the meeting was adjourned at 7:41 p.m.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Kristi Gilbert, City Secretary

CITY COUNCIL MINUTES
JUNE 13, 2013 CITY COUNCIL BUDGET WORK SESSION

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:00 p.m.

2. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

Mayor Eric Barna
Mayor Pro Tem Owais Siddiqui
Deputy Mayor Pro Tem Ben St. Clair
Councilmember Scott Bradley
Councilmember Betty Nichols Spraggins
Councilmember Bernard Grant
Councilmember Rob Thomas (*arrived at 6:08 p.m.*)

Councilmembers absent: None

3. INDIVIDUAL CONSIDERATION

A. Discussion regarding the FY 2014 Fire Department budget.

Fire Chief Lee reviewed the Fire Department budget for Fiscal Year 2014.

RECESS:

Mayor Barna recessed the meeting at 7:01 p.m.

RECONVENE:

Mayor Barna reconvened the meeting into open session at 7:13 p.m.

Fire Chief Lee continued his review of the Fire Department budget for Fiscal Year 2014.

4. ADJOURNMENT

With no further business, the meeting was adjourned at 8:02 p.m.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Kristi Gilbert, City Secretary

CITY COUNCIL MINUTES
JUNE 17, 2013 CITY COUNCIL BUDGET WORK SESSION

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:00 p.m.

2. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

Mayor Eric Barna
Mayor Pro Tem Owais Siddiqui
Councilmember Scott Bradley
Councilmember Betty Nichols Spraggins
Councilmember Bernard Grant
Councilmember Rob Thomas

Councilmembers absent: Deputy Mayor Pro Tem Ben St. Clair

3. INDIVIDUAL CONSIDERATION

A. Discussion regarding the FY 2014 Finance, Municipal Court, Information Technology, Human Resources and City Secretary Departmental Budgets.

Assistant Finance Director Steven Ventura presented the Finance and Municipal Court budgets for FY 2014.

Human Resources Director Stacy Buckley presented the Human Resources budget for FY 2014.

Ms. Gilbert presented the City Secretary budget for FY 2014.

IT Manager Wendle Medford presented the IT Department budget for FY 2014.

4. ADJOURNMENT

With no further business, the meeting was adjourned at 8:20 p.m.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Kristi Gilbert, City Secretary

CITY COUNCIL MINUTES
JUNE 18, 2013 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:00 p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Barna gave the invocation and led the recitation of the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

Mayor Eric Barna
Mayor Pro Tem Owais Siddiqui
Deputy Mayor Pro Tem Ben St. Clair
Councilmember Scott Bradley
Councilmember Betty Nichols Spraggins
Councilmember Bernard Grant
Councilmember Rob Thomas

Councilmembers absent:

None

4. PUBLIC COMMENTS –

Ray Shahan, 405 Sagebrush Trail – Mr. Shahan addressed the Council with regard to issues relating to the McWhirter Road fence in the Ranch subdivision.

5. PRESENTATION ITEMS –

A. Finance Director Linda Truitt provided the Council with the financial report for the month ending May 31, 2013.

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 upon the June 4, 2013 Regular Meeting minutes.

B. Consider and/or act upon authorizing the City Manager to sign the contract agreement with ONCOR to utilize the easement for the east-west inter-city trail project.

C. Consider and or act upon authorizing the City Manager to sign contract for Freese and Nichols, Inc. to provide professional services for the TxDOT Safe Routes to Schools (SRTS) sidewalk and enhanced crosswalk grant projects.

D. Consider and/or act upon a resolution to the Texas Department of Transportation (TXDOT) to prepare a traffic light signal progression study and adjustments on FM 544 to reduce traffic congestion.

- E. Consider and/or act upon declaring Patrol Unit #32, Ford Crown Victoria, with certain accessories as surplus and donating it to the West Police Department.
- F. Consider and/or act upon an amendment to the Code of Ordinances to rescind the “No Left Turn” designation at the westbound turn lane of FM 544 and the entrance to the Neighborhood Market.

COUNCIL ACTION (6.A -6.F.):**APPROVED**

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

7. INDIVIDUAL CONSIDERATION

- A. Discuss and take action, if any, on the review of the follow-up Traffic Study conducted on Moonlight Drive along with data collection on Grant and Mason.

City Manager James Fisher reported on the meeting with the City of Sachse with regard to traffic challenges in both cities. Mr. Fisher stated that the City Attorney had a legal briefing prepared for Council to be discussed in executive session.

The Mayor closed consideration on Item 7.A. until after consideration of Items 7.B through 7.D.

- B. Hold a public hearing and consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, to re-plat Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road.

The applicant submitted a request to postpone consideration until the July 16, 2013 meeting prior to the Council meeting.

Mayor Barna opened the public hearing at 6:23 p.m.

Councilmember Grant stated that he understood members of Council met with the applicant prior to the Council meeting and asked if the Council could be briefed on the meeting. Mayor Barna stated that the applicant provided the same information as was presented at the Planning and Zoning meeting and that he did not make any recommendation.

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

Councilmember Bradley moved to continue the public hearing until the second meeting in July, currently scheduled for July 16th. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- C. Hold a public hearing and consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, for an ordinance approving a Specific Use Permit for a drive thru on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road.

The applicant submitted a request to postpone consideration until the July 16, 2013 meeting prior to the Council meeting.

Mayor Barna opened the public hearing at 6:25 p.m.

David Brandon, 136 Oak Bluff – Mr. Brandon stated that he was against the specific use permit. Mr. Brandon stated that the applicant had failed Planning and Zoning twice.

COUNCIL ACTION (7.C.):

CONTINUE

Councilmember Bradley moved to continue the public hearing until the second meeting in July, currently scheduled for July 16th. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- D. Consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, for approval of a site plan, including building elevations and landscape plan, on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road.

The applicant submitted a request to postpone consideration until the July 16, 2013 meeting prior to the Council meeting.

COUNCIL ACTION (7.D.):

CONTINUE

Councilmember Bradley moved to postpone consideration of Item 7.D. until the second meeting in July, currently scheduled for July 16th. Councilmember Nichols Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- A. Discuss and take action, if any, on the review of the follow-up Traffic Study conducted on Moonlight Drive along with data collection on Grant and Mason.

Mayor Barna opened up Item 7.A. for reconsideration.

The following residents expressed concerns regarding speeding and volume issues on Moonlight Drive:

Linda Martin, 142 Moonlight Drive
Greg Matocha, 151 Moonlight Drive
Julia Matocha, 151 Moonlight Drive
Clayton Bitler, 109 Moonlight Drive

Dave Brandon, 136 Oak Bluff – Mr. Brandon stated that the Council should set a volume limit for Moonlight Drive being a Type “E” street and apply that consistently through all Type “E” streets.

Don Kiertscher, 450 Skyline Drive - Mr. Kiertscher stated that he had a clear view of the intersection from his house and stated that he felt the problem was traffic coming through from Sachse, not Murphy Farms residents. He stated that he believed most of the traffic was coming from residents of the Woodbridge subdivision.

Craig Goodroe, 126 Green Acres – Mr. Goodroe suggested that the Council close the road at Mason with an easement provided to the property owner on Grant.

EXECUTIVE SESSION

The City Council convened into Executive Session at 7:02 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§ 551.071 Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings act regarding traffic calming policies and measures.

§ 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; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

RECONVENE INTO REGULAR SESSION

The City Council reconvened into Open Session at 8:11 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§ 551.071 Consultation with City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings act regarding traffic calming policies and measures.

§ 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; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

No action was taken as a result of the executive session items.

COUNCIL ACTION (7.A.):

NO ACTION

Mayor Barna indicated that Council will provide an update at the July 2, 2013 meeting.

8. CITY MANAGER/STAFF REPORTS

Mr. Fisher provided the Council with an update on the following items:

- North Murphy Road Construction Update
- Murphy Central Park Construction Update
- Budget Work Sessions
- Neighborhood Crime Watch, June 27th

Sounds at Sundown – Emerald City Band, June 28th

9. ADJOURNMENT

With no further business, the meeting was adjourned at 8:21 p.m.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Kristi Gilbert, City Secretary

CITY COUNCIL MINUTES
JUNE 19, 2013 CITY COUNCIL BUDGET WORK SESSION

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:00 p.m.

2. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

Mayor Eric Barna
Mayor Pro Tem Owais Siddiqui (*arrived at 6:01 p.m.*)
Deputy Mayor Pro Tem Ben St. Clair
Councilmember Scott Bradley
Councilmember Betty Nichols Spraggins
Councilmember Bernard Grant
Councilmember Rob Thomas

Councilmembers absent: None.

3. INDIVIDUAL CONSIDERATION

A. Discussion regarding the FY 2014 Economic Development and Community Services Departmental Budgets.

Director of Community and Economic Development Kristen Roberts presented the budget for the FY 2014 Community Services budget.

4. ADJOURNMENT

With no further business, the meeting was adjourned at 6:50 p.m.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Kristi Gilbert, City Secretary

Issue

Discussion regarding board and commission goals and objectives, including board and commission appointments.

Staff Resource / Department

Kristi Gilbert, City Secretary

Summary

Goals and Objectives

Some of the board and commission members have expressed interest in receiving direction from Council regarding specific goals, objectives and projects that the Council would like addressed.

Board and Commission Appointments

In December of 2012, the City Council made appointments to various boards and commissions. During their appointment, they removed all councilmembers from the Murphy Municipal Development District (MDD). Currently there are two, newly elected councilmembers on the MDD, Ms. Spraggins and Mr. Siddiqui. Dave Brandon was appointed to serve in the “municipal official” capacity on the Animal Shelter Advisory Committee as required by the Murphy Code of Ordinances and state law. Additionally, Mr. Thomas is an alternate member of the Board of Adjustments

On June 18th, Joan Tepfer submitted her resignation from the Murphy Community Development Corporation.

The Council, at its discretion, may want to consider the following appointments:

Position

4B Community Development Corporation Board Member
 Animal Shelter Advisory Committee Member (City Official)
 Municipal Development Corporation Board Member
 Municipal Development Corporation Board Member
 Board of Adjustment, Alternate Board Member

Term Expiration

December 31, 2014
 December 31, 2014
 December 31, 2013
 December 31, 2014
 December 31, 2014

Staff Recommendation

Staff is seeking direction from Council with regard to the above listed items.

Attachments

Board/Commission Description
 Council Governance Policy

City of Murphy Boards and Commissions

October 2012

Board	Animal Shelter Advisory Committee
Established	Established by Ordinance No. 09-02-786 on February 16, 2009
Duties/Description	The Animal Shelter Advisory Committee shall discuss ideas that will help ensure that the animal shelter is in compliance with the state department of health rules pertaining to animal shelters and make recommendations, for the betterment of the community, concerning operations, policies, procedures, new programs, and the improvement of existing programs.
Composition/Terms	The Animal Shelter Advisory Committee is composed of one licensed veterinarian, one municipal official, one person whose duties include the daily operation of the animal shelter and is employed by the City as an Animal Control Officer, one representative from an animal welfare organization, and two resident citizens of Murphy. Committee members shall be appointed for two-year staggered terms except that two members are initially appointed for a three-year term. The City Council shall fill any and all vacancies on the committee excluding the Animal Control Officer. The City Council shall also appoint a chairperson for a one year term.
Meeting Schedule	The Animal Shelter Advisory Committee shall meet at a minimum of three times per year as needed at a date and time TBD in the City Council Workroom Murphy City Hall, 206 N. Murphy Road.
Available Seats	Four seats; Term: January 1, 2013 - December 31, 2014
Contact	Kim Parker, T: 972-468-4235, E: kparker@murphytx.org
Board	Board of Adjustment
Established	Established by City Charter, Article IX, Section 9.05
Duties/Description	The Board of Adjustment meets to consider applications for variances to zoning ordinance regulations, and makes decisions on appeals, special exceptions and requests for variances that are in the best interest of the general public.
Composition/Terms	The Board of Adjustment shall consist of seven Murphy resident citizens and qualified voters appointed by the City Council to staggered two-year terms. Up to four additional alternate members may be appointed by City Council to serve in the absence of one or more of the regular board members.
Meeting Schedule	The Board of Adjustment shall meet as needed at a date and time TBD in the City Council Chambers, Murphy City Hall, 206 N. Murphy Road.
Available Seats	Four seats: Term: January 1, 2013 – December 31, 2014
Contact	David Gensler, T: 972-468-4064, E: dgensler@murphytx.org; Kristen Roberts, T: 972-468-4006, F: 972-468-4094, E: kroberts@murphytx.org
Board	Building and Fire Code Appeal Board
Established	Established by Ordinance No. 06-05-690 on May 1, 2006
Duties/Description	The Building and Fire Code Appeal Board hears appeals of orders, decisions or determinations made by the Building Official or Fire Official relative to the application and interpretation of various building and fire codes.
Composition/Terms	The Building and Fire Code Appeal Board shall consist of five members appointed by the City Council to staggered two-year terms. It is recommended that the Board consist of individuals from the following professions/disciplines and all members shall be qualified City voters: 1) Registered design professional with architectural experience or a builder or superintendent of building construction; 2) registered design professional with structural engineering experience or a builder or superintendent of building construction; 3) registered design professional with mechanical and plumbing engineering experience or a mechanical/plumbing contractor; 4) registered design professional with electrical engineering experience or an electrical contractor; and 5) registered design professional with fire protection engineering experience or a fire protection contractor or state Fire Commission certified fire personnel.
Meeting Schedule	The Building and Fire Code Appeal Board shall meet on the forth Thursday as needed and scheduled in accordance with requests for appeals at a time TBD in the City Council Chambers, Murphy City Hall, 206 N. Murphy Road.
Available Seats	Two seats: Term January 1, 2013 – December 31, 2014
Contact	Perry Elliott, T: 972-468-4312, E: pelliott@murphytx.org; Mark Lee, T: 972-468-4303, F: 972-468-4322, E: mlee@murphytx.org

Board	Ethics Review Commission
Established	Established by Ordinance No. 10-11-863 on November 15, 2010
Duties/Description	The Ethics Review Commission seeks to uphold and enforce high ethical standards. The Commission serves as an advisory board to City Council, making appropriate recommendations concerning standard operating procedures and guidelines as described in the Code of Ethics (Ord. No. 10-11-863) involving City Officials and City Employees.
Composition/Terms	The Ethics Review Commission is to be composed of five members, each serving a two year term and appointed by the City Council. Two Commissioners shall be selected to serve an initial one year term and three Commissioners shall be selected to serve an initial two year term. Thereafter, all members' terms shall be two years.
Meeting Schedule	The Ethics Review Commission shall meet a minimum of once a year as needed. The date of the annual meeting shall be in September as set by the Commission at a time TBD in the City Council Chambers, Murphy City Hall, 206 N. Murphy Road.
Available Seats	Three Seats: Two full term seats: January 1, 2013 – December 31, 2014 One unexpired term seat: January 1, 2013 – December 31, 2013
Contact	Andy Messer, City Attorney
Board	Murphy Community Development Corporation
Established	Established by a Special Election held on May 3, 2003
Duties/Description	The Murphy Community Development Corporation makes recommendations and approves the allocation of funding for specific types of projects that promote community enhancements such as parks, related open space improvements, and community development that benefit and enhance the City.
Composition/Terms	The Murphy Community Development Corporation shall consist of seven qualified City voters appointed by the City Council for a staggered two-year term.
Meeting Schedule	The Murphy Community Development Corporation meets as needed.
Available Seats	Four Full Term Seats: January 1, 2013 – December 31, 2014
Contact	Kristen Roberts, T: 972-468-4006, F: 972-468-4094, E: kroberts@murphytx.org
Board	Murphy Municipal Development District Corporation
Established	Established by a Special Election held November 8, 2011
Duties/Description	This board has a wide area of jurisdiction, including Economic Development, Community and Development, Planning and Zoning and other related departments. The Municipal Development District acts as a separate political entity that reports to the City Council. It is through the Board's discretion that projects are planned and funded using a portion of the City's sales tax. This Board established a budget every year that must be approved by City council.
Composition/Terms	This board shall consist of five qualified city voters appointed by the City Council for two-year staggered terms with no term limits.
Meeting Schedule	This board shall meet as needed at a date and time TBD in the City Council Chambers, Murphy City Hall, 206 N. Murphy Road.
Available Seats	Two Full Term Seats: January 1, 2013 – December 31, 2014
Contact	James Fisher, T: 972-468-4007, F: 972-468-4008, E: jfisher@murphytx.org
Board	Parks and Recreation Board
Established	Established by Ordinance No. 07-12-744 on December 17, 2007
Duties/Description	The Parks and Recreation Board shall act in an advisory capacity to City staff and City Council in all matters pertaining to parks and recreation services of the City. The members shall acquaint themselves, study, and review the parks and recreation services of the City. They shall advise the staff and City Council from time to time as to the present and future maintenance, operation, planning, acquisition, development, and use of policies for City park and recreation services.
Composition/Terms	The Parks and Recreation Board shall consist of seven qualified City voters appointed by the City Council for a staggered two-year term.
Meeting Schedule	The Parks and Recreation Board shall meet on the second Monday of each month at 6:30 p.m. in the City Council Chambers, Murphy City Hall, 206 N. Murphy Road.
Available Seats	Four Full Term Seats: January 1, 2013 – December 31, 2014
Contact	Kim Lenoir, T: 972-468-4068, F: 972-468-4168; E: klenoir@murphytx.org

Board	Planning and Zoning Commission
Established	Established by City Charter, Article IX, Section 9.01
Duties/Description	The Planning and Zoning Commission shall act as an advisory board to the City Council, making recommendations pertaining to planning and zoning as well as the Comprehensive Plan. The Commission is responsible for reviewing plats, site plans, landscape plans, and zoning requests and to make recommendations to City Council for their final approval.
Composition/Terms	The Planning and Zoning Commission shall consist of seven qualified City voters appointed by the City Council for a staggered two-year term.
Meeting Schedule	The Planning and Zoning Commission shall meet the fourth Monday of each month at 6:00 p.m. in the City Council Chambers, Murphy City Hall, 206 N. Murphy Road.
Available Seats	Five Full Term Seats: January 1, 2013 – December 31, 2014

ORDINANCE NO. 10-11-862

AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 2 OF THE CITY OF MURPHY'S CODE OF ORDINANCES, TO ESTABLISH A CITY COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE FOR CONDUCTING CITY COUNCIL MEETINGS; AND PROVIDING FOR AN EFFECTIVE DATE, PROPER NOTICE AND MEETING; SEVERABILITY CLAUSE AND REPEALER CLAUSE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY MURPHY, TEXAS:

SECTION 1. RECITALS

The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as part of this Ordinance.

SECTION 2. ADOPTION OF GOVERNANCE POLICY AND RULES OF PROCEDURE

Chapter 2, Administration, of the Code of Ordinances of the City of Murphy is hereby amended by adding a new Article X, Governance Policy and Rules of Procedure:

Article X, Governance Policy and Rules of Procedure attached hereto as Exhibit "A" and incorporated herein for all purposes is hereby enacted.

SECTION 3. Effective Date

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 4. Proper Notice and Meeting

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code and as required by Chapter 52 of the Texas Local Government Code.

SECTION 5. Severability

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase,

clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

SECTION 6. Repealer

The provisions of this Ordinance shall be cumulative of all other ordinances, or parts of ordinances, and resolutions, or parts of resolutions governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances, or parts of ordinances, or resolutions, or parts of resolutions, inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

PASSED AND APPROVED by the City Council of the City of Murphy, Texas this 15th day of November, 2010.

Bret M. Baldwin, Mayor
City of Murphy

ATTEST:

Aimee Nemer, City Secretary
City of Murphy

APPROVED AS TO FORM:

Wm. Andrew Messer, City Attorney
City of Murphy

Exhibit "A"
Article X

**CITY OF MURPHY
CITY COUNCIL GOVERNANCE POLICY
AND RULES OF PROCEDURE**

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COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION 2-601. INTRODUCTION

(a) The municipal government provided by the City of Murphy's Charter, hereinafter the "Charter", shall be known as the "Council-Manager form of Government." Pursuant to its provisions, and subject only to the limitations imposed by the State Constitution, the statutes of this state, and by the Charter, all powers of the City of Murphy, hereinafter referred to as the "City", shall be vested in an elected council, hereinafter referred to as the "City Council" or "Council", which shall enact local legislation, adopt budgets, determine policies, and appoint City officials as noted in the Charter, including the City Manager, who in turn, shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All powers of the City shall be exercised in the manner prescribed by the Charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance, the State Constitution, or by the statutes of the State of Texas.

(b) The City Council is the governing body for the City. Therefore, it must bear the initial responsibility for the integrity of governance. Pursuant to Section 3.13 of the Charter, the Council shall determine its own rules of order and business. The Council is responsible for its own development, its responsibilities, its own discipline, and its own performance. The development of this policy is designed to ensure effective and efficient governance.

(c) This policy addresses mayor and council relations, council and staff relations, council and city attorney, engineer and municipal judge relations, council and media relations, roles and meetings. By adopting this policy, we, as members of the city council, acknowledge our responsibility to each other, to our professional staff and to the public. This policy will be reviewed and adopted on an annual basis.

**COUNCIL GOVERNANCE POLICY
AND RULES OF PROCEDURE**

SECTION 2-602. MISSION

(a) The City of Murphy will provide for the health, welfare and safety for our citizens, neighbors and employees with a commitment to communicate and serve all with respect, dignity and courtesy, focusing on superior customer service. We will listen to our citizens and guests; address their needs; and provide a safe and appealing place to work, play and call home.

(b) In order to ensure proper discharge of duties for the improvement of democratic local government, members of the City Council will display behavior that demonstrates independent, impartial review of all matters addressed by them, and be duly responsible to the citizens of Murphy and each other in their relationships.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION 2-603. INFORMATION

(a) On major policy issues, the city manager shall provide briefing material to the Council in advance of council consideration of the policy alternatives. Whenever possible, the management report shall be presented as a discussion item at a regular city council meeting. The policy briefing item will be placed on the next city council meeting agenda for Council consideration or a work session will be scheduled.

(b) All Council members should have the same information with which to make decisions. When one Council member has an information request, the response will be shared with all members of the Council so that each member may be equally informed.

(c) *Staff should provide City Council with information on agenda items as far in advance of the meeting as possible. Staff should avoid giving information at the meeting on issues that will be considered during the meeting.* In order to provide the Council with timely information, please strive to submit questions on Council agenda items ahead of the meeting. City council members are encouraged to submit their questions on agenda items to the City Manager as far in advance of the meeting as possible so that staff can be prepared to respond at the Council meeting.

(d) The City Manager shall provide operational updates to the City Council informing them of the progress on projects, items of concern, city events, financial, and legal issues currently pending before the City. The update shall be by email and no less than twice a month.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION 2-604. ROLES

(a) The mayor shall preside at meetings of the Council, and shall be recognized as head of city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The mayor may participate in the discussion of all matters coming before the Council. The mayor shall be entitled to vote as a member thereof on legislative or other matters, unless prohibited by law, and shall have no power of veto.

(b) The Council shall elect from among the council members a mayor pro tempore who shall act as mayor during the absence or disability of the mayor. The Council shall elect from among the council members a deputy mayor pro tempore who shall act as mayor pro tempore during the absence or disability of the mayor pro tempore.

(c) As head of city government for ceremonial purposes, the mayor may issue and present proclamations and recognitions, and attend other ceremonial functions on behalf of the City. Council members may initiate, through the mayor or by a majority vote of the Council, similar items of recognition. Major community events sponsored by the City shall be a policy decision of the Council.

(d) The mayor shall preserve order and decorum and shall require council members engaged in debate to limit discussion to the question under consideration.

(e) The mayor is the spokesperson for the Council on all official positions taken unless absent, at which time the mayor pro tem or the deputy mayor pro tem will assume the role.

(f) The mayor will encourage all council members to participate in Council discussion ***and make sure all positions are adequately presented before an item is brought to vote.***

(g) The mayor may appoint a subcommittee made up council members and staff to evaluate policy alternatives and to recommend policy direction to the full Council. Subcommittee reports shall be made under the standard item for such reports at work sessions and regular meetings. Council deliberation on the subcommittee recommendations shall occur at regular sessions.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION 2-605. MEETINGS

(a) **Regular Meetings** – The council shall meet regularly at such times as prescribed by Charter, but no less frequently than once each month and the regular meetings will begin at 6:00 p.m., unless postponed or canceled for valid reason(s). Regular meetings will be open to the public in accordance with the Texas Open Meetings Act.

(b) **Special Meetings** – Special meetings may be held on any day of the week to consider items that require action prior to the next regularly scheduled meeting and may be called upon the request of the mayor or city manager. Special meetings will be open to the public in accordance with the Texas Open Meetings Act.

(c) **Work sessions** – Work sessions will be held as needed and used to allow the City Council to discuss policy or budgetary items. Work sessions will be open to the public in accordance with the Texas Open Meetings Act.

(d) **Executive Sessions** – The City Council may meet in executive session in compliance with the Texas Open Meetings Act. A final action, decision or vote on a matter deliberated in an executive session will be made in an open meeting for which proper notice is provided. All discussions in executive session shall remain confidential. Executive sessions are not open to the public in accordance with the Texas Open Meetings Act.

(e) **Public Notice** – The agenda for all regular meetings, special meetings, work sessions, and executive sessions and the notice listing items to be considered shall be posted on the City's official bulletin board and web page in accordance with the Texas Open Meetings Act, at least 72 hours prior to the posted meeting.

(f) **Attendance** – Council members are expected to attend all meetings and stay in attendance during each meeting. No member shall leave a meeting without advising the presiding officer.

(g) **Punctuality and Recess** – Members of the City Council shall arrive at meetings at or before the scheduled time for the meeting to begin. At the beginning of each meeting, the chair shall announce those members absent and shall announce the arrival time of any member arriving after the beginning of any meeting. The chair may at any time, upon their own motion, or upon the request of a council member, declare a recess in the meeting. *The time limit of the recess shall be strictly followed.*

(h) **Conflict of Interest** – A Council member prevented from voting due to a conflict of interest shall leave the Dias during the debate, shall not vote on the matter, and shall otherwise comply with the state law and the Charter and ordinances concerning conflicts of interest. Any Council member filing a conflict of interest affidavit on an Executive

Session item shall not confer with staff, the city attorney, Council members or the mayor regarding that matter.

(i) City Council Members -

1) During City Council meetings and work sessions, Council members shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the rules of the City Council.

2) A Council member shall confine discussion to the question under debate, avoid the discussion of personalities and the use of inappropriate language, and refrain from personal attacks or from publicly criticizing a citizen, an individual employee or operational issue. Criticism is differentiated from questioning facts or the opinion of staff.

3) When there is more than one speaker from the floor on the same subject, Council members shall delay their comments until after all speakers on the subject have been heard.

4) The chair shall state all questions submitted for a vote and announce the result.

5). The professional staff is expected to provide its best recommendations on issues, provide information about alternatives to staff recommendations as appropriate, as well as pros and cons for recommendations and alternatives. Sometimes staff may make recommendations that may be unpopular with the public and Council members. Staff respects the role of Council as policy makers for the City and understands that Council must consider a variety of opinions and community values in their decision-making in addition to staff recommendations.

(j) Administrative Staff -

(1) Members of the administrative staff and employees of the City shall observe the same rules and decorum applicable to members of the City Council.

(2) Although the presiding officer has the authority to preserve decorum in meetings, the city manager also is responsible for the orderly conduct and decorum of all city employees under the city manager's direction and control.

(3) The city manager shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by city employees in meetings.

(4) All persons addressing the City Council, including the city manager shall be recognized by the presiding officer and shall limit remarks to the matter under discussion.

e) All remarks and questions addressed to the City Council shall be addressed to the City Council as a whole and not to any individual member.

(k) Citizens and Visitors -

(1) Citizens and visitors are welcome and encouraged to attend all public meetings of the City and will be admitted to the Chamber or meeting room up to the fire safety capacity of the room.

(2) Everyone attending the meeting will refrain from private conversations and turn mobile phones to vibrate while the City Council is in session.

(3) Citizens and visitors attending City Council meetings and work sessions shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the meeting or work session, shall be removed from the room if so directed by the presiding officer. The person shall be barred from further audience before the City Council during that session. If the presiding officer fails to act, any member of the Council may move to require enforcement of the rules, and the affirmative vote of a majority of the council shall require the presiding officer to act.

(4) Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer, who may direct the removal of offenders from the room. In case the presiding officer shall fail to act, any member of the council may move to require enforcement of the rules and the affirmative vote of the majority of the council shall require the presiding officer to act.

(5) No placards, banners, or signs will be permitted in the city council chamber or in any other room in which the Council is meeting. Exhibits, displays and visual aids used in connection with presentations, however, are permitted. Video presentations requested by a citizen or visitor as visual aids will not be broadcast over any city public access cable channel.

(6) The city manager shall act as sergeant-at-arms for the City Council and shall furnish whatever assistance is needed to enforce the rules of the City Council.

(l) Agenda -

(1) The mayor and/or city manager shall set the agenda. Any council member may request an item be placed on a future agenda. The requested agenda item shall be included on an agenda no later than the second regularly scheduled meeting (approximately 30 days) after receiving the request unless otherwise agreed upon by the City Council.

(2) The "Consent Agenda" consists of operational items and previously discussed items that do not require deliberation by the Council.

(3) Any Council member may remove an item from the consent agenda for separate discussion and consideration of action.

(4) Any item may be deferred or postponed to a later date by the Mayor if there is no objection. If a member of City Council objects, a majority vote of Council is required to defer or postpone the item.

(5) The city manager may remove an item from the consent agenda items by providing notice to the City Council prior to the convening of the meeting. The chair shall announce the removal of an item from the consent agenda prior to requesting a motion.

(m) **Speakers –**

(1) A person wishing to address the City Council must first complete an appearance card and register it with the city secretary, before addressing council. The following information must be provided on the card: name, residence address, day time telephone number, the subject matter to be addressed by providing the agenda item number. Council welcomes public comments and understands that the speaker might not have been expecting to address the council; however procedure must be followed before addressing council. Appearance cards will be available at the chamber entrance and at the public podium.

(2) Speakers must address their comments to the presiding officer rather than to individual council members or staff.

(3) Speakers must keep their remarks specific to the item being considered by the City Council. If the speaker is addressing the city council under the “public *comments*” section, the speaker may address any item not slated for discussion on the agenda.

(4) Murphy citizens will be allowed to speak before non-residents.

(5) A person who registers to speak on a public hearing item or during the public *comment* section will be called on at that time.

(6) All speakers *will have an opportunity* to address the council. *All speakers will be asked to keep comments to a reasonable amount of time as determined by the Chair, usually less than five (5) minutes, depending on the number of speakers waiting to address the City Council. A majority vote of City Council can force the Chair to end the speakers comments or allow additional time.*

(7) For called public hearings, the applicant will be allowed *a specific amount of time* to make a presentation.

(8) In accordance with the Texas Open Meetings Act, the City Council will not discuss or consider any item addressed during the public comment section. Council members shall limit their response to public comment to a statement of specific factual information

given in response to the inquiry or comment, a recitation of existing policy in response to the inquiry or comment. Any deliberation of or decision about the subject of the public inquiry or comment shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

(9) Whenever it is necessary for a speaker to use an interpreter to translate comments to the City Council, the time required for the translation will not be counted against the designated time allotted for the speaker to address the city council.

(n) **Motions** –

(1) The City Council may discuss an Agenda item prior to a motion being made. This allows a motion to be crafted that will incorporate the issues discussed.

(2) A motion made and seconded will be considered the main motion. Any Council member may make a motion to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion.

(3) A motion may be withdrawn or modified by its mover without asking permission until the motion is voted upon. If the mover modified the motion, the Council member who seconded the motion may withdraw the second.

(4) A motion to reconsider any action of the City Council must be made no later than prior to the conclusion of the next regularly scheduled meeting of the City Council. Such a motion may only be made by a Council member who voted with the prevailing side. The motion to reconsider may be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the City Council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

(i) If a motion to reconsider is made at the same meeting at which the matter was acted upon, the motion may be heard and voted upon and the original action on the matter is set aside. Deliberation may then resume on the matter at that same meeting.

(ii) If a motion to reconsider is made at the next meeting after the matter was acted upon, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter, but it shall be placed on the next available agenda for deliberation.

(iii) If a motion to reconsider a zoning ordinance is made after the closing of the public hearing and action on the ordinance, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter until proper notice of a public hearing in accordance with State Law is provided.

(5) If any two Council members request that discussion cease during a work session, the mayor shall poll the Council to obtain a consensus to continue or cease discussion.

(o) **Suspension of Rules** – Any provision of these rules not governed by the City Charter, City Code, State or Federal law may be temporarily suspended by a majority vote of the members of the City Council present. The vote on any such suspension shall be taken by yeas and nays and entered upon the record.

(p) **Amendment of Rules** – These rules may be amended or new rules adopted, by a majority vote of the members of the City Council.

(q) **Failure to Comply** - A failure to comply with these rules does not invalidate any otherwise lawful act of the Council.

(r) **Tabling** – an item under consideration may be tabled until a later point in the meeting.

(s) **Postponement** – an item may be postponed until a future meeting, a specific future date, or until a specific outside action occurs. Items may also be postponed indefinitely, which means the item is dead and cannot be brought back before City Council unless there is a change.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

Section 2-606. ACCESS STATEMENT

The city manager is responsible to maintain physical security for all city facilities. Physical security is a balancing act between allowing appropriate access and denying access that might compromise city operations. It is the desire of the city to allow the public access to the city facilities during regular business hours, and allow council members restricted access after regular business hours.

- (a) Members of the City Council shall be issued a City photo identification card and an electronic badge access card. After regular business hours, the access badge card may be utilized to access the lobby of the Police and Fire buildings, City Hall 2nd floor lobby and the 1st floor of City Hall with the exception of the computer room and records room. A Councilmember must be accompanied by the City Manager or their designee if access to any other area after regular business hours is requested. Council members will be respectful of the demands made upon the City Manager or their designee to respond to said request.

SECTION 2-607. PUBLIC CONTACT / MEDIA RELATIONS

(a) Representative government is only successful when the citizens are kept informed and educated about the issues facing their municipality; consequently, it is imperative that the media play an important role in the council-manager-media relations. It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure positive relationships with print, radio, and television reporters. The mayor, City council and the city manager recognize that the news media provide an important link between the council and the public. It is the council's desire to establish a professional working relationship to help maintain a well-informed and educated citizenry.

(b) All reporters will receive an agenda in advance and will be furnished support material needed for clarification if requested.

- (b) The City Manager or his designee is the City's official representative to the media.
- (c) The mayor or city council by a majority vote may designate an alternative media representative.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION 2-608. PLANNING

The mayor and council are responsible for establishing a vision for the city of Murphy and planning for its future.

(a) On an annual basis, the mayor, City Council and the city manager shall hold a minimum of one strategic planning session wherein they set priorities, goals and objectives. The goals and objectives shall address short term and long term needs, including financial, of the City.

(b) Policy direction shall be consistent with the strategic goals and objectives. Sufficient time and consideration should be given to policy alternatives to ensure that decisions are made consistent with the long-term vision and budgetary measures.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION 2-609. COUNCIL / STAFF RELATIONS

(a) Murphy has a Council-Manager form of government. Basically, with this structure, the City Council's role is to establish City policies and priorities. The Council appoints a City Manager to implement those policies and undertake the administration of the organization. The City Manager is appointed by the City Council to enforce its laws, to direct the daily operations of city government, to prepare and monitor the annual budget, and to implement the policies and programs initiated by the City Council. The City Manager is responsible to the City Council, rather than to individual Council Members, and directs and coordinates the various departments. The City Manager is responsible for appointing all department directors, except as provided by the Charter, and authorizing all other personnel positions. The City Council authorizes positions through the budget process; based upon that authorization, the City Manager makes the appointments.

(b) The City Council shall direct comments, correspondence and concerns about City operations to the city manager's office. Citizens concerns, comments and correspondence regarding city operations received by Council members shall be forwarded to the city manager for appropriate staff action and a timely response.

(c) The City Council may inquire of the city manager about the conduct of any office, department or agency of the city and make investigations as to municipal affairs, per the city charter. In no manner, either directly or indirectly, shall a Council Member become involved in, or attempt to influence, personnel matters that are under the direction of the City Manager. Nor shall the City Council be involved in, or influence, the purchase of any supplies beyond the requirements of the City purchasing procedures. Notwithstanding the foregoing, **any member of** the City Council, may, prior to or during a meeting, make inquiry to a department head on an agenda item posted for the next council meeting. The council member will carbon copy (cc) the city manager on any email communication to a **staff member**.

(d) Documents provided to one Council member shall also be distributed to all other members of the Council. The city manager shall prepare and submit to the Council prior to the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year. The city manager shall keep the Council advised of the financial condition and future needs of the City and make such recommendations that may seem desirable.

(e) In order to ensure proper presentation of agenda items by staff, questions arising from Council members after receiving their information packet should be, whenever possible, presented to the city manager or the manager's designated assistants for staff consideration prior to the Council meeting. This allows staff the time to address the

council members' concerns and provide all Council members with the additional information.

(f) Seeking political support from staff is not appropriate. The City is a non-partisan local government. Neither the City Manager nor any other person in the employ of the City shall take part in securing or contributing any money toward the nomination or election of any candidate for a municipal office. In addition, some professionals have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.

**COUNCIL GOVERNANCE POLICY
AND RULES OF PROCEDURE**

SECTION 2-610. COUNCIL RELATIONS WITH THE CITY ATTORNEY

(a) The city attorney is appointed by the City Council. The city attorney is the legal advisor for the Council, its committees, commissions and boards, the city manager, and all City officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the City.

(b) The general legal responsibilities of the City Attorney are to:

(i) provide legal assistance necessary for formulation and implementation of legislative policies and projects;

(ii) represent the City's interest, as determined by the City Council, in litigation, administrative hearings, negotiations, and similar proceedings;

(iii) prepare or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the City Council; and

(iv) keep City Council and staff apprised of court rulings and legislation affecting the legal interest of the city.

(c) No Council member shall request or direct the city attorney to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of the Council. The city attorney shall determine whether or not a matter is significant. The city manager shall be informed of any project, study, opinion or report prepared by the city attorney as requested by the City Council. . The city manager shall not prevent council members from communication with the city attorney.

(d) It is important to note that the city attorney does not represent individual members of the Council, boards, commissions or employees, but rather the City as a whole.

COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE

SECTION 2-611. STAFF AND COUNCIL RELATIONS WITH BOARDS, COMMISSION AND COMMITTEES

(a) Staff support and assistance may be provided to advisory boards, commissions, and committees. Advisory bodies, however, do not have supervisory authority over City employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the city manager. The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or bylaws. Staff members are to assist the advisory boards to ensure appropriate compliance with ordinances, Charter, state and local laws and regulations.

(b) Staff support includes: (1) preparation of an agenda; (2) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and (3) preparation of minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. It is important to note that city staff *seeks to* not influence boards, commissions and committees, but provide objective information to help the boards, commissions and committees in their decision making process. Staff should provide information on options considered along with a summary of pros and cons of each option. Any prior direction by City Council on a particular issue should be provided by staff to any board, commission or committee considering the issue.

(c) The role of the city's boards, commissions and committees is to perform the specific functions established in state statutes, city ordinances, resolutions, or minute orders as applicable and to advise the City Council about the topics assigned.

(d) If a City Council member should attend a meeting of a board, commission or committee, the member shall not take part in the meeting nor address the board in any manner whether by questions or statements. A City Council member shall not attempt to influence the decisions of boards, commissions and committees, either directly or indirectly, nor express an opinion to a board, commission or committee about its actions unless at a City Council meeting. Boards that require a city council member to be a member of that board are exempt from this policy provision.

(e) All instructions to boards, commissions and committees by the City Council shall be in writing.

APPENDIX

- From the League of Kansas Municipalities

These tips are non-binding and not policies, but are good starting points for a successful Council-Manager form of government.

Tips for Successful Public Service

- Learn all you can about your city, its operation, its financing. Do your homework. Know your city ordinances.
- Devote sufficient time to your job and to studying the present and future problems of your community.
- Don't burn yourself out on the little things. Save some energy for the important matters.
- Don't act as a committee of one. Governing a city requires a team effort -- practically and legally.
- Don't let honest differences of opinion degenerate into personality conflicts.
- Remember that you represent *all* the people of your community, not just neighbors and friends.
- Take your budget preparation job seriously. It determines what your city does or doesn't do for the coming year and will influence decisions and actions in future years as well. The budget is the most important policy development tool available to govern a city.
- Establish policy statements. Written policy statements let the public and the city staff know where they stand. They help the City Council govern, and writing them provides a process to develop consensus. "That's the way it's always been done" is not good enough either to stay out of trouble or to get things done.
- Make decisions on the basis of public policy and be consistent. Treat similar situations similarly.
- Don't be stampeded into action. Don't be misled by the strong demands of special interest groups who want it done now, their way. Your job is to find the long-term public interest of the community as a whole, and you may be hearing from the wrong people.
- Don't be afraid of change. Don't be content just to follow the routine of your predecessors. Charge your appointed officers and their employees with being responsible for new ideas and better ways. Listen to what they have to say.
- Don't give quick answers when you're not sure of the real answer. It may be embarrassing to appear ignorant, but it can be more embarrassing and damaging to tell a person something that is wrong.
- As an individual, even if you're the mayor, don't make promises you can't deliver! Most decisions and actions require approval of the City Council, and that takes a majority vote.
- Don't spring surprises on your fellow Council Members or your city staff, especially at formal meetings. If a matter is worth bringing up for discussion, it is

- worth being on the agenda. While surprises may get you some publicity, at the embarrassment of others, they tend to erode the “team” approach to governance.
- Retain competent key employees. Pay them well. Trust their professional judgment and recognize their responsibilities.
 - Don’t bypass the system! You have a city manager. Council Members should stick to policy-making and avoid personal involvement in the day-to-day operations of the city.
 - Don’t let others bypass your system--insist that people such as vendors or service providers first work with your city staff. If direct contact with Council Members is advisable, this should be with the Council as a whole, not on a one-to-one basis.
 - Learn to evaluate recommendations and alternative courses of action. Request your staff to provide options. Encourage imaginative solutions.
 - Be concerned with the long-term future to avoid unnecessary expense and delay and to avoid taking short-term gains at the expense of long-term losses.
 - Balance personal rights and property interests. Balance the possible harm to a few versus the good of the many.
 - Be concerned with the total development (physical, economic, social) of your community.
 - Visit other cities, particularly those with a reputation of being well run. Get to know the officials of neighboring and similarly sized cities.
 - Don’t act as if the city operates in a vacuum. Cities must work within the intergovernmental system to be effective. Keep in contact and cooperate with your federal, state, county, and school officials.
 - Keep your constituents informed, by such means as a weekly “open letter” in the local newspaper, radio interviews, or news releases. Be friendly and deal effectively with the news media. Lack of good communications is one of the big problems of cities.
 - Remember that what you say, privately and publicly, will often be news. Avoid overpublicizing minor problems.
 - Appoint citizen advisory committees when you need them, but be prepared to follow their advice if you use them.
 - Have some goals and objectives. What do you want to accomplish this year? Next year? What do you want the city to accomplish this year? During the next five years?
 - Be a leader as well as part of the team of elected and appointed officials who were selected to make your city an even better place to live.
 - Having a practice of “no surprises” between the council and staff, and vice versa, fosters a productive working relationship.