

CITY COUNCIL MINUTES  
AUGUST 20, 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 –**

*Jim Tuskan, 536 Chalk Hill Lane-* Mr. Tuskan asked the Council to consider implementing the senior tax freeze and wanted to know what the next steps were in moving the item forward.

Mayor Barna stated that the item could not be discussed as it was not on the agenda, however, he would speak with Mr. Tuskan about it in the near future.

*Charlene Winter, 415 Moonlight Drive –* Ms. Winter described a sewer back-up that occurred at her residence that caused damage to personal property, as well as, business property that was being stored at her house. Ms. Winter stated that both the city's insurance and her personal homeowner's insurance had denied her claim.

City Attorney Andy Messer advised the Council that Ms. Winter's claim was an item to be discussed, as posted, in executive session.

**5. PRESENTATION ITEMS –**

Finance Director Linda Truitt presented the Council with unaudited investment and financial report as of June 30, 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 meeting minutes:

1. August 2, 2013 special called meeting minutes;
2. August 6, 2013 regular meeting minutes; and,

3. August 8, 2013 special called meeting minutes.

- B. Consider and/or act upon proposed resolution authorizing the City Manager to renew the Interlocal Agreement between the City of Murphy and the City of Plano for City of Murphy employees for employee training. *(Assigned Res. No. 13-R-776 and CLA No. 201308002)*
- C. Consider and/or act upon authorizing the City Manager to sign an agreement with Collin County for the provision of firefighting and fire protection services. *(Assigned CLA No. 201308003)*
- D. Consider and take action, if any, on authorizing the City Manager to execute the NCTCOG E9-1-1 and equipment Interlocal Agreement. *(Assigned CLA No. 201308004)*
- E. Consider and/or act upon approval of a resolution authorizing the City Manager to sign the contract agreement with NCTCOG Public Works Mutual Aid Agreement. *(Assigned Res. No. 13-R-777 and CLA No. 201308005)*
- F. Consider and take action, if any, on the approval of a Resolution authorizing the Mayor to execute a letter to the Attorney General documenting compliance with Chapter 395 of the Texas Local Government Code. *(Assigned Res. No. 13-R-778)*
- G. Consider and/or act upon authorizing Dunkin, Sims, Stoffels Inc. to bid a landscaping installation contract for Murphy Central Park.
- H. Consider and/or act on the application of Dowdey, Anderson and Associates, Inc. requesting approval of the Final Plat for **Maxwell Creek North, Phase 11A** on property zoned PD (Planned Development) District for Single Family Uses (Ordinance No. 00-06-487).

**COUNCIL ACTION (6.A -6.H.):**

**APPROVED**

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

**7. INDIVIDUAL CONSIDERATION**

- A. Hold a public hearing on the proposed tax rate of \$0.5700 per \$100 valuation.  
Ms. Truitt presented the Council with the proposed tax rate, as well as the effective rate and the rollback rate. Ms. Truitt stated that there would be another public hearing on the tax rate on September 3<sup>rd</sup> and the tax rate would be up for consideration at the September 17<sup>th</sup> Council meeting.

Mayor Barna opened the public hearing at 6:20 p.m.

*Keith Patton, 451 Poindexter* – Mr. Patton stated that, as a result of home values going up, Murphy residents were still having to pay more taxes. Mr. Patton commented that Murphy has continually seen an increase of 6%.

*Charles Hall, 411 Sagebrush* – Mr. Hall stated that he has been a Murphy resident for seven years and has witnessed a steady tax rate increase every year he has lived in the city. Mr. Hall

commented that, with the water rate increases, he now pays more for his water than for his cable.

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

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

**NON ACTION ITEM**

No action was taken.

- B. Hold a public hearing on the proposed fiscal year 2013-2014 City of Murphy budget. Ms. Truitt presented the Council with the general fund and utility fund budget. Ms. Truitt also reviewed proposed water and sewer rate increases with the Council. Ms. Truitt stated that there would be another public hearing on the budget on September 3<sup>rd</sup> and the budget would be up for consideration at the September 17<sup>th</sup> Council meeting.

Mayor Barna opened the public hearing at 6:32 p.m.

There were no public comments.

Mayor Barna closed the public hearing at 6:32 p.m.

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

**NON ACTION ITEM**

No action was taken.

- C. Consider and/or act upon a recommendation by the City Manager regarding the appointment of an auditing firm to perform the annual audit for FY2013 and authorizing the City Manager to negotiate a contract for services.

Councilmember Thomas inquired as to why staff chose the recommended firm that was not the lowest cost. Ms. Truitt responded that they were selected based on their longevity, number of employees and prior work with projects similar to what the City is currently working on.

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

**APPROVED**

Councilmember Grant moved to approve Pattillo, Brown & Hill, LLP as the certified public accounting firm to conduct an independent audit of all accounts of the City for FY2013 with the option of auditing its financial statements for each of the four subsequent fiscal years. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- D. Consider and take action, if any, on the request by Plano Sports Authority to waive the permit fees for PSA Murphy.

Kristen Roberts presented Council with the history of the fee waiver requests.

Don Blackwood, Plano Sports Authority (PSA) General Manager, presented the Council with the history of the PSA dating back to 1970 and stated that it has always been a non-profit organization.

*Don Kirtschner, 416 Skyline Drive* – Mr. Kirtschner stated that he was opposed to waiving any actual costs and asked the Council to consider the budgetary impact of approving a waiver request.

Council held discussions with regard to the request for waiver. Councilmember Grant stated that he was a big supporter of PSA and believed that it took the City out of the youth sports business. Mayor Barna echoed Councilmember Grant's comments and stated that he was excited about the PSA coming to Murphy.

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

**APPROVED**

Councilmember Grant moved to waive all estimated development fees for the Plano Sports Association. Councilmember Nichols Spraggins seconded the motion. For: Barna, Siddiqui, St. Clair, Nichols Spraggins, Grant and Thomas. Opposed: Bradley. The motion carried by a vote of 6 to 1.

**EXECUTIVE SESSION (Item 9 on Agenda)**

The City Council convened into Executive Session at 6:56 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 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:
  - 1. Zoning and subdivision regulation issues involving the Ranch/ Gables subdivisions;
  - 2. Traffic calming policies and measures;
  - 3. Claim against the City for sewer repairs at 415 Moonlight Dr; and,
  - 4. Personnel matters involving the 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; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
  
- C. §551.074 Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager or to hear a complaint or charge against the City Manager.

**RECONVENE INTO REGULAR SESSION (Item 10 on Agenda)**

The City Council reconvened into Open Session at 8:23 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 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:
  - 1. Zoning and subdivision regulation issues involving the Ranch/ Gables subdivisions;
  - 2. Traffic calming policies and measures;
  - 3. Claim against the City for sewer repairs at 415 Moonlight Dr; and,

4. Personnel matters involving the 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; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. §551.074 Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager or to hear a complaint or charge against the City Manager.

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

**CONTINUE WITH INDIVIDUAL CONSIDERATION ITEM 7.E.:**

- E. Discuss and take action, if any, on an Ordinance addressing traffic calming measures, including the possible closure, of Moonlight Drive and/or Grant Road.

City Attorney Andy Messer stated that, per Council's direction at the previous meeting, he had drafted an ordinance closing Grant Drive to motor vehicle traffic. Mr. Messer stated that the closing would not affect pedestrian or bicycle traffic.

*Dan Turner, 167 Moonlight Drive* – Mr. Turner reminded Council that closing the road was a quality of life and safety issue. Mr. Turner stated that he was asking for a resolution tonight.

*John Bolin, 421 Pleasant Run* – Mr. Bolin stated that he lives at the corner of Mason and Grant. He stated that he understood this was an emotional issue, but asked Council to examine the facts. Mr. Bolin stated that there is no record of anyone being harmed due to traffic on Moonlight.

*Greg Matocha, 151 Moonlight Drive* – Mr. Matocha stated that closing the road was a safety issue in that the traffic has doubled over the last several years and due to the fact that Moonlight is a long, straight, narrow street with no sidewalks.

*Richard Englebert, 2700 Block of Grant Drive* - Mr. Englebert brought the City's traffic calming policy to the Council's attention. Mr. Englebert stated that, according to the policy, he should have been notified as he lived on the road subject to closure. Mr. Englebert stated that Council needs to educate the community that the community should expect increased traffic as the community is growing.

*John Langland, 2700 Block of Grant Drive* – Mr. Langland

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

**APPROVED**

Mayor Pro Tem Siddiqui moved to approve the ordinance. Councilmember Thomas seconded the motion. For: Barna, Siddiqui, St. Clair, Bradley, Grant and Thomas. Opposed: Nichols Spraggins. The motion passed 6 to 1.

F. Discuss City of Murphy watering fines.

Mayor Barna stated that he asked the item to put before Council to discuss the current fines and procedures. Mayor Barna stated that he would like a reduced fine initially, along with educating the residents. Deputy Mayor Pro Tem St. Clair stated that he also asked for the item to be discussed. St. Clair stated that he would prefer a warning be given for first time offenders. Mayor Barna concurred.

Councilmember Grant stated that issuing warnings for first time offenders would be difficult on staff and stated that the Council should not limit the judge.

Staff members provided Council with statistics related to code enforcement, citations and court actions.

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

No action was taken.

**NON ACTION ITEM**

G. Consider, and/or act, on Board and Commission appointments, including establishing an interview panel comprised of three council members.

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

Mayor Pro Tem Siddiqui moved to nominate Mayor Pro Tem Siddiqui, Councilmember Grant and Councilmember Nichols Spraggins to the Interview Panel. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

**APPOINTMENTS**

Councilmember Grant moved to appoint Kim Parker to the City Official position of the Animal Shelter Advisory Committee. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

**RECONSIDER ITEM 7.A.**

Mayor Barna reopened Item 7.A. for consideration and read the following statement:

“The vote on the proposed tax rate will take place on Tuesday, September 17, 2013 at 6:00 PM in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas.”

**RECONSIDER ITEM 7.B.**

Mayor Barna reopened Item 7.B. for consideration and read the following statement:

“The vote on the proposed fiscal year 2013-2014 budget will take place on Tuesday, September 17, 2013 at 6:00 PM in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas.”

**CONTINUE WITH INDIVIDUAL CONSIDERATION ITEM 7.H.:**

H. Consider and/or act upon Ethics Review Commission recommendations:

1. A proposed resolution establishing the Rules and Procedures for the City of Murphy Ethics Commission
2. A proposed ordinance amending Chapter 2, Article IX of the Code of Ordinances entitled Code of Ethics.

**COUNCIL ACTION (7.H.):**

**POSTPONE**

Councilmember Bradley moved to postpone consideration of Item 7H until the next regularly scheduled council meeting. Councilmember Nichols Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

**8. CITY MANAGER/STAFF REPORTS**

Chief Lee provided the Council with an update on the following items:

- North Murphy Road Construction Update
- Murphy Central Park Construction Update
- ONCOR Hike and Bike Trail and Executive Visit
- Update on West Nile Virus cases in surrounding cities
- Maize Days – September 28, 2013

**9. ADJOURNMENT**

With no further business, the meeting was adjourned at 9:14 p.m.

APPROVED BY:

  
Owais Siddiqui, Mayor Pro Tem

ATTEST:

  
Kristi Gilbert, City Secretary

