

CITY COUNCIL MINUTES
SEPTEMBER 3, 2013 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

Mayor Pro Tem Siddiqui called the meeting to order at 6:00 p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Siddiqui gave the invocation and led the recitation of the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

Kim McCranie, certified a quorum with the following Councilmembers present:

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:

Mayor Eric Barna

4. PUBLIC COMMENTS –

Julia Matocha, 151 Moonlight Dr – Ms. Matocha stated that the difference in volume after closing Grant Road was immediate and thanked the Council for closing the street.

Greg Matocha, 151 Moonlight Dr – Mr. Matocha stated that what is a convenience to others is negatively effecting the quality of life for Moonlight residents. Mr. Matocha thanked the Council for closing the road.

Richard Englebert, Grant Dr, Sachse – Mr. Englebert inquired as to whether the citizens of the two subdivisions in Murphy were polled by the City regarding the closure of Grant.

City Attorney Andy Messer addressed Mr. Englebert's question by stating that the Texas Transportation Code grants the City police power, including the closure, of streets within its jurisdiction regardless of other policies the City may have in place.

5. PRESENTATION ITEMS –

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

1. August 20, 2013 regular meeting minutes; and,
2. August 22, 2013 special called meeting minutes.

COUNCIL ACTION (6.A.):

APPROVED

Councilmember St. Clair moved to approve the consent agenda as presented. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing on the proposed fiscal year 2013-2014 City of Murphy budget.

Mr. Fisher presented the Council with the general fund and utility fund budget including the proposed revenues, expenditures, rate increases and tax rate.

Councilmember Grant inquired as to the possibility of moving the budget work session up on the agenda.

Mayor Pro Tem Siddiqui opened the public hearing at 6:24 p.m.

Don Reilly, 302 White Wing Way – Mr. Riley commented on the differences between the budget documents on the website and the budget presented to Council. Mr. Riley stated he expected the spending to increase by more than the amount of inflation due to the City's growth. Mr. Riley expressed concerns regarding the limited justification provided for expenditures.

Mayor Pro Tem Siddiqui closed the public hearing at 6:28 p.m.

Mayor Pro Tem Siddiqui stated 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.

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 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 3rd and the tax rate would be up for consideration at the September 17th Council meeting.

Mayor Pro Tem Siddiqui opened the public hearing at 6:29 p.m.

Ray, Shahan, 405 Sagebrush Trail – Mr. Shahan stated that he wanted Council to take into consideration the increased revenue from WalMart before spending money the City didn't have.

Mayor Pro Tem Siddiqui closed the public hearing at 6:30 p.m.

Mayor Pro Tem Siddiqui stated 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.

COUNCIL ACTION (7.B.):

No action was taken.

NON ACTION ITEM

**MOVE AGENDA ITEM
CONSIDER ITEM 11.A.**

11. BUDGET WORK SESSION

- A. Discuss, consider and/or act upon modifications to the FY 2014 General Fund and Utility Fund budgets.

Councilmember Grant referred to an email that he sent to Mr. Fisher earlier in the day requesting a reduction of certain items. Councilmember Grant stated that he didn't like placeholders in the budget and would prefer to allocate the funds when the spending is necessary.

Councilmember Bradley stated that he agreed with Councilmember Grant and wasn't opposed to a budget amendment in the future as the need arises.

Councilmember Grant inquired as to whether the \$50,000 computer replacement item had equipment already identified. Mr. Fisher stated that these items were identified as multi-year phased expenditures to update the computer systems.

Councilmember Grant inquired as to the expenditures related to a jackhammer that is showing up in both in the utility fund and under parks general fund. Mr. Fisher stated that half the item was paid for from both funds resulting in only one jack hammer. Regarding the VOIP, Councilmember Grant asked for a cost benefit justification.

Councilmember Grant inquired about the enterprise asset work order system and wanted to know if the current system was working. Mr. Fisher responded that there were problems with the current system that prevented efficiencies and the new software would allow for better tracking. Councilmember Grant inquired about the three gators being purchased from the 4B budget; he suggested that one gator be purchased from the general fund.

Councilmember Grant inquired about the \$52,500 Crown Victoria for the police department and wanted to know if the City was phasing out the Crown Victoria's. Councilmember Grant inquired if purchasing two vehicles was necessary. Mr. Fisher stated that the City was phasing out the Crown Victoria's and going towards Tahoes. Mr. Fisher commented that, in previous years, the City has been in a position where vehicles were not replaced timely resulted in purchasing several vehicles in a single year.

Councilmember Grant inquired as to how old the utility truck was that was being replaced at the budgeted amount of \$58,350. Mr. Fisher stated he believed it was 10 years old.

Councilmember Grant stated that North Texas Municipal Water District (NTMWD) was passing on a significant rate increase to the City that needed to be passed on to the residents. He stated that the City should focus on having the users pay for actual use and create disincentives for using water in times of drought. Councilmember Grant stated that he did not believe it was something that could be subsidized.

Mr. Fisher stated that the base rate for water and sewer services was structured to allow for a guaranteed amount the City would receive to cover the cost of required debt payments.

Councilmember Bradley stated that he had the same concerns as Councilmember Grant and stated that he thinks of it as two segments. The first being actual water usage and the payment of the City's portion to NTMWD for the guaranteed amount of water and the second segment being the maintenance and care of the water and sewer distributions in the City. Councilmember Bradley stated the base rate is designed to ensure everyone is paying their fair share to run and maintain the system, with the remaining rates controlled based on usage.

Mayor Pro Tem Siddiqui asked if staff could bring forward various options for the council to consider.

Councilmember Thomas stated that the state of Texas imposes rules on the City that prevents the City from making many changes with regard to water and sewer rates.

Deputy Mayor Pro Tem St. Clair inquired as to if the rates were anticipated to increase over the next several years. Mr. Fisher responded that each model shows rates increasing significantly over time.

Discussion was held with regard to reviewing the rate structure and possibly changing the effective date of the water and sewer increase. Mr. Fisher responded to Councilmember Grant's previous inquiry regarding the utility vehicle by stating that the current vehicle is a 1997 Ford F450 with over 100,000 miles on it.

Councilmember Grant inquired about the necessity of a sprayer that will be used for dispersing herbicides.

Mr. Fisher commented that the sales tax generated from the WalMart is replacing the development fees that the City had been counting on over the last several years as the City reaches build out.

Councilmember Thomas stated he was concerned regarding the continued increase in expenses resulting in an approximate increase of 20% over the last two years. Mr. Fisher stated five years ago the budget was approximately \$10 million with a city population less than 12,000 people. Currently the population is approximately 20,000 and the budget has only increased by about \$2 million dollars. Mr. Fisher stated that approximately \$20 million in services and projects have been added in that time.

COUNCIL ACTION (11.A.):

Motion 1, Approved: Councilmember Grant moved to remove the \$75,000 line item for the customer service relocation from the FY 2014 budget. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

Motion 2, Approved: Councilmember Grant moved to remove the \$35,000 line item for enterprise asset/fleet work order system from the FY 2014 budget. Councilmember Thomas seconded the motion. For: Siddiqui, Nichols Spraggins, Grant and Thomas. Against: St. Clair and Bradley. The motion carried by a vote of 4 to 2.

Motion 3, Removed: Councilmember Grant moved to remove the \$50,000 line item for computer/printer system replacement from the FY 2014 budget. Councilmember Bradley seconded the motion.

Councilmember Bradley mentioned \$30,000 of the subject line item that the City is already committed to for operational expenses.

Councilmember Grant removed the motion from the floor.

Motion 4, Failed: Councilmember Grant moved to remove the \$50,000 line item for the jack hammer and bucket from the FY 2014 budget that is paid for half by public works and half by parks. The motion failed for lack of a second.

Motion 5, Approved: Councilmember Grant moved to remove the line item funded by 4B for \$14,000 for two gator vehicles from the FY 2014 budget. Councilmember Nichols Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

Motion 6, Approved: Councilmember Grant moved that the remaining one gator come from the general fund budget and not the 4B budget. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

Motion 7, Approved: Councilmember Grant moved to remove the \$43,500 line item of a sprayer from the FY 2014 budget. Councilmember Nichols Spraggins seconded the motion. For: Siddiqui, Nichols Spraggins, Grant and Thomas. Against: St. Clair and Bradley. The motion carried by a vote of 4 to 2.

Motion 8, Failed: Councilmember Grant moved to remove the \$52,500 line item for one Crown Victoria from the FY 2014 budget.

Councilmember Bradley inquired if the vehicle was part of the vehicle replacement plan. Mr. Fisher responded that it was part of the plan, which would result in the purchasing of four vehicles next year instead of three.

Councilmember Nichols Spraggins inquired as to whether each officer had their own vehicle or if they were rotated. Chief Cox stated that they were in rotation.

Mr. Fisher stated that three to four vehicles need to be replaced each year from here on out. Mr. Fisher stated the current inventory includes a 2003 Explorer with 77,000 miles, a 2006

Tahoe with a little over 100,000 miles and two 2006 Crown Victoria's with a little over 100,000 each.

The motion failed for a lack of a second.

Motion 9, Failed: Councilmember Grant moved to remove the \$58,350 line item funded for replacement of a utility truck for FY 2014 budget. Councilmember Nichols Spraggins seconded the motion. For: Nichols Spraggins, Grant and Thomas. Against: Siddiqui, St. Clair and Bradley. The motion failed by a vote of 3 to 3.

RETURN TO ITEM 7.C.

- C. Hold a public hearing and consider and/or act on the application of RLK Engineering, Inc on behalf of Plano I.S.D, to re-plat 415 Oriole – Hunt Elementary on property zoned P/SP (Public/Semi Public). This property is located at the northwest corner of Oriole and Rolling Ridge.

Kristen Roberts presented staff comments and stated that the purpose of the replat was to move an easement due to the remodel of the school.

Mayor Pro Tem Siddiqui opened the public hearing at 7:35 p.m.

No one was signed in to speak in favor of or in opposition to the replat.

Mayor Pro Tem Siddiqui closed the public hearing at 7:36 p.m.

COUNCIL ACTION (7.C.):

APPROVED

Councilmember Bradley moved to approve the replat as submitted. Councilmember Grant seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- D. Consider and/or act on the application of RLK Engineering, Inc on behalf of Plano I.S.D to revise the site plan of 415 Oriole – Hunt Elementary on property zoned P/SP (Public/Semi Public). This property is located at the northwest corner of Oriole and Rolling Ridge.

Kristen Roberts presented Council with the proposed site plan and stated the revisions were to reflected a proposed remodel of classrooms and the cafeteria

COUNCIL ACTION (7.D.):

APPROVED

Councilmember Bradley moved to approve the revised site plan for Hunt Elementary as submitted. Councilmember Grant seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- E. Consider and/or act upon a request by Aron Frydberg, on behalf of Allen Tari, to reconsider the denial of the application of Allen Tari requesting a variance to sign requirements, as stated in the Code of Ordinances, Section 28-22, Monument Signs-Business Districts, for a sign at the business known as Tari Car Lot, located at 729 W. FM 544.

Ms. Roberts stated the item was originally denied by the Planning and Zoning Commission on June 3rd and was subsequently appealed to Council and denied on July 16th. Ms. Roberts stated that the applicant felt he did not receive adequate consideration of his request for a taller sign.

Mr. Frydberg stated that businesses had a right to advertise their business.

COUNCIL ACTION (7.E.):

APPROVED

Councilmember Grant moved to approve the motion to reconsider the denial of Allen Tari requesting a variance to the sign requirements as stated in the Code of Ordinances Section 28-22. Councilmember St. Clair seconded the motion. For: Siddiqui, St. Clair, Nichols Spraggins, and Thomas. Against: Bradley and Grant. The motion passed by a vote of 4 to 2.

F. Discuss amending Chapter 28, Development Standards, Article 1. Signs.

Ms. Roberts stated that Council had amended the ordinance in May 2013 at the request of staff to create a consistency within the code; a portion of the code had prohibited electronic signs while another allowed it. Ms. Roberts stated that staff welcomed Council comments and direction on the matter.

Shannon McEowen, 430 Ashley Place – Ms. McEowen asked the Council request a variance to allow for the digital marquee that the Murphy Middle School tried to install during the summer. Ms. McEowen stated the PTA had been working towards installing a digital marquee for over two years. Ms. McEowen stated the PTA has raised a little over \$28,000 for full installation of the sign, most of the funds were restricted to be spent only on the sign. Ms. McEowen stated the initial submittal in June resulted in a response that a structural engineer needed to sign off on the application. Upon resubmittal, Ms. McEowen stated she was notified that the sign was no longer allowed by ordinance.

Robert Montgomery, 213 Crepe Myrtle – Mr. Montgomery stated that Murphy Road Baptist Church was wanting to install an electronic message sign as well. Mr. Montgomery asked the Council to reconsider the ordinance. Mr. Montgomery stated that an electronic changeable message sign allows for more advertising in a smaller space.

Councilmember Bradley stated that he believed the intention was to have the signs apply to businesses and would recommend sending the ordinance back to provide for churches, schools and community-based organizations the ability to have an electronic changeable message sign.

Councilmember Thomas stated that he would like to hear the Planning and Zoning Commission's opinion as to why the ordinance was changed.

Discussion was held with regard to holding a joint work session with the Planning and zoning commission at their next regularly scheduled meeting.

COUNCIL ACTION (7.F.):

NON ACTION ITEM

No action was taken.

- G. Consider and/or act upon awarding construction bid to low bidder A&M Construction & Utilities, for the repairs of a public storm drainage line / easement between 319 and 323 Kentwood Drive, and authorizing the City Manager to sign the contract.

Mr. Fisher stated that staff was recommending awarding the contract to low bidder, A&M Construction & Utilities.

COUNCIL ACTION (7.G.):

APPROVED

Mayor Pro Tem Siddiqui moved to award the construction bid to low bidder A&M Construction & Utilities and authorizing the City Manager to execute the contract. Councilmember Grant seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

MOVE TO ITEM 9

9. EXECUTIVE SESSION

The City Council convened into Executive Session at 8:00 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; and,
 2. Traffic calming measures.
- 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) regarding:
Incentive agreement between Allen & Loucks Venture, LLC, C4 Enterprises, LLC and Chef Time, LLC and the City of Murphy and the Murphy Municipal Development District.
- C. §551.071 Consultation with the City Attorney and special counsel 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 contemplated or pending litigation or matters where legal advice is requested of the City Attorney on personnel matters regarding the City Manager.
- D. §551.074 Deliberations 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.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Open Session at 8:46 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; and,
 2. Traffic calming measures.
- 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) regarding:
Incentive agreement between Allen & Loucks Venture, LLC, C4 Enterprises, LLC and Chef Time, LLC and the City of Murphy and the Murphy Municipal Development District.
- C. §551.071 Consultation with the City Attorney and special counsel 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 contemplated or pending litigation or matters where legal advice is requested of the City Attorney on personnel matters regarding the City Manager.
- D. §551.074 Deliberations 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.
- E. Consider and or act upon any executive session items.
- No action was taken as a result of the executive session.
- F. Consider and/or act upon approval of a resolution authorizing the City Manager to execute an Incentive agreement between Allen & Loucks Venture, LLC, C4 Enterprises, LLC and Chef Time, LLC and the City of Murphy and the Murphy Municipal Development District.

COUNCIL ACTION (10.F.):

APPROVED

Councilmember Bradley moved to approval of a resolution authorizing the City Manager to execute an Incentive agreement between Allen & Loucks Venture, LLC, C4 Enterprises, LLC and Chef Time, LLC and the City of Murphy and the Murphy Municipal Development District. Councilmember Grant seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

RETURN TO 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 table the resolution establishing the Rules and Procedures for the City of Murphy Ethics Commission and the ordinance amending Chapter 2, Article IX of the Code of Ordinances entitled Code of Ethics until the first meeting in December, scheduled for December 3rd. Councilmember Nichols Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

MOVE TO ITEM 11.B.

- B. Discussion regarding the issuance of tax notes for the purpose of funding the Murphy Central Park, the Community Center and the Animal Shelter.

Mr. Fisher provided the Council with an update on the April discussion on the issuance of \$1,000,000 in tax notes for the animal shelter and overages from the community center. Mr. Fisher stated that an agreement needed to be entered into between the City and the MDD regarding the issuance of the tax notes.

COUNCIL ACTION (11.B.):

NON ACTION ITEM

No action was taken.

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

Update on West Nile Virus

Collin County Appraisal District Board Nominations

Chamber of Commerce, State of the City – September 17, 2013

Maize Days – September 28, 2013

Fire Open House – October 5, 2013

Texas Municipal League – October 8-11, 2013

ADJOURNMENT

With no further business, the meeting was adjourned at 8:54 p.m.

APPROVED BY:



Eric Barna, Mayor

ATTEST:



Kristi Gilbert, City Secretary

