

MURPHY CITY COUNCIL AGENDA  
REGULAR CITY COUNCIL MEETING  
APRIL 15, 2014 AT 6:00 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 April 1, 2014 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 TO ORDER**

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

**3. ROLL CALL & CERTIFICATION OF A QUORUM**

**4. PUBLIC COMMENTS**

**5. PRESENTATION ITEMS**

A. Proclamation Recognizing Sexual Assault Awareness and Prevention Month.

B. Proclamation Recognizing Child Abuse Prevention Month.

C. Presentation of financial report and investment report as of March 31, 2014.

**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 March 31, 2014 special meeting minutes.

B. Consider and/or act upon the April 1, 2014 regular meeting minutes.

**7. INDIVIDUAL CONSIDERATION**

A. Discussion on the City's Web Page.

B. Discussion on the Collin County Transit Needs Assessment and Planning Study.

C. Consider and take appropriate action, if any, on a Resolution declaring a Moratorium regarding the permitting, installation and removal of synthetic turf in the City of Murphy.

D. Discussion on the FY 15 Annual Budget.

E. Consider and take action, if any, on the proposed contract agreement for concession facility located at Central Park between PSA and the City of Murphy.

F. Update and discuss the utility rate study by NewGen Strategies & Solutions.

**8. CITY MANAGER/STAFF REPORTS**

North Murphy Road Construction Update  
City Holiday – April 18th  
Drug Take Back Day – April 26th  
May Election – May 10th

**9. ADJOURNMENT**

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on April 11, 2014 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

\_\_\_\_\_  
Terri Johnson  
Interim City Secretary

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City at 972.468.4006 or [kroberts@murphytx.org](mailto:kroberts@murphytx.org).

Notice of Possible Quorum: There may be a quorum of the 4B Community Development Corporation, the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Ethics Review Commission the Murphy Municipal Development District Board, the Park and Recreation Board and/or the Planning and Zoning Commission may be present at the meeting, but they will not deliberate on any city business.

CITY COUNCIL MINUTES  
MARCH 31, 2014 CITY COUNCIL SPECIAL MEETING

**1. CALL TO ORDER**

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

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Barna gave the invocation and led the Pledge of Allegiance to the United States flag.

**3. ROLL CALL & CERTIFICATION OF A QUORUM**

Executive Administrative Assistant Kim McCranie 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**

Mayor Barna passed this item.

**5. INDIVIDUAL CONSIDERATION**

A. Presentation by Staff of the proposed Safe Routes to School sidewalk in the Rolling Ridge Estates Subdivision.

City Manager James Fisher stated that the Safe Routes to School Program provided approximately \$100,000 in funding to construct a sidewalk from Liberty Ridge Park to Oriole Court, along the north side of Rolling Ridge Drive from Parkview Lane north to Oriole Court. This Town Hall meeting was planned to look at this proposed project and to hear from the residents who will be affected. City Staff has tried to address the various questions and concerns raised by the Council and residents.

Mr. Fisher reported that the section of sidewalk between Featherwood Drive and Liberty Ridge Park is a challenge because of the current landscaping. An arborist was on site on this date and recommended that a large Japanese Black Pine be transplanted. Because of the late winter, there is a very small window of time to get the tree moved. The required dirt work to complete the project could possibly damage the root system of this tree along with other large trees located on the site.

The arborist also recommended that if the tree was not transplanted then it should be fertilized with a high nitrogen fertilizer to prepare trees for the stress at least 30 days prior to the beginning of construction.

The proposed sidewalk is to be four feet wide. The staff was also proposing to paint a white stripe approximately 2-3 feet from the curb in the section between Featherwood and Liberty Ridge Park to minimize driving near the curb. Also, this area would be marked as a no parking zone.

Two 125' retaining wall sections would be needed along the edge of the sidewalk on Featherwood which also pose challenges.

The section of sidewalk from Featherwood Drive to Oriole Court meanders along the right-of-way and does not affect any trees. The City would install crosswalks at Featherwood Drive crossing Rolling Ridge and Mayfield Drive across Rolling Ridge with an access ramp to connect to the sidewalk on the south side of Rolling Ridge Drive.

The City also looked at relocating the school zone sign from Featherwood back to Liberty Ridge Park area. A traffic engineer will need to review the regulations regarding school zones.

Enhancing the crosswalks would fall outside the scope of this project which currently is estimated to cost \$122,500.

The Council discussed the additional funding with Mr. Fisher who stated that many of the costs included in the project could be performed by City workers which would reduce the cost and close the gap between the estimated \$122,500 and the \$100,000 allocated for the project by TxDOT.

Mr. Fisher reported that there were approximately 44 homes in this area; however, the number of school children in the area who might use this sidewalk was unknown.

This road was designed as a collector road but was used as both a collector road and a residential street.

The striping on the roadway and any damage to trees and landscaping would be the City's responsibility.

The future growth of the trees in the right-of-way was discussed and Fisher reported that all existing irrigation systems would be relocated in the construction project.

- B. Discussion with City Council, staff and residents of Rolling Ridge Estates concerning the proposed Safe Routes to School sidewalk in the Rolling Ridge Estates Subdivision.

The following residents presented their concerns with the proposed project:

Larry Paul, 221 Lakeside Circle  
Angelique Loncar, 222 Lakeside Circle  
Rex Ramos, 1313 Mayfield  
John & Debbie Malzahn, 1230 Terrace Mill Drive  
Svetlana & Rob Mims, 1302 Featherwood  
Pam Hyman, 426 Whisperfield  
Lynne Clash, President of the Rolling Ridge HOA

The majority of these residents expressed opposition to the section of proposed sidewalk between Liberty Ridge Park and Featherwood. The Japanese Black Pine that the arborist recommended be moved is located in this section, along with other large trees that could possibly be damaged during construction.

Mr. Paul stated that he would be in favor of lengthening the school zone in this area and he was not opposed to the proposed sidewalk from Featherwood to Oriole.

Mr. Ramos expressed his opinion that this was a no-brainer because the funding was from a federal grant and not out of the pocket of Murphy taxpayers.

Many of the residents were concerned with the proposed striping 2-3 feet from the curb to minimize driving near the curb. They felt that the striping would detract from the residential feel of the neighborhood.

Damage to the root systems of the established trees was discussed. They felt that up to 50% of the root systems could be damaged in this project.

Concerns were expressed about the decrease in property values as this project could impact the aesthetics and selling points of the homes in this area.

Mrs. Mims asked the Council who would pay for any trees if the trees died as a result of this project. She was assured that the City would replace a like tree if one died from damages from the sidewalk construction.

Mayor Barna thanked everyone for their attendance and participating in this Town Hall meeting. He announced that the City Council would make a decision regarding the scope of this project at the April 1<sup>st</sup> Council meeting.

**6. ADJOURNMENT**

With no further business, the meeting was adjourned at 7:56 p.m.

APPROVED BY:

\_\_\_\_\_  
Eric Barna, Mayor

ATTEST:

\_\_\_\_\_  
Terri Johnson, Interim City Secretary

CITY COUNCIL MINUTES  
APRIL 1, 2014 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 Pledge of Allegiance to the flag of the United States of America.

**3. ROLL CALL & CERTIFICATION OF A QUORUM**

Interim City Secretary, Terri Johnson, 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**

*Marv Williams, 1201 Cactus Back Drive, President of the Murphy Chamber of Commerce* – Mr. Williams thanked the Council for attending the Spring Fever Event held on March 29th. He reported that the Exchange Club will put out flags for the Murphy Central Park Dedication and Experience Murphy event to be held on Saturday, April 5<sup>th</sup>. The Exchange Club will also be holding their First Annual Chili Cook-off on that same date.

*Mary Radosz, 706 Summer Place* – Mrs. Radosz stated that she had been a resident of Murphy for 30 years and experienced three to four power outages every year. She expressed her concerns for the many Oncor power outages in her neighborhood, especially the one in December, 2013 and the one on March 31, 2014.

*Barbara Harless, 709 Summer Place* - Mrs. Harless stated that she had sent an email to the Mayor and Council regarding public transportation and power outages. She mentioned the latest Oncor power outage on March 31<sup>st</sup>. She spoke at length about the City joining the regional steering committee of cities served by Oncor. Mrs. Harless concluded with a plea to the City Council to get the power outage problems with Oncor resolved in their neighborhood in Travis Estates.

Fire Chief Mark Lee – Chief Lee introduced the newest member of the Murphy Fire Department, Michael Orrico, Assistant Fire Chief. Mayor Barna welcomed Orrico to Murphy.

**5. PRESENTATION ITEMS – None**

**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 March 4, 2014 regular meeting minutes.
- B. Consider and/or act upon the March 18, 2014 regular meeting minutes.
- C. Consider and/or act upon approval of an ordinance amending the City of Murphy Code of Ordinances Chapter 35 Section 35-6 Duty to Transport whereas Methodist Richardson – Renner will be added to the list of facilities to receive patients. (*Ordinance 14-04-973*)

Councilmember Bernard Grant requested that Item 6.A. be removed from consent agenda.

**COUNCIL ACTION (6.B. & 6.C.):**

**APPROVED**

Mayor Pro Tem Siddiqui moved to approve items 6.B. and 6.C. on 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.

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

**APPROVED**

Councilmember Bernard Grant moved to approve the March 4, 2014 regular minutes striking the word Aaron from the description under 7.C. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

**7. INDIVIDUAL CONSIDERATION**

- A. Consider and/or act on the approval of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2013.

City Manager James Fisher presented the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2013. The Council had received this shortly prior to the last meeting and asked for action to be postponed on this until the Council had an opportunity to review it and citizens as well. Fisher asked for the Council's consideration of approval.

There were no additional questions or comments.

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

**APPROVED**

Councilmember Thomas moved to approve the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2013 as conducted by Pattillo, Brown & Hill, L.L.P. Councilmember Bernard Grant seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Consider and/or act on the application of **Lloyd M. Nelson** requesting approval of a Concept Plan for property zoned PD (Planned Development) District No. 09-02-785; approximately 4.8 acres on property known as the Nelson Addition, approximately 800' west of Heritage Parkway. The City Council cannot take action on this item because it has not received a recommendation from the Planning & Zoning Commission.

City Manager Fisher reported that the City Council would meet jointly with the City's Planning & Zoning Commission on Tuesday, April 22, 2014 to discuss this item.

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

**NON-ACTION ITEM**

No action was taken on this item.

- C. Discussion on the consideration of the use of synthetic material landscaping in residential zoning.

Councilmember Bernard Grant announced that the packet had information relating to the property at 516 Smoke Tree which was very close to his residence. Councilmember Grant asked that Council separate this item into two discussions – one for general discussion of synthetic turf in the City and a second discussion relating specifically to 516 Smoke Tree. He asked that he be recused from the second discussion on the property at 516 Smoke Street.

City Manager Fisher reported that the City received notice that a yard in the Maxwell Creek Subdivision had synthetic turf installed which does not comply with the City's Ordinance. Prior to asking the Code Compliance Department to take action on this, Fisher wanted to step back and bring this issue before the Council. There was discussion at the last Community Leadership Committee meeting by some of the homeowners associations on synthetic turf. It is an issue that as the drought continues will become a part of the discussion on ways we can conserve water. The City Manager wanted to get the Council's thoughts and feelings regarding synthetic turf and if it was something Council wanted City staff to look at in depth.

Mayor Barna reminded the Council that for the first portion to keep the discussion generic so Councilmember Bernard Grant could participate. He also stated that it was not just one property but possibly 6,000 residences in Murphy.

Councilmember Bradley pointed out that the rules in a HOA could create a higher burden for the property owners over the City's ordinances.

City Manager Fisher stated that the City enforces the City's ordinances but whether the HOA enforces or doesn't enforce their rules is a completely separate issue.

Councilmember Bradley continued and discussed dirt scape-type landscaping used out west is because of availability of water and/or climate. Murphy is currently under a once every other week watering schedule and hopefully the City will come out of it this summer. He wasn't sure what his property will look like at end of summer with this limited water use.

This is the first time this issue had come before City Council and Councilmember Bradley stated that as North Texas continues to grow and limp along to provide more access to water, that the restrictions for water use will increase. He suggested that the City open the discussion to allow HOA's to decide if synthetic turf will be allowed and the City allow it as an option.

Councilmember Bernard Grant questioned if the synthetic turf was water permeable. City Manager Fisher reported that some types were water permeable. Councilmember Bradley gave a brief description of how synthetic turf is installed, which is the same type of prep for the installation of brick pavers.

Councilmember Bernard Grant also pointed out that not every Murphy resident is in a homeowners' association so the City is the authority for a number of neighborhoods and the Council should be mindful of that as well.

City Manager Fisher reported that information in the packet stated water run-off from synthetic turf was not a problem and would not be filled with pesticides and other chemicals that could be harmful.

Councilmember Grant pointed out that there were different types of synthetic turf. He felt that there needed to be some understanding as to what categories of synthetic turf material would be allowed. Councilmember Grant stated that it would seem synthetic turf would be cost prohibitive for larger tracts whereas xeriscaping wouldn't be from his understanding. He pointed out that xeriscaping is already allowed if someone was just looking for something to save water. The Texas Statutes allow xeriscaping. The definition of xeriscaping was discussed.

City Manager Fisher stated that minimum requirements would need to be established.

Councilmember Bernard Grant stated that he felt that a big conversation was needed on this topic and it would make perfect sense on the pro-side to look at this alternative because of the extreme drought and watering restrictions. He pointed out that there were a lot of unanswered questions that the City Council needed to pursue.

Councilmember Thomas stated that other questions would be how it looks, how long it lasts and what would be the maintenance level required by the City. Various products on the market should be reviewed by the City Council.

Mayor Pro Tem Siddiqui said that it would be useful to have City staff do some research on this and look at what other cities have done so the City Council could use it for comparison. He was curious to see what the maintenance requirements were and what the level of aesthetics were required to keep it going. He would like to give the residents of Murphy another option because of the water restrictions during extreme drought situations. It was definitely worth further conversation to discuss pros and cons.

Mayor Barna said he liked to look at ways to be cutting edge in Murphy but sometimes when you are cutting edge, you tend to bleed a lot. He just didn't have enough information at this time. One concern he had was what would happen to the fire response. What were the chemicals that were used to make the synthetic grass and would homes need to be evacuated were questions that needed to be answered. He was willing to have this conversation.

Mayor Barna stated that he did find that Glendale, California did allow synthetic turf by ordinance. He couldn't envision where every home in Murphy had synthetic grass.

Councilmember Bernard Grant pointed out that the ordinance was on the books and to some extent the City Council has to honor that until we do our research to change it. He stated that he was not opposed to it, but felt that the Council should do their homework before any changes were made to the City's ordinance.

Mayor Pro Tem Siddiqui asked the City Manager if there was any historical record relating to when and why this was passed. Fisher stated that it was going to be one of those traditional ordinances that a lot of cities had.

Mayor Barna requested City Attorney Messer address recent legislation from the State of Texas. The City Attorney stated a new law which became effective in September, 2013 deals specifically with homeowner associations not cities. Drought resistant landscaping or water conserving natural turf cannot be prohibited by HOA's. The law does not apply to the City of Murphy. As a Home Rule city, Murphy can regulate this type of artificial surface any way you want to. It is just like a zoning ordinance.

Councilmember Bradley asked what did the Council need to make a decision. Mayor Barna said that answers were needed from environmental to fire safety. City Manager Fisher stated that there were a myriad of questions that have come out in Council from appearance, to life cycle, to grades, colors, maintenance requirements, aesthetics, impact on ambient temperatures and environment. The Council also asked what other cities were doing, pros, cons, and fire response. A possible moratorium might be considered at the next meeting until staff has enough time to put all of this research together.

Councilmembers discussed a permitting process in the future for professional landscapers.

Councilmember Bernard Grant stepped out of the room, while the City Council heard comments regarding the property at 516 Smoke Tree Drive and discussed the issue of synthetic turf being installed at this address.

Mayor Barna announced that there were three public comment forms on this item and each person had three minutes to comment.

Mrs. Pat Haddock, property owner of 516 Smoke Tree Drive addressed the City Council and gave a detailed background on their installation of synthetic turf which cost \$15,000. She passed out a handout to the Mayor and each Councilmember which included photos of the property and specifications of the synthetic turf. Mrs. Haddock stated they were not aware that the City ordinance only allowed natural grasses. They mailed cards to nineteen neighboring property owners asking their opinion on their synthetic turf. They did not receive any cards in opposition. Eleven positive cards were received. The only people who did not respond live at the end of their block. She passed out the cards for the Council to review.

Mrs. Haddock thanked Councilmembers St. Clair and Bradley for stopping by to see their lawn and for the Council's consideration of their request to change the City's requirements.

Councilmember Thomas and Mayor Barna both stated they also went by to look at the lawn.

Mr. Bob Gorby, 705 Smoke Tree Drive, told that Council that he and his wife admired the appearance of the synthetic turf installed on the Haddock's property. He stated that he was one of the eleven neighbors who returned their card with positive comments. He said this issue deserved serious consideration and encouraged the City Council to look at this issue closely as a means to save water.

Mr. Michael Grant, with Synthetic Greenscapes, passed around samples of the synthetic turf used at 516 Smoke Tree Drive. He stated that there was a huge lack of education about the product and he thought education would go a long way in the Council's decision-making process.

Michael Grant also provided recommended guidelines for the installation of synthetic turf.

Councilmember Bradley asked Michael if he knew what North Texas communities were doing about this issue.

Michael Grant stated that it was becoming increasingly important for residents to find alternatives to their landscaping to reduce the use of water. There are a lot of benefits that come from synthetic turf. He pointed out that in many cases the synthetic turf drains faster than a natural turf because you don't get the compaction of the soil. Advantages that he listed include: no watering, no mowing, no fertilizing, elimination of mud, dead spots, always beautiful, perfectly manicured and makes for a clean environment. It makes for a very enjoyable outdoor environment. In addition, he reported that it does help eliminate erosion problems and holds moisture better.

Mayor Pro Tem Siddiqui asked Michael Grant how long it would take if the synthetic turf was removed for new plants to take. Michael answered that if the synthetic turf is removed and decompressed granite base is extracted, you could go right back with sod and it should anchor in. It depends on the process used.

Deputy Mayor Pro Tem St. Clair questioned Michael Grant about the installation in back yards or front yards. Michael stated they do install synthetic turf in both front and backyards although the majority is installed in back yards in North Texas. They also have a division in West Texas that does more installations in front yards.

Michael Grant said he was not aware there was a regulation in the City of Murphy. The only ones he was aware of were in Highland Park and a historical district in Dallas.

Mayor Barna questioned the barrier used between two properties. Michael reported that a commercial grade steel edging was recommended as well as a four inch barrier of river rock or similar material.

Councilmember Spraggins asked if the turf was thick enough that dogs wouldn't be digging in it and she questioned the eight-year warranty. Michael Grant stated that the warranty was for fading and defects in the product itself. He reported they actually saw dogs reduce their digging or eliminate it because it doesn't have the same natural smells from natural sod.

Spraggins also asked if it hindered the growth of trees. Michael assured her that if the synthetic surf is installed correctly, the base would hold moisture better than natural grass.

Michael Grant closed by saying he would be happy to be a resource or provide any information to the City regarding synthetic turf.

Mayor Pro Tem Siddiqui called Councilmember Bernard Grant back to the Council chambers.

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

**NO ACTION TAKEN**

No action was taken on this item.

D. Consider and/or take action on Timbers Nature Preserve and Trail Project.

City Manager Fisher reported that this item was back before the Council to clarify the base bid and the four alternates to be included in the bid process. The base bid would include City Park improvements, Inter-City Trail, drainage, grading, relocate existing bridge and landscape.

Alternate No. 1 would include the existing City Park demolition and improvements.

Alternate No. 2 would be the soft surface trails, picnic area, signage and landscape.

Alternate No. 3 includes a new pavilion and restrooms.

Alternate No. 4 includes the fishing piers and an outdoor classroom.

The location of the restrooms and a fire pit was discussed by the Council. The projected timeline is to advertise bids by May 15<sup>th</sup>, consider Council approval in mid-June with construction to begin in July or August. The project should be completed in April or May, 2015. The proposed cost is \$1.3 million for the base bid. Alternate #1 is projected to be \$88,000; alternate #2 is projected to be \$309,000; alternate #3 is projected to be \$361,500; and, alternate #4 is projected to be \$156,000.

Mayor Barna announced that the Council was ready to get this project started.

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

**APPROVED**

Mayor Pro Tem Siddiqui moved to authorize City staff to prepare bid documents and put the Timbers Nature Preserve and Trail Project out to bid. The motion was seconded by Deputy Mayor Pro Tem St. Clair and passed with a unanimous vote of 7-0.

E. Consider and/or act on the SRTS – sidewalk in Rolling Ridge.

City Manager Fisher stated that this item had been before the City Council a couple of times with a Town Hall meeting being held on March 31<sup>st</sup>. City staff's recommendation, based on comments and walking the site, is to construct the Safe Routes to School program proposed sidewalk in the Rolling Ridge Subdivision from Featherwood north to Oriole Court. A request will also be made to move the remaining dollars in this project back to the crosswalk at Liberty Ridge Park. If that is not possible, other projects will be considered.

Mayor Pro Tem Siddiqui questioned possible projects at Salisbury Circle and Whitestone, north of the park. City Manager Fisher reported that the project on Salisbury was outside of the scope for these monies but other funding sources were available that were being explored.

Siddiqui also clarified that Staff's recommendation did not include any striping from Featherwood south to the park.

There will be no striping included in this project at all.

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

**APPROVED**

Mayor Pro Tem Siddiqui moved to direct City staff to move forward with the sidewalk from Featherwood to Oriole Court and proceed with the project. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

**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 Grand Opening – Experience Murphy – April 5th
- Concession Stand Agreement with PSA
- May Election
- Water Rate Study

**9. EXECUTIVE SESSION**

The City Council convened into closed Executive Session at 7:20 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.
- B. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- C. §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation involving:
  - a. George Parker and Parker Tree Services

**10. RECONVENE INTO REGULAR SESSION**

The City Council reconvened into open session at 7:45 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.
- B. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- C. §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation involving:
  - a. George Parker and Parker Tree Services
- D. Take Action on any Executive Session Item

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

**11. ADJOURNMENT**

With no further business, the meeting was adjourned at 7:46 p.m.

APPROVED BY:

\_\_\_\_\_  
Eric Barna, Mayor

ATTEST:

\_\_\_\_\_  
Terri Johnson, Interim City Secretary

**City Council Meeting**  
**April 15, 2014**

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**Issue**

Discussion on the City's Web Page

**Staff Resource/Department**

James Fisher, City Manager

**Summary**

This item is placed on the agenda at the request of Mayor Barna. It originally was asked for the April 1st agenda when the CAFR was considered for approval, but was accidentally left off.

The staff was asked to create a one link connection on the web page for financial information in March so that the CAFR and other financial documents could easily be accessed. This has been done with finance and as the updated web page comes online, this will occur with all departments. Management of information that provides easy access and the ability to ask questions of City services/operations is a key goal in the city's update of its web page.

The staff is looking also at what it will take to comply with the State Comptroller's Financial Transparency Program to begin initiation of this as well. It is important that our information is available for anyone to access, but it is equally important that the staff is available to answer the questions that may come in whether it is financial in nature or an open records request.

**Attachments**

Letter from IT Manager Wendle Medford.

Murphy IT has taken additional steps to make the Annual CAFR easily accessible from the main page of our website. Apart from adding the fixed "Finance Reports" link on the home page, we've added the CAFR report to our scrolling banner, twice, so that it scrolls across the front page. It will appear on the first and third slide on the main banner as shown below.

**Certificate of Achievement  
for Excellence in Financial Reporting**

**Awarded by  
Government Finance Officers Association**

[Click Here to Review Comprehensive Annual Financial Report](#)

**Latest News** ▾ Events Calendar City Council Most Popular

**Firefighters urge residents to prepare for foul weather season**  
While more accustomed to taking a hands-on role in ensuring public safety and protection, Murphy firefighters are expected to take a more active role in preparing for the winter weather, says Fire Chief Mark Lee. [Add...](#)

**City not affiliated with water utility**  
A voluntary program that serves utility lines that fall within the city limits was rolled out by a company neither owned nor operated by the City, according to City Manager James Fisher. [Add...](#)

**Murphy residents to remain in Stage 3 indefinitely**  
Murphy residents will remain under Stage 3 seasonal water restrictions, maintaining a twice-a-month automatic watering schedule, for the foreseeable future, says City Manager James Fisher. [Additional Info...](#)

**View All** >

**WATER RESTRICTIONS**

[Register for a Class](#)

[Code Red](#)

[Pet Registration](#)

[Employee Access](#)

[Finance Reports](#)

[Records Request](#)

**ELECTION**  
INFORMACION ELECTORAL  
**INFORMATION**



Wendle Medford, *Manager of Information Technology*  
[wmedford@murphytx.org](mailto:wmedford@murphytx.org)  
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972-468-4028 Fax

**City Council Meeting**  
**April 15, 2014**

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**Issue**

Discussion on the Collin County Transit Needs Assessment and Planning Study

**Staff Resource/Department**

James Fisher, City Manager

**Summary**

The purpose of this agenda item is to have a discussion with representatives of the North Texas Council of Governments (NCTCOG) and Texoma Paratransit System, (TAPS), [www.tapsbus.com](http://www.tapsbus.com), about public transit needs and/or concerns in Murphy. The city was served by CCARTS for many years and some residents utilized this service to get to work, school, medical appointments or for other personal reasons. The trips went to cities within Collin County with the most going to Plano and Wylie.

In September 2013, a study was prepared for the North Central Texas Council of Governments called Collin County Transit Needs Assessment and Planning Study. An electronic copy was emailed to you in March and a link to it is available on our web site. The study identified transit patterns within Collin County and some of the challenges for residents in the county. The NCTCOG and taps are working with cities in Collin County to address these challenges and to address the financial support, if any, that is needed to fund operational costs. Currently, many of the capital costs are secured by federal funding that help with public transit initiatives. There are many opinions regarding the issue of public transit and staff his providing this opportunity for Council to consider these opinions. If City Council does consider to take action, it will be placed on the May 6<sup>th</sup> agenda.

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**Issue**

Consider and take appropriate action, if any, on a Resolution declaring a Moratorium regarding the permitting, installation and removal of synthetic turf in the City of Murphy.

**Summary**

The city was notified of a resident who had installed synthetic turf in place of living grass cover in their yard. After researching the code in regards to landscaping and specifically allowing or not allowing a synthetic material to be used in place of live plant materials, the code is silent on 'synthetic turf' type materials. Therefore in staff's interpretation, synthetic materials are not an allowed substitute for living plant material.

At the April 1, 2014 City Council meeting, the Council directed staff to begin detailed research on other municipalities and their ordinances as it related to synthetic landscaping materials. It was also requested that staff bring back a resolution to consider a moratorium on residential synthetic turf installation to allow time for research and Council consideration.

**Staff Recommendation**

Recommend approval of a resolution

**Attachments**

Resolution declaring a Moratorium regarding the permitting, installation and removal of synthetic turf in the City of Murphy.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, PROVIDING FOR AN INTERPRETATION OF CITY LANDSCAPE STANDARDS ESTABLISHED IN CHAPTER 28, ARTICLE VI OF THE CODE OF ORDINANCES; DIRECTING CITY STAFF TO REVIEW AND MAKE RECOMMENDATIONS CONCERNING LANDSCAPE STANDARDS IN CHAPTER 28, ARTICLE VI OF THE MURPHY CODE OF ORDINANCES; PROHIBITING THE ISSUANCE OF CITATIONS FOR PRE-EXISTING SYNTHETIC OR ARTIFICIAL TURF; PROHIBITING THE ACCEPTANCE OF VARIANCE APPLICATIONS RELATING TO INSTALLATION OF SYNTHETIC OR ARTIFICIAL TURF; PROVIDING A CUMMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND EXPIRATION DATE.**

**WHEREAS**, the City of Murphy, Texas (“City”) is a home-rule municipality in Collin County exercising its authority under its Charter and consistent with the Texas Constitution and the general laws of the State; and

**WHEREAS**, the City Council of the City of Murphy, Texas (“City Council”) has adopted Landscape Standards, codified in Chapter 28, Article VI of the Code of Ordinances; and

**WHEREAS**, the City Council is aware of continuing prolonged drought conditions and the City’s citizens’ efforts to address water conservation through landscaping alternatives, including the installation of synthetic turf; and

**WHEREAS**, the City’s current general Landscape Standards do not permit synthetic or artificial turf; and

**WHEREAS**, the City Council desires to maintain the status quo and not permit the installation or use of synthetic or artificial turf within City limits while City staff conducts an orderly and expeditious review of the City Landscape Standards to ensure that the City’s aesthetic and flood control needs balance with its citizens’ efforts toward water conservation.

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

**Section 1. Findings Incorporated.** That the foregoing recitals are hereby found to be true and correct findings of the City of Murphy, Texas, and are fully incorporated into the body of this Resolution.

**Section 2. Intent and Interpretation.** It is the intent of this Resolution to provide guidance on the interpretation of current Landscape Standards under Chapter 28, Article VI of the Murphy Code of Ordinances and preserve the status quo until City staff has sufficient time to provide informed recommendations relating to synthetic or artificial turf and the City's Landscape Standards. Chapter 28, Article VI of the Murphy Code of Ordinances, as currently written, does not permit synthetic or artificial turf.

**Section 3. Code Enforcement Suspended.** City Council hereby directs City staff defer any code enforcement action against any pre-existing lots or developments that may currently have synthetic or artificial turf until the expiration of this Resolution.

**Section 4. Variance Applications Suspended.** City Council directs that no variance applications for landscape plans involving synthetic or artificial turf be accepted or processed until the expiration of this Resolution.

**Section 5. Duration of Resolution.** This Resolution shall terminate on the earlier of ninety (90) days from the date of its effective date, or City Council action amending or terminating this Resolution, or on the date the City Council adopts an ordinance amending the Landscape Standards under Chapter 28, Article VI of the Murphy Code of Ordinances to address synthetic and artificial turf.

**Section 6. Resolution Cumulative.** This Resolution shall be and is hereby declared to be cumulative of all other resolutions of the City of Murphy, Texas, and this Resolution shall not operate to repeal or affect any such other resolution.

**Section 7. Severability.** If any provision, section, subsection, sentence, clause, or phrase of this Resolution, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Resolution shall not be affected thereby, it being the intent of the City Council in adopting this Resolution that no portion be inoperative or fail by reason of any unconstitutionality, voidness, or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

**Section 8. Effective Date.** This Resolution shall be effective upon its passage and publication as required by law.

**DULY PASSED AND APPROVED** by the City Council of the City of Murphy, Texas, on this \_\_\_\_ day of April, 2014.

**APPROVED:**

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Eric Barna, Mayor  
City of Murphy

**ATTEST:**

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Terri Johnson, Interim City Secretary  
City of Murphy

**APPROVED AS TO FORM:**

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Wm. Andrew Messer, City Attorney  
City of Murphy

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**Issue**

Discussion on the FY 15 Annual Budget

**Background**

The staff is traditionally knee deep in budget preparation at this time so that we can submit our departmental drafts for review in May. Ideally the staff likes to have final drafts ready for City Council budget work sessions that begin in June. However, we have not really begun the process this year as we want to ensure that we meet City Council expectations. It is important for staff to know the wishes of City Council, the support information that helps you understand the draft requests and the overall goal(s) of the City Council.

Also, I would like to know what type of meeting schedule the City Council would like to do this year. If we can begin to develop a schedule then it is easier for City Council and staff to plan their summer vacations and other events.

**City Council**  
**April 15, 2014**

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**Issue**

Consider and take action, if any, on the proposed contract agreement for concession facility located at Central Park between PSA and the City of Murphy.

**Background/History**

Plano Sports Authority has approached the City about operating the concession stand at Central Park. This idea was originally brought up during the discussion of PSA Murphy, but was put on the back burner until the completion of Central Park.

On March 18, 2014, City Council directed staff to have a contract drawn up for consideration at a near future meeting.

**Action Requested**

Recommend approval of a contract agreement between PSA and the City of Murphy for the concession facility located at Central Park.

## **Murphy Central Park**

### **Concession Stand Agreement**

The City of Murphy (CITY) enters into this agreement (Agreement) with Plano Sports Authority, Inc. (PSA) to operate the concession stand at Murphy Central Park. The term of this Agreement shall be one (1) year from the date this agreement is signed. The Agreement may be extended for additional periods of one (1) year each upon the mutual written consent of both parties, at least ninety (90) days from the end of the one year term.

**AGREEMENT.** The CITY and PSA agree to the following:

#### **PSA Rights and Obligations**

##### *Use of Facilities*

PSA shall have exclusive use of the concession stand during the term of this Agreement to provide an over-the-counter type of operation for serving or dispensing of food and beverages to persons. The concession stand that is the subject of this Agreement is intended for the operation of authorized concessions only and may not be used for any other purpose. PSA shall furnish and pay for all labor, tools, equipment, materials, supplies transportation and management necessary to perform the concessionary services. The concessionary stand shall be open to the public during all PSA operating hours and hours of mayor and minor events. PSA shall perform all services in a proper, efficient and professional manner. PSA shall obtain and pay for all necessary permits and licenses applicable to the concessionary services, including any food service license. By granting exclusive use of the concession stand to PSA, the CITY does not relinquish any ownership rights to the property or any improvements in which the concessions areas are located. Not-for-profit and City organizations may request the CITY and PSA for permission to use the concession stand for limited-purpose special events, which permission shall not be unreasonably withheld. The CITY shall retain restroom functions, storage and maintenance rooms in the building for it exclusive use to meet the needs of programmed use and maintenance of Murphy Central Park. PSA shall furnish all labor, services, materials, supplies and equipment necessary to maintain a clean, orderly and inviting condition of the premises used in the operation of the concession stand to the satisfaction of the City. Areas around the concession area shall be the responsibility of PSA to remain free of litter, rubbish, trash, etc. at all times.

##### *Signage*

PSA shall have the right to place a sign on the building at Murphy Central Park in a manner and process matching CITY's existing guidelines and subject to final approval of the CITY. Any signs that commemorate the improvements or funding made by PSA or on behalf of PSA by any entity shall comply with the CITY's sign ordinances and shall be subject to approval of CITY.

*Equipment for Concessions*

PSA shall be responsible for the purchase, installation, and maintenance of all concessions and food service equipment on a day-to-day basis necessary to serve the public with various types of beverages, cold food, hot food, soft drinks, hot drinks, chips, ice cream and similar snacks. If PSA damages the equipment or facilities, it will be responsible for repairs. The concessions and food service equipment shall remain the property of PSA, unless installed in a manner to be considered a permanent fixture. Permanent installation of concessions and food service equipment shall become property of the City and remain a part of the building. PSA shall seek and obtain approval from the CITY prior to installation of any permanent fixtures in the building. All equipment and the manner in which it is installed shall meet all applicable codes for the State of Texas and the City of Murphy. PSA will be responsible for grease trap and backflow valves and devices being maintained.

*Activities Prohibited*

PSA shall not conduct registrations for teams or players nor conduct business transactions at the concessions area that are not related to the sale of food and beverages to the public.

**CITY Rights and Obligations***Suspension of Rights*

PSA shall operate concessions in accordance with the CITY's ordinances, rules and regulations, acknowledging the CITY's right to suspend PSA's concession rights or authorize additional concession service if so deemed in the best interest of specific special events or activities at Murphy Central Park. The city reserves the right to conduct inspections at reasonable times to insure that fire, safety, and sanitary regulations, and other provisions of the Agreement are being adhered to by PSA.

*Maintenance and Utilities*

The CITY shall be responsible for the maintenance and upkeep of the building and related infrastructure, except for any permanent fixtures that may be affixed to the building that are purchased and installed by PSA. The CITY shall be responsible for the utilities of electric, water/wastewater, and garbage collection involving the concessionary services. The City will not furnish telephone service.

**CONDITIONS OF USE**

PSA shall have the right to equip the concession stand at Murphy Central Park and make improvements subject to the following conditions:

PSA shall provide and maintain Workers Compensation with limits satisfactory to the City.

PSA shall provide general liability insurance. Such insurance covering personal and bodily injuries or death in the sum of \$250,000 per occurrence and \$500,000 aggregate. Insurance

covering damages to the property shall be in the sum of not less than \$100,000. The general liability insurance must name the City as an additional insured.

**Indemnification:** PSA DOES HEREBY AGREE TO WAIVE ALL CLAIMS, RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY OF MURPHY AND ALL OF ITS OFFICIALS, OFFICERS, AGENTS AND EMPLOYEES, IN BOTH THEIR PUBLIC AND PRIVATE CAPACITIES, FROM AND AGAINST ANY AND ALL LIABILITY, CLAIMS, LOSSES, DAMAGES, SUITS, DEMANDS OR CAUSES OF ACTION INCLUDING ALL EXPENSES OF LITIGATION AND/OR SETTLEMENT, COURT COSTS AND ATTORNEY FEES WHICH MAY ARISE BY REASON OF INJURY TO OR DEATH OF ANY PERSON OR FOR LOSS OF, DAMAGE TO, OR LOSS OF USE OF ANY PROPERTY OCCASIONED BY ERROR, OMISSION, OR NEGLIGENT ACT OF PSA, ITS OFFICERS, AGENTS, EMPLOYEES, SUBCONTRACTORS, INVITEES OR ANY OTHER PERSON, ARISING OUT OF OR IN CONNECTION WITH THE PERFORMANCE OF THIS CONTRACT, AND PSA WILL AT ITS OWN COST AND EXPENSE DEFEND AND PROTECT THE CITY OF MURPHY FROM ANY AND ALL SUCH CLAIMS AND DEMANDS. PSA DOES HEREBY AGREE TO WAIVE ALL CLAIMS, RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY OF MURPHY AND ALL OF ITS OFFICIALS, OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, DAMAGES, SUITS, DEMANDS OR CAUSES OF ACTION, AND LIABILITY OF EVERY KIND INCLUDING ALL EXPENSES OF LITIGATION AND/OR SETTLEMENT, COURT COSTS AND ATTORNEY FEES FOR INJURY OR DEATH OF ANY PERSON OR FOR LOSS OF, DAMAGES TO, OR LOSS OF USE OF ANY PROPERTY, ARISING OUT OF OR IN CONNECTION WITH THE PERFORMANCE OF THIS CONTRACT. SUCH INDEMNITY SHALL APPLY INCLUDING WHEN THE CLAIMS, LOSSES, DAMAGES, SUITS, DEMANDS OR CAUSES OF ACTION ARISE FROM THE NEGLIGENCE OF THE CITY OF MURPHY, ITS OFFICERS, OFFICIALS, AGENTS OR EMPLOYEES. IN ANY AND ALL CLAIMS AGAINST ANY PARTY INDEMNIFIED HEREUNDER BY ANY EMPLOYEE OF PSA, ANY SUBCONTRACTOR, ANYONE DIRECTLY OR INDIRECTLY EMPLOYED BY ANY OF THEM OR ANYONE FOR WHOSE ACTS ANY OF THEM MAY BE LIABLE, THE INDEMNIFICATION OBLIGATION HEREIN PROVIDED SHALL NOT BE LIMITED IN ANY WAY BY ANY LIMITATION ON THE AMOUNT OR TYPE OF DAMAGES, COMPENSATION OR BENEFITS PAYABLE BY OR FOR CONTRACTOR OR ANY SUBCONTRACTOR UNDER WORKMAN'S COMPENSATION OR OTHER EMPLOYEE BENEFIT ACTS.

PSA shall require contractors to include the above indemnification language but from the contractor, as indemnitor, to the City, as indemnitee, in all construction contracts for any improvements.

### **RELEASE OF CLAIMS**

PSA covenants and agrees that it will not hold CITY or any of its agents or employees responsible for any loss occasioned by fire, theft, rain, windstorm, hail or any other natural or manmade cause whatsoever, whether said cause be the direct, indirect or merely a contributing factor in producing the loss to any personal property that may be stored or the whether caused

in whole or in part by the negligence of CITY or its officials, officers, agents or employees; and PSA agrees all personal property is to be stored at PSA's risk.

**TERMINATION**

In the event that either party elects to terminate this Agreement, the party so electing shall provide written notice of termination to the other party, and PSA shall vacate the property within sixty (60) days of notice of termination.

**SEVERABILITY**

If any of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants, conditions or any other part of this Agreement are for any reason held to be invalid, void or unenforceable, the remainder of the terms, sections, subsections, sentences, clauses, phrases, provisions, covenants, conditions or any other part of this Agreement shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**SUCCESSORS AND ASSIGNS**

CITY and PSA shall bind themselves, their successors, executors, administrators and assigns to the other party to this Agreement. Neither CITY nor PSA will assign, sublet, subcontract or transfer any interest in this Agreement without the written consent of the other party, including that PSA may not sublease concession services. No assignment, delegation of duties or subcontract under this Agreement will be effective without the written consent of CITY.

**APPLICABLE LAWS**

PSA shall comply with all Federal, State, County and City laws, ordinances, regulations, safety orders, resolutions and building codes, including the Americans With Disabilities Act, relating or applicable to services to be performed under this Agreement. This Agreement is performable in the State of Texas and shall be governed by the laws of the State of Texas. Venue on any suit hereunder shall only be in Collin County, Texas.

**AGREEMENT**

This Agreement contains the entire understanding of the parties with respect to the subject matter hereof and there are no oral understandings, statements or stipulations bearing upon the meaning or effect of this Agreement which have not been incorporated herein. This Agreement may only be modified, amended, supplemented or waived by a written instrument executed by the parties.

AUTHORIZED REPRESENTATIVES:

CITY:

PSA:

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

City of Murphy

Its: \_\_\_\_\_

Plano Sports Authority, Inc.

**City Council Meeting**  
**April 15, 2014**

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**Issue**

Update and discuss the utility rate study by NewGen Strategies & Solutions

**Background**

On February 18, 2014 the City Council approved a contract with NewGen Strategies & Solutions to perform a utility rate study.

Chris Ekrut of NewGen Strategies & Solutions will be presenting an update to City Council.