

CITY COUNCIL MINUTES
JULY 15, 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 recitation of the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

Terri Johnson, Acting City Secretary, certified a quorum with the following Councilmembers present:

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

Councilmembers absent: None

4. PUBLIC COMMENTS:

Kent P. Manton, 419 Moonlight Dr. – Mr. Manton read a recent article written by former City Councilmember Bernard Grant. He followed by asking the City Council to reconsider the action previously taken regarding closure of Grant Drive.

5. PRESENTATION ITEMS:

A. Finance Director Linda Truitt presented the financial report and investment report as of June 30, 2014.

Ms. Truitt reported that sales tax was coming in strong and at the end of nine months, the percentage of budget should be at 75%. She reported that as of June 30th, the City had received 88% of the budgeted revenues in the General Fund for the year. She also stated that the interest rate remained at \$0.10.

The expenditures for the current budget year in the General Fund were at 65.85% for the first nine months of the fiscal year.

The Utility Fund was under budget with revenues coming in at 62.92% and expenditures coming in under 68%.

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. July 1, 2014 Regular Meeting and Budget Work session;

2. July 2, 2014 Budget Work session;
- B. Consider and/or act upon the approval of an Ordinance amending Section 9.100 of the Fee Schedule; water and sewer rates.

ORDINANCE NO. 14-07-980

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS AMENDING APPENDIX A, FEE SCHEDULE, SECTION 9.100 OF THE MURPHY CODE OF ORDINANCES TO PROVIDE FOR WATER AND SEWER USAGE RATES; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

COUNCIL ACTION (6.A. - 6.B.):

APPROVED

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

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act on an amendment to the landscape ordinance to prohibit artificial turf for landscaping in residential zoning.

Kristen Roberts, Director of Economic and Community Development, addressed the Council regarding this issue. She reported that because the City's code states that all non-paved surfaces shall be completely covered with living plant material, that it was staff's interpretation that synthetic materials are not an allowed substitute for living plant material.

Ms. Roberts also reported that area cities had been contacted regarding their ordinances specific to synthetic landscaping materials. The following cities were reviewed:

Wylie

- no reference to synthetic landscape materials
- Landscape maintenance section states that lawn and garden areas must be kept alive.

Plano

- Ordinance silent on synthetic landscape materials; not allowed
- Have not had known request

McKinney

- Ordinance silent on synthetic landscape materials; not allowed

Frisco

- Not allowed.

Highland Park

- Cannot be installed in the following places; front yard, any yard visible from a street, sidewalk, parkway, alley, and easements.

Sachse

- Does not allow it at this time.

City Manager James Fisher again pointed out that the City of Murphy's code does not specifically address synthetic turf and he went on to discuss Highland Park's code which does allow it only if it cannot be seen from a street, sidewalk, parkway, alley, or easement.

Members of the City Council discussed the City's ordinance and the possibility of making changes to possibly reflect Highland Park's code. Permitting requirements were also discussed.

Councilmember Rob Thomas stated that if the City is ever forced to go to Stage 4 Water Restrictions that this might become an issue for the homeowner who has invested in their lawns.

Mayor Barna stated that he would like to see drainage issues addressed if the City did amend the ordinance to allow any type of synthetic materials for landscaping in residential zoning.

The Mayor also pointed out that no matter what the City's ordinances allowed that HOA's could be more restrictive with their rules and regulations.

Mr. Fisher stated that staff would look at this issue further and return to the City Council at a later date with recommendations.

COUNCIL ACTION (ITEM 7.A.):

NO ACTION

The Council took no action Item 7.A.

- B. Consider and/or act on an ordinance prohibiting the use of wireless communication devices while operating a motor vehicle.

Barbara Harless, 709 Summer Place – Mrs. Harless addressed the City Council and explained her intense opposition to this proposed ordinance.

City Manager James Fisher addressed the City Council and said this item was placed on the agenda at the request of a City Council member. Mr. Fisher stated that this proposed ordinance had a lot of pros and cons regarding the enactment of a ban. Mr. Fisher also advised that various social media sites within the City have had a healthy debate on the merits of this proposed ordinance. He called on Police Chief, G. M. Cox, to answer questions for the City Council.

Mayor Barna stated that he agreed with Mrs. Harless on many points and asked Chief Cox if distracted driving caused by talking and/or texting on a cellphone could be addressed by the State of Texas' reckless driving statutes.

Chief Cox replied that those statutes really did not cover these issues.

The members of the City Council discussed this item at length.

COUNCIL ACTION (ITEM 7.B.):

NO ACTION

The Council took no action on Item 7.B.

- C. Consider and/or act on the proposed Water Resource & Emergency Management Plan and the proposed Water Conservation Plan.

City Manager Fisher reported that the Council had discussed amendments to the Water Resource & Emergency Management Plan at their June 3, 2014 Council meeting but took no action. He explained that the Texas Commission on Environmental Quality (TCEQ) and the North Texas Municipal Water District (NTMWD) require the City to adopt the revised April 2014 Water Conservation Plan. The staff has been reviewing these plans since April.

COUNCIL ACTION (ITEM 7.C.):

APPROVED

Mayor Pro Tem Scott Bradley moved to approve the revised April 2014 Water Conservation Plan. Deputy Mayor Pro-Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- D. Consider and/or act on authorizing the City Manager to execute an agreement for fiber optic construction and physical security/video surveillance equipment for the new animal shelter.

City Manager Fisher reported to the City Council that the project to interconnect the new animal shelter to the City's main fiber optic trunk, through the installation of fiber optic and computer communications network equipment was inadvertently left out of the construction plans. Fisher stated that these monies would come from the year-end fund balance.

Wendel Medford, IT Manager, explained the cost would be \$42,000 with the addition of 10% contingency for a total of \$46,200. He also reported that the cost of wireless was more expensive.

Councilmember Rob Thomas asked what the total cost of the shelter was. It was estimated that the total cost including this project would be around \$860,000.

COUNCIL ACTION (ITEM 7.D.):

APPROVED

Mayor Pro-Tem Scott Bradley moved to authorize the City Manager to execute agreements with Cingl Telecom and Technology for Education in an amount not to exceed \$46,000 for the expansion of the City's fiber optic network as well as the installation of video surveillance and physical security equipment for the new animal shelter. Deputy Mayor Pro-Tem Siddiqui seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmember St. Clair, Councilmember Fincanon and Councilmember Thomas. Against: Councilmember Spraggins. The motion carried by a vote of 6 to 1.

- E. Consider and/or act on a proposed resolution authorizing the City Manager to execute a contract with a company to be determined for group medical insurance and Ameritas for dental insurance and extend the contracts with VSP for vision insurance, Cigna for long term disability and Fort Dearborn for basic life and AD&D with an effective date of September 1, 2014.

Mayor Pro Tem Bradley recused himself due to a conflict of interest that has been filed with the City and stepped down from the dais.

Mayor Barna reported that Mr. Bradley was an employee of Blue Cross Blue Shield and therefore had recused himself from deliberation of this item.

The City Manager reported to the City Council that the final numbers from Blue Cross Blue Shield reflect only a 5% increase in health coverage for the upcoming year. The final proposal was down from the estimated 16% on their initial proposal.

He explained that Brinson Benefits, the City's benefit consultant, was responsible for the negotiations for the final numbers from Blue Cross Blue Shield and United Healthcare. He stated that Brinson Benefits was a great partner with the City of Murphy.

Brinson Benefits was able to negotiate flat renewal rates from Ameritas (dental insurance coverage), from VSP (vision insurance coverage), as well as from Cigna (long term disability coverage). The basic life and AD&D renewal rates from Fort Dearborn also remained flat and will renew in 2015.

COUNCIL ACTION (ITEM 7.D.):

APPROVED

Deputy Mayor Owais Siddiqui moved to approve a resolution authorizing the City Manager to execute a contract with Blue Cross Blue Shield for group medical insurance and Ameritas for dental insurance and extend contracts with VSP for vision insurance, Cigna for long term disability and Fort Dearborn for basic life and AD&D with an effective date of September 1, 2014. Councilmember Rob Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 6-0-1 with Mayor Pro Tem Bradley abstaining due to a conflict of interest. (Resolution #14-R-798)

Mayor Pro Tem Bradley returned to his seat on the dais.

8. CITY MANAGER/STAFF REPORTS

Mr. Fisher provided the Council with an update on the following items:
North Murphy Road Construction Update
Animal Shelter Construction Update
CLC Meeting, July 17th at 7:30 am
Budget Meetings for City Council – July 16th and 17th
Proposed Additional Day of Watering to be held at the end of July
Watering of Central Park

9. EXECUTIVE SESSION

The City Council convened into closed Executive Session at 7:11 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.076. Deliberation regarding security devices or security audits (1) the deployment, or specific occasions for implementation, of security personnel or devices; or (2) a security audit.
- 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. § 551.087. 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; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- D. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.

Councilmember Rob Thomas left the meeting at 7:45 p.m.

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. § 551.076. Deliberation regarding security devices or security audits (1) the deployment, or specific occasions for implementation, of security personnel or devices; or (2) a security audit.
- 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. § 551.087. 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; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- D. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.
- E. Take Action on any Executive Session Item.

Deputy Mayor Pro-Tem Owais Siddiqui moved to appoint Terri Johnson as Interim City Secretary. Mayor Pro-Tem Scott Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6-0.

9. ADJOURNMENT

With no further business, the meeting was adjourned at 7:47 p.m.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Terri Johnson, Interim City Secretary