

CITY COUNCIL MINUTES
SEPTEMBER 2, 2014 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

Mayor Eric Barna called the meeting to order at 6:00 pm.

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

Terri Johnson, Interim 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:

Shelly Bottlinger, 509 Newcastle, representing Exchange Club - invited the Council to attend future events scheduled by the Exchange Club.

Marv Williams, 1201 Cactus Path Drive, representing the Exchange Club and the Chamber of Commerce - requested volunteers to assist with the flags which will be flown again on 9/11. He hoped that up to 300 flags would be flown that day.

5. PRESENTATION ITEMS:

A. Presentation of Proclamation for Asian Pacific American Heritage Month.

Deputy Mayor Pro Tem Owais Siddiqui presented the Mayor's Proclamation for Asian Pacific American Heritage Month to Ms. Margaret Tsai with the DFW Asian American Cities & Council.

B. Presentation of Proclamation for National Payroll Week.

Mayor Barna presented his Proclamation for National Payroll Week to City of Murphy Finance Director Linda Truitt and Assistant Finance Director Steven Ventura. Mrs. Beth Ryan with the Dallas Chapter of the National Payroll Association arrived late for the meeting.

C. Presentation of Proclamation for Baby Safety Month.

Councilmember Sarah Fincanon presented the Mayor's Proclamation for Baby Safety Month to representatives of the Exchange Club of Murphy: President Rosie Neely, President-Elect Marv Williams and Past President Shelly Bottlinger.

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 19, 2014 Regular City Council Meeting
 - 2. August 26, 2014 Special City Council Meeting
- B. Consider and take action, if any, on proposed ordinances amending the Water Conservation Plan and the Water Resource & Emergency Management Plan.

**ORDINANCE NO. 14-09-982
ADOPTION OF WATER CONSERVATION PLAN**

AN ORDINANCE ADOPTING A WATER CONSERVATION PLAN FOR THE CITY OF MURPHY TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER CONSERVATION PLAN.

**ORDINANCE NO. 14-09-983
ADOPTION OF WATER RESOURCE AND EMERGENCY
MANAGEMENT PLAN**

AN ORDINANCE ADOPTING A WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN FOR THE CITY OF MURPHY TO PROMOTE RESPONSIBLE USE OF WATER AND TO PROVIDE FOR PENALTIES AND/OR THE DISCONNECTION OF WATER SERVICE FOR NON COMPLIANCE WITH THE PROVISIONS OF THE WATER RESOURCE AND EMERGENCY MANAGEMENT PLAN.

- C. Consider and take action, if any, on approval of a Resolution adopting the Interlocal Agreement with Collin County for Child Abuse Investigation Services, Law Enforcement Services. (Resolution #14-R-801)
- D. Consider and take action, if any, on a Resolution authorizing the renewal of the Interlocal Cooperation Agreement between the City of Murphy and Collin County for the maintenance and improvements of County roads; and providing for an immediate effective date. (Resolution #14-R-802)
- E. Consider and/or act upon approval of Resolution designating investment officers of the City and approving the investment policies for the investment of municipal funds. (Resolution #14-R-803)

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

APPROVED

Mayor Pro Tem Scott Bradley moved to accept the consent agenda. Deputy Mayor Pro Tem Owais Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

Mayor Barna moved Item 7.G. up on the agenda to accommodate people in the audience for this item.

- G. Consider and/or act on the application of McBirney 544 Joint Venture requesting approval of a site plan, landscape plan, building elevations, and construction plat for The Learning Experience on property zoned PD 09-12-823.

Kristen Roberts, Director of Economic and Community Development, presented this item for a daycare facility for children six weeks to six years old which is intended to provide high quality daycare for children where they can learn while playing. She reported that the proposed site plan had been reviewed by staff and did meet all City codes.

This item had been considered by the Planning & Zoning Commission at their meeting on August 25, 2014 and was approved on a vote of 6 to 1 with the requirement to change the fencing around the playground area from PVC White Fence to wrought iron. This revision was made by the applicant and is noted on the site plan.

COUNCIL ACTION (7G.):

APPROVED

Councilmember Ben St. Clair moved to approve the site plan, landscape plan, building elevations, and construction plat for The Learning Experience on property zoned PD 09-12-823 with the change in playground fencing to wrought iron. Deputy Mayor Pro Tem Owais Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

Mayor Barna returned to the order of the posted agenda.

- A. Hold a public hearing on the proposed 2014 Tax Rate of \$0.5500 per \$100 valuation.

City Manager James Fisher reviewed the proposed tax rate of \$0.5500 per \$100 valuation. He stated that the average home value in Murphy was \$283,422 and the estimated tax on a home with this value would be \$1,558.82.

The proposed operation & maintenance tax rate is \$.3363 and the proposed debt service tax rate is \$.2137, making a total of \$0.5500.

Mayor Barna opened the public hearing at 6:19 PM and no one spoke on this item.

The Mayor closed the public hearing at 6:20 PM.

The Mayor announced that the City Council would vote on the proposed tax rate at their regular meeting scheduled for Tuesday, September 16, 2014 at 6:00 PM in the Council Chambers at Murphy City Hall, 206 N. Murphy Road, Murphy, Texas.

COUNCIL ACTION (7.A.):

NON-ACTION ITEM

No action was taken on this item.

B. Hold a public hearing on the proposed FY 2014-2015 Budget.

The City Manager reported that the proposed budget reflected estimated revenues in the General Fund to be approximately \$12,371,000. The General Fund expenditures, including capital items of approximately \$608,000, were estimated to be \$13,300,000.

Mr. Fisher reviewed the proposed budget for the Utility Fund and the planned \$3 million bond issue that will occur in FY15 for a parallel sewer line.

City Manager Fisher also reported that a pay increase for all City employees was included in the proposed budget.

Mayor Barna opened the public hearing at 6:25 PM. No one spoke on this item.

The Mayor closed the public hearing at 6:25 PM.

The Mayor announced that the City Council would vote on the proposed budget for fiscal year 2014-2015 at their regular meeting scheduled for Tuesday, September 16, 2014 at 6:00 PM in the Council Chambers at Murphy City Hall, 206 N. Murphy Road, Murphy, Texas.

COUNCIL ACTION (ITEM 7.B.):
NON-ACTION ITEM

No action was taken on this item.

C. Consider and/or act on award of bid for Timbers Nature Preserve Park and Trail project.

City Manager Fisher reported that plans for this project were begun two years ago. He explained that there is approximately \$2.4 million available for this project. If City Council were to consider only the base bid for this project, the lowest responsible bidder is Fain Construction at \$1,977,000. Mr. Fisher stated that if any alternates are selected with the base bid, then the lowest bidder becomes RoeschCo Construction.

Staff is recommending the City Council consider the base project bid with Alternates #1 and #2 (approximately \$2,174,952) to stay within the available dollars of \$2.4 million. If Alternate #3 is added, the estimated project cost is \$2,495,957 (approximately \$95,957 over the available dollars.) Adding Alternate #4 brings the total project cost to \$2,712,382 (approximately \$312,282 over the available dollars).

The project was discussed at length by the City Council, Wade Peterson with PachecoKoch and the City Manager. Members of the Council expressed interest in receiving input from the City's Park Board before awarding the bid. The Park Board is scheduled to meet within the next week.

COUNCIL ACTION (ITEM 7.C.):

No action was taken on this item.

D. Consider and take action, if any, on casting ballot for the election of Places 1-4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.

City Manager explained to the City Council that because the City of Murphy was a member of the TML Intergovernmental Risk Pool, the Council was entitled to vote for the Board of Trustee members. Places 1-3 are unopposed with Place 4 having two candidates:

- Place 1 Robert T. Herrera, City Manager, City of Cibolo (incumbent)
- Place 2 John W. Fullen, Commissioner, Henderson Housing Authority (incumbent)
- Place 3 George Shackelford, City Manager, City of Tomball
- Place 4 Peter Vargas, City Manager, City of Allen (incumbent)
- Place 4 Rona Stringfellow, Assistant City Manager, City of Lancaster

COUNCIL ACTION (ITEM 7.D.):

APPROVED

Mayor Pro Tem Bradley moved to cast the City of Murphy's ballot for members of the Board of Trustees for the TML Intergovernmental Risk Pool for the unopposed candidates for Places 1-3, along with Peter Vargas for Place 4. The motion was seconded by Deputy Mayor Pro Tem Siddiqui. 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 take action, if any, on the Settlement and Release Agreement between Oncor Electric Delivery Company LLC and the City of Murphy regarding Street Lights.

The City Manager reported that recently Oncor performed a street audit to determine the number of street lights that it services in the City of Murphy. The audit revealed approximately 245 street lights within the City are provided service from Oncor, with the remainder of the lights being serviced by Farmer's Electric Coop.

Fisher explained that the purpose of the audit was to determine the number of lights to develop an estimate for the proposed agreement. The agreement seeks to resolve a billing issue due to inaccurate data with respect to the number, type and size of street lights that receive service from Oncor. The agreement proposes a settlement check to the City of Murphy in the amount of \$6,549.90.

COUNCIL ACTION (ITEM 7. E.):

APPROVED

Mayor Pro Tem Bradley moved to approve the Settlement and Release Agreement with Oncor and authorize the City Manager to execute the necessary documents. The motion was seconded by Councilmember St. Clair. For: Unanimous. The motion carried by a vote of 7 to 0.

- F. Consider and take action, if any, on a Resolution requesting removal of FM 2551 from the Texas Highway System.

City Manager Fisher reported to the City Council that discussions had been going on since late last year about the possibility of taking FM 2551 (North Murphy Road) off of the State system because of the City's desire to implement measures in the Safe Routes to School funding program that are not currently allowed on State roads. These measures include enhanced crosswalks with lights, midblock crossings, colored textured pavement at crosswalks and improved signage. At the August 5, 2014 City Council meeting, the City Manager was directed to prepare a Resolution with a

Memorandum of Understanding and bring back to the City Council.

Mr. Fisher explained that it would be at least a year before the State had completed all phases of the new roadway and turned the road over to the City.

Members of the City Council discussed the pros and cons of the City taking ownership of this road, with Councilmember St. Clair expressing his opposition.

The Council had a lengthy discussion regarding the enhancements provided by the Safe Routes to Schools funding and it was pointed out that these enhancements would not be available for a roadway in the State highway system. Lifetime maintenance costs of the roadway were also discussed.

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

Mayor Pro Tem Bradley moved to approve a Resolution requesting removal of FM 2551 from the Texas Highway System. The motion was seconded by Councilmember Fincanon. For: Mayor Barna, Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmember Spraggins, Councilmember Fincanon and Councilmember Thomas. Against: Councilmember St. Clair. The motion carried by a vote of 6 to 1. (Resolution No. 14-R-804)

8. CITY MANAGER/STAFF REPORTS

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

North Murphy Road Construction Update

North Texas Municipal Water District change to allow watering once each week

Maize Days - September 27, 2014

Beautify Murphy Event and Fire Department Open House - October 11, 2014

Animal Shelter Grand Opening - art contests being held in schools

U.S. Congressman Sam Johnson will hold a Town Hall Meeting at the Community Center, 6:30 PM, Wednesday, September 3, 2014

Increase in Bond Rating for the City from AA- to AA. City Manager Fisher thanked Linda Truitt, Finance Director and Steven Ventura, Assistant Finance Director, for their assistance with this review process.

9. EXECUTIVE SESSION

The City Council convened into closed Executive Session at 7:25 pm 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 regarding pending or contemplated litigation involving Kevin Johnson and QA Automotive LLC.

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. §551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into open session at 8:07 pm with the Mayor's announcement that no action was taken in Executive Session, 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 regarding pending or contemplated litigation involving Kevin Johnson and QA Automotive LLC.
- 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. §551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.
- D. Take Action on any Executive Session Item.

**COUNCIL ACTION (ITEM 10.C.):
APPROVED**

Mayor Pro Tem Bradley moved to appoint Mrs. Janita Susie Quinn as City Secretary for the City of Murphy, effective September 16, 2014. The motion was seconded by Councilmember Fincanon. For: Unanimous. The motion carried by a vote of 7 to 0.

11. ADJOURNMENT

With no further business, the meeting was adjourned at 8:07 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Terri Johnson, Interim City Secretary