

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
MAY 5, 2015 AT 6:00 P.M.

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

Police Chaplain Dan Rainey gave the invocation and Mayor Barna led the Pledge of Allegiance to the United States flag.

3. ROLL CALL & CERTIFICATION OF A QUORUM

Susie Quinn, 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

4. PUBLIC COMMENTS

Robb DeJean, an Austin resident and Maxwell Fisher, a Dallas resident were called upon to speak during agenda item 7.B.

5. PRESENTATIONS

A. Proclamation recognizing Motorcycle Safety Awareness Month.

Mayor Pro Tem Bradley presented the Proclamation to four different Motorcycle Groups. They included the Prodigal Sons, the Biker Church, the Dirty Bastards - McKinney Chapter and the Christian M/C's of Wylie.

- B. Proclamation recognizing National Public Service Recognition Week.

Mayor Barna presented this proclamation to all City employees in attendance.

- C. Proclamation recognizing Emergency Medical Services Week.

Mayor Barna presented this proclamation to Fire Chief Mark Lee.

- D. Proclamation recognizing National Police Week.

Councilmember St. Clair presented this proclamation to Police Chief Cox and several police officers and civilians who work and/or volunteer in the police department, who were in attendance.

- E. Presentation of the TPCA Recognition Best Practices Certificate.

Rockwall Police Chief Mark Moeller made the Texas Police Chief Association presentation to Council and Police Chief Cox recognizing the Murphy Police as the 111th Texas Police Department to receive the Law Enforcement Agency Best Practices Recognition. The Law Enforcement Recognition Program is a voluntary process where police agencies in Texas prove their compliance with 164 Texas Law Enforcement Best Practices. These Best Practices were carefully developed by Texas Law Enforcement professionals to assist agencies in the efficient and effective delivery of service, the reduction of risk and the protection of individual's rights.

Support Services Manager Kim Parker was recognized by Chief Cox as being very instrumental to make certain Murphy complied with all the 164 Texas Law Enforcement Best Practices.

- F. Presentation of the Sergeant Kyle Kucauskas Scholarship.

This item was postponed until next City Council meeting.

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 April 7, 2015 regular meeting minutes.

- B. Consider and/or act upon the April 21, 2015 regular meeting minutes.

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

APPROVED

Mayor Pro Tem Bradley moved to approve a Resolution approving an Interlocal Agreement with Collin County Governmental Purchasers Forum and authorizing the City Manager to execute such agreement. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act on the application of property owner McBirney 544 Joint Venture and applicant Honey Goel requesting approval of a site plan, landscape plan, building elevations and construction plat for Murphy Office Condos on property zoned PD 09-12-823 at the southeast corner of FM544 and Brand Road.

Director of Economic Development Kristen Roberts explained to council that the proposed construction will be directly west of Orchard Park, right behind Braum's. The building will be 16 thousand square feet; 8 thousand feet will be for professional use and 8 thousand feet will be for medical use. Roberts confirmed that the proposal meets all the requirements with the exception that staff is recommending placing it 15 feet from the road instead of 40 feet which is currently the set back. The reason for this is because Orchard Park was placed at 15 feet away from the road and they want continuity. The entrances will be facing north and south, located between the buildings with the two end building displaying windows towards their respective streets; the parking lot will be on the west side of the property. Council asked what will be facing Village Drive, and Roberts told them windows

Council asked for clarification of what the materials will be used on the outside of the building. Roberts explained that it is proposed to be cast stone and brick. Council also asked for clarification on what will be west of this development. Roberts explained that it will be more specific medical buildings according to the developer. By specific medical, she clarified it will be orthodontists, podiatrists etc. The building is proposed to compliment the aesthetics of the Orchard Park building. Council is concerned that none of the entrances will be facing the parking lot and that the back of the building will be facing FM 544; after talking it through they agreed that since it's behind Braum's it will be okay.

COUNCIL ACTION (7.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the application of property owner McBirney 544 Joint Venture and applicant Honey Goel requesting approval of a site plan, landscape plan, building elevations and construction plat for Murphy Office Condos on property zoned PD 09- 12- 823 at the southeast corner of FMS44 and Brand Road. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Consider and/or act on the application of property owner Deborah R. Tafelski and applicant Ricky Jenkins requesting approval of a site plan, landscape plan and building elevations for a Jenkins Self Storage at 305 W. FM 544.

Director of Economic Development Roberts explained this still needs to go through the planning and zoning process; currently it is zoned as commercial and meets requirements. It only has one point of access and is required to have two, for emergency purposes. After discussions with staff, the property's neighbor, the property owner and the applicant; the Fire Chief and City Manager approved the use of "grass pave" which will not be a public access road, but will only be used for emergency vehicles to enter the property.

Roberts explained they proposed to use heavy landscaping in the front along 544 but staff requested them not to due to underground and above ground utilities. Maxwell Jenkins was present at the meeting and gave a brief slideshow presentation regarding his proposed building. He explained that they are not a first generation warehouse type storage unit. It will be more of an upscale storage facility. The challenge is the depth of the site, with 840 feet in depth, a storage facility is the best solution in his opinion or the land may never be developed to its full potential. Jenkins explained that they tried to make it as aesthetically appealing as possible, especially along the front.

Council asked for the reason they would want to put a storage facility next to a storage facility. Jenkins explained that it's an indicator of the economy thriving. It's the same marketing process of placing a gas station by a gas station, or fast food next to fast food.

Council asked for clarification on if it's one large building taking up the whole 800 feet of depth or two separate buildings. Jenkins confirmed it will be one building. No further conversation was held.

COUNCIL ACTION (7.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve the application of property owner Deborah R. Tafelski and applicant Ricky Jenkins requesting approval of a site plan, landscape plan and building elevations for a Jenkins Self Storage at 305 W. FM 544. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- C. Consider and/or act on the award of the bid for the Betsy Lane Paving and Drainage Improvements.

City Manager, James Fisher explained when the city began this project; it was funded with surplus RTR funds (these were surplus funds from the State 121 road project). The estimated construction cost was 2.6 million dollars; the bid came in at 2.9 million dollars. We are requesting an extra \$300,000.00 to cover the difference. Advanced funding allows us to do this formally. The construction is set to start in June 2015 and will take one year to complete. The projected costs for engineering is \$252,000.00 and the right-of-way at \$290,000.00 those both came in under budget, so we do have some wiggle room from the budgeted amounts from funds allocated in 2008.

COUNCIL ACTION (7.C.)

APPROVED

Mayor Pro Tem Bradley moved to approve the award of the bid for the Betsy Lane Paving and Drainage Improvements to Tiseo Paving Company in the amount of \$2,970,831.80. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- D. Conduct a public hearing and consider and/or act upon approval of an ordinance continuing the juvenile curfew regulations.

Mayor Barna opened the public hearing at 7:01 pm. No one requested to speak, Mayor Barna closed the public hearing at 7:01 pm.

Police Chief Cox told council that every three years the state requires us to review this ordinance. Cox explained the reason last year they had 48 tickets to enforce this ordinance was due to some alcohol parties and all the attendees received tickets. Prior to last year the number of tickets was around eight to ten per year. Council agreed that there are not many complaints about this ordinance.

Parents are notified when a child violates the curfew ordinance.

COUNCIL ACTION (7.D.)

APPROVED

Mayor Pro Tem Bradley moved to approve Ordinance Number 15-05-992 continuing the juvenile curfew regulations. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- E. Discuss and/or consider implementing community blog(s) and regulations relating thereto for the City of Murphy social media platforms.

City Manager Fisher told the Council he wanted to bring this to them one last time before submitting it for formal adoption. He explained that as staff, we all need to know we cannot "take off our city hats" when responding/engaging with comments. We need to get better at listening and pulling information to keep citizens informed. These social media platforms will help greatly with that (Facebook, Tweet, Open Data, Mind Mixer, etc.). Council asked if it will be through a separate website; IT Manager, Wendle Medford explained that we have "Engage Murphy" and want to consolidate all the social media so that citizens can communicate on one platform. Council wanted to know how the city will monitor it. No anonymous posts are permitted. Medford explained that censors will be in place to flag the key words that we are set to assist with flagging inappropriate comments.

Council asked if a registered user writes something that is not using foul/hate speech exactly but substituting those words with words that will have the same effect. How will staff handle that? Fisher said we don't want it to become a gripe board, we get a lot of gripes daily and we have thick skin. We won't just take off something because it is negative; if we saw something that was

very worrisome we will get the leadership team together and figure it out. This will be coming back to council to formally adopt. Council requested a chance to formally look at and interact with this software and Medford confirmed that Council will have a chance to check it out and learn it. Council discussed several scenarios of various types of possible posts.

F. Discussion regarding the Body Camera Program of the Murphy Police Department.

Police Chief Cox explained the Body Cam Program is one more tool that helps our officers do their jobs better. Murphy purchased 22 cameras supplemented with forfeiture funds. Council asked about how retention will be done. Cox explained they are treating it like their car cameras; they will keep the footage for 90 days unless it is tagged for a case. The cameras are not voice activated or auto recording. In regards to privacy issues, there needs to be a happy medium. The Attorney General is the official who decides the open records and releasable guidelines. We are mainly concerned about the citizen's privacy; the Murphy Police Officers are all on board with this.

G. Discussion regarding North Murphy Road.

City Manager Fisher reported to council he had gone to and from Austin, Texas the morning of the council meeting to meet with the State Senator and State Representative. Fisher met with both of their Chiefs of Staff with a punch list and pictures of the TxDOT project. Fisher explained to the chiefs we need financial support for this project, financial assistance for the HOA's which were damaged significantly and a traffic signal at Glen Ridge. Currently, they are planning on opening the road without it, which will not allow our fire engine to cross safely. Fisher explained about his shock when he explained the state doesn't require contractors to warranty their work. This is a 16 million dollar project, and if we need to bring a resolution back to council if we feel it will be a huge financial burden. TxDOT has told us, the city's expectations are too high. We have told them our expectations are high from the very beginning. Council stated their concern in regards to Safe Routes to School (SRTS), there are not any lights, colored pavement or anything there is supposed to be in place for SRTS and the road is supposed to open in a week. Fisher explained with TxDOT trying to get the road open and release their contractor the SRTS will be initiated after the road is complete. Fisher stated that he doesn't like it, because it will cause lane closures especially since we've had this plan for two years.

Council stated they made a very hard decision by taking this offline because of the desire to have very safe crossings built into the road. Until that meets our expectations the agreement to take Murphy road out of the TxDOT system and place under the jurisdiction of the City of Murphy may have to be rescinded.

Fisher stated he was doing everything possible to keep from this happening; we don't want to get the road done only to tear out parts out and re do them. Council asked for clarification if the Chiefs of Staff gave us any sort of timeline or action items. Fisher confirmed they did not. He explained they said they would get back to us after reviewing it.

8. CITY MANAGER/STAFF REPORTS

A. Timbers Nature Preserve

City Manager Fisher explained the construction is still on target to finish in August. A councilmember commented that it was not very aesthetically pleasing. Fisher explained it is still under construction and will look different when it is complete.

B. South Maxwell Creek Parallel Trunk Sewer Line

City Manager Fisher gave an update on the progress; we are working with the contractor to figure out how to complete this due to the recent rain.

C. 2015 Planning Session

City Manager Fisher sent the Planning Session PowerPoint after the last city council meeting and has not heard anything from any councilmember. After stating this, he stated we need council's thoughts on these items.

9. EXECUTIVE SESSION

The City Council convened into close Executive Session at 7:52 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. §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).
- B. §551.072 To deliberate the purchase, exchange, lease, or value of real property, including fee simple and easements.
- C. §551.071 Consultation with 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 this chapter in regard to Safe Routes to School and Open Records Act and procedures.

10. RECONVENTE INTO REGULAR SESSION

The City Council reconvened into open session at 8:16 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. §551.087 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).

- B. §551.072 To deliberate the purchase, exchange, lease, or value of real property, including fee simple and easements.

- C. §551.071 Consultation with 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 this chapter in regard to Safe Routes to School and Open Records Act and procedures.

- D. Take Action on any Executive Session Items.

COUNCIL ACTION (10.A., 10.B., and 10.C.):

NO ACTION

11. ADJOURNMENT

With no further business, the meeting was adjourned at 8:16 pm.

APPROVED BY:



Eric Barna, Mayor

ATTEST:


Susie Quinn, City Secretary