

MURPHY CITY COUNCIL AGENDA  
REGULAR CITY COUNCIL MEETING  
JANUARY 17, 2017 AT 6:00 PM  
206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094



Eric Barna  
Mayor

Scott Bradley  
Mayor Pro Tem

Owais Siddiqui  
Deputy Mayor Pro Tem

Jennifer Berthiaume  
Councilmember

Betty Spraggins  
Councilmember

Sarah Fincanon  
Councilmember

Don Reilly  
Councilmember

Mike Castro  
City Manager

Susie Quinn  
City Secretary

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 January 17, 2017 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. PRESENTATIONS/RECOGNITIONS**

- A. Presentation of financial report and investment report as of December 31, 2016.  
*Steven Ventura, Interim Director of Finance.*

**5. PUBLIC COMMENTS**

**6. CITY MANAGER/STAFF REPORTS**

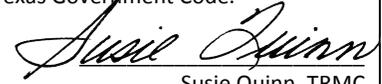
- A. Radio Systems
- B. Sidewalk Rehabilitation Program
- C. South Maxwell Creek Sewer Line
- D. FM544 Traffic Safety Update
- E. Personnel Handbook Update
- F. Department Director Vacancies
- G. Upcoming Events

**8. INDIVIDUAL CONSIDERATION**

- A. Consider and/or act to approve the January 3, 2017 Regular Council meeting minutes. *Susie Quinn, City Secretary*
- B. Consider and/or act to approve Ordinance Number 2017-01-1032 amending the Governance Policy. *Susie Quinn, City Secretary*

**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 January 13, 2017 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.



Susie Quinn, TRMC  
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 Secretary at 972.468.4011 or [squinn@murphytx.org](mailto:squinn@murphytx.org).

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

**City Council Meeting**  
**January 17, 2017**

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**Issue**

Upcoming Events

**Staff Resource/Department**

Mike Castro, City Manager

**Summary**

- Release of the Parks and Recreation Spring Guide – February 2, 2017 to be included in the Murphy Messenger that is sent to all citizens
- Daddy Daughter Dance – Saturday, February 18, 2017 from 6 pm until 9 pm at the Murphy Community Center, 205 North Murphy Road
- Rainbow Trout Round-Up – Saturday, February 25, 2017 from 9 am until 11 am at the City Hall pond, 206 North Murphy Road

**CITY COUNCIL MINUTES  
REGULAR CITY COUNCIL MEETING  
JANUARY 3, 2017 AT 6:00 PM**

**1. CALL TO ORDER**

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

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Barna gave the invocation and led the Pledge of Allegiance.

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

City Secretary, Susie Quinn, certified a quorum with the following Councilmembers present:

Mayor Eric Barna  
Mayor Pro Tem Scott Bradley  
Deputy Mayor Pro Tem Owais Siddiqui  
Councilmember Jennifer Berthiaume  
Councilmember Betty Nichols Spraggins  
Councilmember Sarah Fincanon  
Councilmember Don Reilly

**4. PRESENTATIONS/RECOGNITIONS**

City Manager Mike Castro provided a brief overview of the Community Emergency Response Team (CERT) Program that educates individuals about disaster preparedness for hazards that one may face in their life. The program also provides training for each individual in basic response skills, e.g., fire safety, search and rescue, team organization and disaster medical operations. Utilizing the training learned in a classroom and through exercises, CERT members are able to assist professional responders following an event when professional responders are not immediately available to assist. CERT members are also encouraged to support emergency response agencies by taking a more active role in emergency preparedness projects in their community and work place. The graduates have completed the twelve (12) week course, met all of the criteria and passed all skills necessary to receive their Community Emergency Respond Team certification.

Mayor Barna, City Manager Mike Castro and Fire Chief Del Albright presented graduation certificates to Michael Andreescu, Shawn Hardy, Andrea Hoffman, Larry Hoffman, Amy Neher, Maria Reilly and Don Reilly. CERT Director Ron Hill was also recognized.

Those not in attendance but received their certification are: Karen Fey, Mary Hartman, Tom Hartman and Amy Christner.

**5. PUBLIC COMMENTS**

No Public Comments were presented.

**6. CITY MANAGER/STAFF REPORTS**

A. Radio Systems – Police Chief Arthur Cotten provided an update that tomorrow morning dispatch center consoles will be moved into the new dispatch center with two consoles up and running. Several partners, specifically COG (North Texas Council of Governments) will be here assisting to

ensure that the transition of the 911 system is moved accordingly with no interruption to the system.

- B. Sidewalk Rehabilitation Program – Public Services Director Tim Rogers provided an update that the program is currently in the The Ranch/Gables subdivision with six (6) of the nine (9) on the program list to be completed with a total of twenty (20) locations in that subdivision. The next subdivision will be Windy Hills Farms with eight (8) locations to repair and will begin in about three (3) weeks. Staff will have some street panel repairs on McCreary Road that will need to be repaired before moving onto Windy Hill Farms subdivision next week.
- C. South Maxwell Creek Sewer Line – Public Services Director Tim Rogers provided an update that the contractor has cleared the fencing in the areas on private properties and installed three of the four (3 of 4) gates for homeowners. Clean up is ongoing on the south end of McCreary with rain limiting construction. At the RaceTrac location, fencing has been installed in preparation for completing the project in the north end. In the next couple of days, subsurface exploration for the utilities with excavation beginning by the end of the week. Estimated project completion pending no weather problems would be around April or May.

Council had questions in regards to: The panel replacement on McCreary, is the city paying the bill for the replacement or does Wylie pay as well? Should staff be repairing concrete with the current temperatures right now? How will public awareness of lane closure be communicated?

Staff replied that the city pays and is responsible for the south bound lane only with completion of panels taking about forty-five (45) days. As long as temperatures remain at forty (40) degrees and rising the work can continue so staff will be monitoring temperatures. Public awareness communication will be communicated through email, Facebook, website and using a message board at the location with lane closures for the next thirty (30) to forty-five (45) days.

- D. FM544 Traffic Safety Update – City Manager Mike Castro received a preliminary update from the area TxDOT engineer that TxDOT will refresh the intersection pavement and markers at the crosswalks with repainting. Repairs will begin in a month but will be dependent on the weather. TxDOT is still researching on how to achieve additional lighting for the intersection (FM544 and Hawthorne). They have not officially agreed to the request but they are looking for the best location for additional lighting as it is too narrow to install in the median at FM 544. One option is look to the north or south side of the interchange as an option. TxDOT has not agreed to a pedestrian only cycle signal in the intersection. The City will continue to have conversations with TxDOT on this option and ask additional questions.
- E. Upcoming Events –
- Council Strategic Planning Sessions – Friday, January 6, 2017 from 6 pm until 9 pm – Saturday, January 7, 2017 from 9 am until 5 pm – Sunday, January 8, 2017 from 9 am until 2 pm – All Sessions will be held at the Murphy Activity Center, 205 North Murphy Road
  - Boards and Commission Training – Saturday, January 7, 2017 from 8:30 am until Noon at the City Hall Community Center, 206 North Murphy Road
  - Release of the Parks and Recreation Spring Guide – February 2, 2016 to be included in the Murphy Messenger that is sent to all citizens
  - Daddy Daughter Dance – Saturday, February 18, 2017 from 6 pm until 9 pm at the Murphy Community Center, 205 North Murphy Road

- Rainbow Trout Round-Up – Saturday, February 25, 2017 from 9 am until 11 am at the City Hall pond, 206 North Murphy Road

**7. CONSENT AGENDA**

- A. Consider and/or act to approve the December 6, 2016 Regular Council meeting minutes. *Susie Quinn, City Secretary*

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

**APPROVED**

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

- B. Consider and/or act to approve Resolution 17-R-845 designating investment officers of the City and approving the investment policy for the investment of municipal funds. *Steven Ventura, Interim Finance Director*

Interim Finance Director Steven Ventura addressed Council to approve Resolution 17-R-845 designating investment officers of the City and approving the investment policy for the investment of municipal funds. The policy presented for Council approval is the same as the policy approved January 5, 2016. Investment officers are required to attend Public Funds Investment training at least every two years. Currently the only staff member to have the training is the Interim Finance Director Steven Ventura. City Manager Mike Castro is on the schedule to attend the training. The Assistant Finance Director position is vacant but currently filled with an accountant who is a contracted employee. Staff to bring approval of the Assistant Finance Director as an officer of the City at a future city council meeting agenda.

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

**APPROVED**

**Mayor Pro Tem Bradley moved to approve Resolution 17-R-845 designating investment officers of the City and approving the investment policy for the investment of municipal funds with the following change to the resolution: the removal of “Assistant Finance Director” as an investment officer until such time as that position is filled. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.**

**8. INDIVIDUAL CONSIDERATION**

- A. Discussion regarding City Council attendance at board and commission meetings.

Mayor Pro Tem Bradley requested the City Attorney to provide the City with appropriate language discussing city council members attending or not attending executive sessions at boards and commissions. Item is to be brought back to a future city council meeting agenda.

**9. EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 6:18 pm to discuss the following:

- A. §551.071. Consultation with the 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 regarding Boards and Commissions.

**10. RECONVENE INTO REGULAR SESSION**

The City Council reconvened into Regular Session at 6:48 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. §551.071. Consultation with the 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 regarding Boards and Commissions.
- B. Take Action on any Executive Session Items.

**11. ADJOURNMENT**

With no further business, a motion was entertained by the Mayor and the Council meeting adjourned at 6:48 pm.

APPROVED BY:

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Eric Barna, Mayor

ATTEST:

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Susie Quinn, City Secretary

**City Council Meeting  
January 17, 2017**

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**Issue**

Consider and act to approve Ordinance Number 17-01-1028 amending the Governance Policy.

**Staff Resource/Department**

Mike Castro, City Manager  
Susie Quinn, City Secretary

**Summary**

**AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 1. GENERAL PROVISIONS OF THE CITY OF MURPHY'S CODE OF ORDINANCES, TO AMEND A CITY COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE REGARDING COUNCIL RELATIONS WITH BOARDS, COMMISSIONS AND COMMITTEES; AND PROVIDING FOR AN EFFECTIVE DATE, PROPER NOTICE AND MEETING; SEVERABILITY CLAUSE AND REPEALER CLAUSE.**

**Background/History**

Ordinance No. 10-11-862 was approved on November 15, 2010 amending the Code of Ordinances approving the Governance Policy. Ordinance No. 12-03-908 amended the Code of Ordinances amending Section 2-603., which is now Division 2. Governance Policy and Rules of Procedure – Section 1.02.033 (e) Confidential Information and Section 1.02.042 Violations and sanctions.

**Board Discussion/Action**

To approve Ordinance Number 17-01-1028 amending the Governance Policy.

**Attachments**

- 1) Ordinance 2017-01-1028
- 2) Code of Ordinances – Article 1.02 City Council

**ORDINANCE NO. 17-01-1028**

**AN ORDINANCE OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 1. GENERAL PROVISIONS OF THE CITY OF MURPHY'S CODE OF ORDINANCES, TO AMEND A CITY COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE REGARDING COUNCIL RELATIONS WITH BOARDS, COMMISSIONS AND COMMITTEES; AND PROVIDING FOR AN EFFECTIVE DATE, PROPER NOTICE AND MEETING; SEVERABILITY CLAUSE AND REPEALER CLAUSE.**

**WHEREAS**, the City Council finds and determines that a city council member may attend an executive session of a board, commission or committee in limited circumstances and such attendance is in the best interests of the City of Murphy;

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

**SECTION 1. RECITALS**

The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as part of this Ordinance.

**SECTION 2. AMENDMENT OF GOVERNANCE POLICY AND RULES OF PROCEDURE**

Article 1.02, City Council, Section 1.02.041, Staff and Council Relations with Boards, Commission and Committees, (d) of the Code of Ordinances of the City of Murphy is hereby amended to read as follows:

**Sec. 1.02.041 Staff and council relations with boards, commission and committees**  
(d) If a city council member should attend a meeting of a board, commission or committee, the member shall not take part in the meeting nor address the board in any manner whether by questions or statements. The city council member may not attend an executive session of a board, commission or committee unless prior to the commencement of the executive session, the chairman of that board, commission or committee has requested the council member to attend the executive session after the chairman has first determined: (i) the council member's interests are not adverse to the board, commission or committee, (ii) the council member's presence is necessary to the issues to be discussed, and (iii) the council member's presence will not, in effect, waive the attorney-client privilege. A city council member shall not attempt to influence the decisions of boards, commissions and committees, either directly or indirectly, nor express an opinion to a board, commission or committee about its actions unless at a city council meeting. Boards that require a city council member to be a member of that board are exempt from this policy provision.

**SECTION 3. Effective Date**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**SECTION 4. Proper Notice and Meeting**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code and as required by Chapter 52 of the Texas Local Government Code.

**SECTION 5. Severability**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

**SECTION 6. Repealer**

The provisions of this Ordinance shall be cumulative of all other ordinances, or parts of ordinances, and resolutions, or parts of resolutions governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances, or parts of ordinances, or resolutions, or parts of resolutions, inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

PASSED AND APPROVED by the City Council of the City of Murphy, Texas this 17<sup>th</sup> day of January, 2017.

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Eric Barna, Mayor  
City of Murphy

ATTEST:

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Susie Quinn, City Secretary  
City of Murphy  
APPROVED AS TO FORM:

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Wm. Andrew Messer, City Attorney  
City of Murphy

## **ARTICLE 1.02 CITY COUNCIL\***

### **Division 1. Generally**

#### **Sec. 1.02.001 Terms of office**

All members of the city council shall hold office in accordance with the provisions of the city charter. (1984 Code, sec. 1-3-1; 1993 Code, sec. 31.01; 2006 Code, sec. 2-21; Ordinance 26 adopted 2/6/73; Ordinance 07-02-716, sec. 2, adopted 2/19/07)

**Charter reference**—Selection and term of mayor and council members, sec. 3.01.

#### **Secs. 1.02.002–1.02.030 Reserved**

### **Division 2. Governance Policy and Rules of Procedure\***

#### **Sec. 1.02.031 Introduction**

(a) The municipal government provided by the city charter, hereinafter the “charter,” shall be known as the “council-manager form of government.” Pursuant to its provisions, and subject only to the limitations imposed by the state constitution, the statutes of this state, and by the charter, all powers of the city shall be vested in an elected council, hereinafter referred to as the “city council” or “council,” which shall enact local legislation, adopt budgets, determine policies, and appoint city officials as noted in the charter, including the city manager, who in turn shall be held responsible to the city council for the execution of the laws and the administration of the government of the city. All powers of the city shall be exercised in the manner prescribed by the charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance, the state constitution, or by the statutes of the state.

(b) The city council is the governing body for the city. Therefore, it must bear the initial responsibility for the integrity of governance. Pursuant to section 3.13 of the charter, the council shall determine its own rules of order and business. The council is responsible for its own development, its responsibilities, its own discipline, and its own performance. The development of this policy is designed to ensure effective and efficient governance.

(c) This policy addresses mayor and council relations, council and staff relations, council and city attorney, engineer and municipal judge relations, council and media relations, roles and meetings. By adopting this policy, we, as members of the city council, acknowledge our responsibility to each other, to our professional staff and to the public. This policy will be reviewed and adopted on an annual basis.

(2006 Code, sec. 2-601; Ordinance 10-11-862 adopted 11/15/10)

#### **Sec. 1.02.032 Mission**

(a) The city will provide for the health, welfare and safety for our citizens, neighbors and employees with a commitment to communicate and serve all with respect, dignity and courtesy, focusing on superior customer service. We will listen to our citizens and guests, address their needs, and provide a safe and appealing place to work, play and call home.

(b) In order to ensure proper discharge of duties for the improvement of democratic local government, members of the city council will display behavior that demonstrates independent, impartial review of all matters addressed by them, and be duly responsible to the citizens of the city and each other in their relationships.

(2006 Code, sec. 2-602; Ordinance 10-11-862 adopted 11/15/10)

**Sec. 1.02.033 Information**

(a) On major policy issues, the city manager shall provide briefing material to the council in advance of council consideration of the policy alternatives. Whenever possible, the management report shall be presented as a discussion item at a regular city council meeting. The policy briefing item will be placed on the next city council meeting agenda for council consideration or a work session will be scheduled.

(b) All council members should have the same information with which to make decisions. When one council member has an information request, the response will be shared with all members of the council so that each member may be equally informed.

(c) Staff should provide the city council with information on agenda items as far in advance of the meeting as possible. Staff should avoid giving information at the meeting on issues that will be considered during the meeting. In order to provide the council with timely information, please strive to submit questions on council agenda items ahead of the meeting. City council members are encouraged to submit their questions on agenda items to the city manager as far in advance of the meeting as possible so that staff can be prepared to respond at the council meeting.

(d) The city manager shall provide operational updates to the city council informing them of the progress on projects, items of concern, city events, and financial and legal issues currently pending before the city. The update shall be by email and no less than twice a month.

(e) Confidential information.

(1) In general, a member of the city council is entitled to review and inspect all records of the city, including confidential information, in their official capacity. A city council member acts in his or her "official capacity" in performing the duties and exercising the powers of the office of a city council member as contained and enumerated in the city charter, section 3.07, under the laws of the state, as this term is defined in V.T.C.A. Civil Practices and Remedies Code, sec. 101.053(a), and under other applicable law. If the records contain confidential information, such as certified agendas or tape recordings of closed meetings, then the city council member will not be entitled to make a copy of the information. "Confidential information" means any information that a city council member is entitled to because of his official position but otherwise is not available to the public generally without an open records request pursuant to the provisions of the Texas Public Information Act (the "Act"), V.T.C.A. Government Code, ch. 552, and/or is not available to the public under the Act. Notwithstanding the foregoing, a city council member shall not:

(A) Use his or her position to obtain confidential information about any person or entity except in his or her official capacity;

(B) Disclose any confidential information gained through the city council member's office or position concerning property, operations, policies, personnel or affairs of the city;

(C) Use such confidential information to advance any economic interest or personal interest of the city council member or confer any benefit to the city council member, or their family member.

(2) During an investigation conducted by the city council as authorized by the city charter or any other investigation or proceeding regarding whether there has been a violation of the city charter or code of ethics to any investigatory, administrative or judicial authority, city council members may receive or disclose confidential information.

(3) In the event that a city council member requests to review, inspect or copy any confidential information, that request shall be made to the mayor, who shall place the issue on a city council agenda for discussion and/or action of the city council.

(4) Under section 3.07 of the city charter, the city council may collectively investigate matters in their official capacity; other than this procedure a city council member may not individually conduct an investigation.

(2006 Code, sec. 2-603; Ordinance 10-11-862 adopted 11/15/10; Ordinance 12-03-908, sec. 2, adopted 3/6/12)

#### **Sec. 1.02.034 Roles**

(a) The mayor shall preside at meetings of the council, and shall be recognized as head of city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The mayor may participate in the discussion of all matters coming before the council. The mayor shall be entitled to vote as a member thereof on legislative or other matters, unless prohibited by law, and shall have no power of veto.

(b) The council shall elect from among the council members a mayor pro tempore who shall act as mayor during the absence or disability of the mayor. The council shall elect from among the council members a deputy mayor pro tempore who shall act as mayor pro tempore during the absence or disability of the mayor pro tempore.

(c) As head of city government for ceremonial purposes, the mayor may issue and present proclamations and recognitions, and attend other ceremonial functions on behalf of the city. Council members may initiate, through the mayor or by a majority vote of the council, similar items of recognition. Major community events sponsored by the city shall be a policy decision of the council.

(d) The mayor shall preserve order and decorum and shall require council members engaged in debate to limit discussion to the question under consideration.

(e) The mayor is the spokesperson for the council on all official positions taken unless absent, at which time the mayor pro tem or the deputy mayor pro tem will assume the role.

(f) The mayor will encourage all council members to participate in council discussion and make sure all positions are adequately presented before an item is brought to vote.

(g) The mayor may appoint a subcommittee made up of council members and staff to evaluate policy alternatives and to recommend policy direction to the full council. Subcommittee reports shall be made under the standard item for such reports at work sessions and regular meetings. Council deliberation on the subcommittee recommendations shall occur at regular sessions.

(2006 Code, sec. 2-604; Ordinance 10-11-862 adopted 11/15/10)

**Charter reference**—Mayor, mayor pro tem and deputy mayor pro tem, sec. 3.05.

### **Sec. 1.02.035 Meetings**

(a) Regular meetings. The council shall meet regularly at such times as prescribed by the charter, but no less frequently than once each month, and the regular meetings will begin at 6:00 p.m., unless postponed or canceled for valid reason(s). Regular meetings will be open to the public in accordance with the Texas Open Meetings Act.

(b) Special meetings. Special meetings may be held on any day of the week to consider items that require action prior to the next regularly scheduled meeting and may be called upon the request of the mayor or city manager. Special meetings will be open to the public in accordance with the Texas Open Meetings Act.

(c) Work sessions. Work sessions will be held as needed and used to allow the city council to discuss policy or budgetary items. Work sessions will be open to the public in accordance with the Texas Open Meetings Act.

(d) Executive sessions. The city council may meet in executive session in compliance with the Texas Open Meetings Act. A final action, decision or vote on a matter deliberated in an executive session will be made in an open meeting for which proper notice is provided. All discussions in executive session shall remain confidential. Executive sessions are not open to the public in accordance with the Texas Open Meetings Act.

(e) Public notice. The agenda for all regular meetings, special meetings, work sessions, and executive sessions and the notice listing items to be considered shall be posted on the city's official bulletin board and web page in accordance with the Texas Open Meetings Act, at least 72 hours prior to the posted meeting.

(f) Attendance. Council members are expected to attend all meetings and stay in attendance during each meeting. No member shall leave a meeting without advising the presiding officer.

(g) Punctuality and recess. Members of the city council shall arrive at meetings at or before the scheduled time for the meeting to begin. At the beginning of each meeting, the chair shall announce those members absent and shall announce the arrival time of any member arriving after the beginning of any meeting. The chair may at any time, upon their own motion, or upon the request of a council member, declare a recess in the meeting. The time limit of the recess shall be strictly followed.

(h) Conflict of interest. A council member prevented from voting due to a conflict of interest shall leave the dais during the debate, shall not vote on the matter, and shall otherwise comply with the state law and the charter and ordinances concerning conflicts of interest. Any council member filing a conflict of interest affidavit on an executive session item shall not confer with staff, the city attorney, council members or the mayor regarding that matter.

(i) City council members.

(1) During city council meetings and work sessions, council members shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the rules of the city council.

(2) A council member shall confine discussion to the question under debate, avoid the discussion of personalities and the use of inappropriate language, and refrain from personal attacks or from publicly criticizing a citizen, an individual employee or an operational issue. Criticism is differentiated from questioning facts or the opinion of staff.

(3) When there is more than one speaker from the floor on the same subject, council members shall delay their comments until after all speakers on the subject have been heard.

(4) The chair shall state all questions submitted for a vote and announce the result.

(5) The professional staff is expected to provide its best recommendations on issues, and provide information about alternatives to staff recommendations as appropriate, as well as pros and cons for recommendations and alternatives. Sometimes staff may make recommendations that may be unpopular with the public and council members. Staff respects the role of the council as policy makers for the city and understands that the council must consider a variety of opinions and community values in their decision-making in addition to staff recommendations.

(j) Administrative staff.

(1) Members of the administrative staff and employees of the city shall observe the same rules and decorum applicable to members of the city council.

(2) Although the presiding officer has the authority to preserve decorum in meetings, the city manager also is responsible for the orderly conduct and decorum of all city employees under the city manager's direction and control.

(3) The city manager shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by city employees in meetings.

(4) All persons addressing the city council, including the city manager, shall be recognized by the presiding officer and shall limit remarks to the matter under discussion.

(5) All remarks and questions addressed to the city council shall be addressed to the city council as a whole and not to any individual member.

(k) Citizens and visitors.

(1) Citizens and visitors are welcome and encouraged to attend all public meetings of the city and will be admitted to the chamber or meeting room up to the fire safety capacity of the room.

(2) Everyone attending the meeting will refrain from private conversations and turn mobile phones to vibrate while the city council is in session.

(3) Citizens and visitors attending city council meetings and work sessions shall observe the same rules of propriety, decorum and good conduct applicable to members of the city council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the city council or while attending the meeting or work session shall be removed from the room if so directed by the presiding officer. The person shall be barred from further audience before the city council during that session. If the presiding officer fails to act, any member of the council may move to require enforcement of the rules, and the affirmative vote of a majority of the council shall require the presiding officer to act.

(4) Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer, who may direct the removal of offenders from the room. In case the presiding officer shall fail to act, any member of the council may move to require enforcement of the rules and the affirmative vote of the majority of the council shall require the presiding officer to act.

(5) No placards, banners, or signs will be permitted in the city council chamber or in any other room in which the council is meeting. Exhibits, displays and visual aids used in connection with presentations, however, are permitted. Video presentations requested by a citizen or visitor as visual aids will not be broadcast over any city public access cable channel.

(6) The city manager shall act as sergeant-at-arms for the city council and shall furnish whatever assistance is needed to enforce the rules of the city council.

(l) Agenda.

(1) The mayor and/or city manager shall set the agenda. Any council member may request an item be placed on a future agenda. The requested agenda item shall be included on an agenda no later than the second regularly scheduled meeting (approximately 30 days) after receiving the request unless otherwise agreed upon by the city council.

(2) The "consent agenda" consists of operational items and previously discussed items that do not require deliberation by the council.

(3) Any council member may remove an item from the consent agenda for separate discussion and consideration of action.

(4) Any item may be deferred or postponed to a later date by the mayor if there is no objection. If a member of city council objects, a majority vote of the council is required to defer or postpone the item.

(5) The city manager may remove an item from the consent agenda items by providing notice to the city council prior to the convening of the meeting. The chair shall announce the removal of an item from the consent agenda prior to requesting a motion.

(m) Speakers.

(1) A person wishing to address the city council must first complete an appearance card and register it with the city secretary, before addressing the council. The following information must be provided on the card: name, residence address, daytime telephone number, and the subject matter to be addressed by providing the agenda item number. The council welcomes public comments and understands that the speaker might not have been expecting to address the council; however, procedure must be followed before addressing the council. Appearance cards will be available at the chamber entrance and at the public podium.

(2) Speakers must address their comments to the presiding officer rather than to individual council members or staff.

(3) Speakers must keep their remarks specific to the item being considered by the city council. If the speaker is addressing the city council under the "public comments" section, the speaker may address any item not slated for discussion on the agenda.

(4) Murphy citizens will be allowed to speak before nonresidents.

(5) A person who registers to speak on a public hearing item or during the public comment section will be called on at that time.

(6) All speakers will have an opportunity to address the council. All speakers will be asked to keep comments to a reasonable amount of time as determined by the chair, usually less than five minutes, depending on the number of speakers waiting to address the city council. A majority vote of the city council can force the chair to end the speaker's comments or allow additional time.

(7) For called public hearings, the applicant will be allowed a specific amount of time to make a presentation.

(8) In accordance with the Texas Open Meetings Act, the city council will not discuss or consider any item addressed during the public comment section. Council members shall limit their response to public comment to a statement of specific factual information given in response to the inquiry or comment, or a recitation of existing policy in response to the inquiry or comment. Any deliberation of or decision about the subject of the public inquiry or comment shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

(9) Whenever it is necessary for a speaker to use an interpreter to translate comments to the city council, the time required for the translation will not be counted against the designated time allotted for the speaker to address the city council.

(n) Motions.

(1) The city council may discuss an agenda item prior to a motion being made. This allows a motion to be crafted that will incorporate the issues discussed.

(2) A motion made and seconded will be considered the main motion. Any council member may make a motion to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion.

(3) A motion may be withdrawn or modified by its mover without asking permission until the motion is voted upon. If the mover modified the motion, the council member who seconded the motion may withdraw the second.

(4) A motion to reconsider any action of the city council must be made no later than prior to the conclusion of the next regularly scheduled meeting of the city council. Such a motion may only be made by a council member who voted with the prevailing side. The motion to reconsider may be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the city council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

(A) If a motion to reconsider is made at the same meeting at which the matter was acted upon, the motion may be heard and voted upon and the original action on the matter is set aside. Deliberation may then resume on the matter at that same meeting.

(B) If a motion to reconsider is made at the next meeting after the matter was acted upon, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter, but it shall be placed on the next available agenda for deliberation.

(C) If a motion to reconsider a zoning ordinance is made after the closing of the public hearing and action on the ordinance, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter until proper notice of a public hearing in accordance with state law is provided.

(5) If any two council members request that discussion cease during a work session, the mayor shall poll the council to obtain a consensus to continue or cease discussion.

(o) Suspension of rules. Any provision of these rules not governed by the city charter, the city code, or state or federal law may be temporarily suspended by a majority vote of the members of the city council present. The vote on any such suspension shall be taken by yeas and nays and entered upon the record.

(p) Amendment of rules. These rules may be amended or new rules adopted, by a majority vote of the members of the city council.

(q) Failure to comply. A failure to comply with these rules does not invalidate any otherwise lawful act of the council.

(r) Tabling. An item under consideration may be tabled until a later point in the meeting.

(s) Postponement. An item may be postponed until a future meeting, a specific future date, or until a specific outside action occurs. Items may also be postponed indefinitely, which means the item is dead and cannot be brought back before the city council unless there is a change.

(2006 Code, sec. 2-605; Ordinance 10-11-862 adopted 11/15/10)

**Charter reference**—Meetings of city council, sec. 3.09; quorum, sec. 3.10; rules of procedure, sec. 3.13.

**State law reference**—Open meetings, V.T.C.A., Government Code, ch. 551.

#### **Sec. 1.02.036 Access statement**

(a) The city manager is responsible to maintain physical security for all city facilities. Physical security is a balancing act between allowing appropriate access and denying access that might compromise city operations. It is the desire of the city to allow the public access to the city facilities during regular business hours, and allow council members restricted access after regular business hours.

(b) Members of the city council shall be issued a city photo identification card and an electronic badge access card. After regular business hours, the access badge card may be utilized to access the lobby of the police and fire buildings, city hall second floor lobby and the first floor of city hall with the exception of the computer room and records room. A council member must be accompanied by the city manager or their designee if access to any other area after regular business hours is requested. Council members will be respectful of the demands made upon the city manager or their designee to respond to said request.

(2006 Code, sec. 2-606; Ordinance 10-11-862 adopted 11/15/10)

#### **Sec. 1.02.037 Public contact and media relations**

(a) Representative government is only successful when the citizens are kept informed and educated about the issues facing their municipality; consequently, it is imperative that the media play an important role in the council-manager-media relations. It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure positive relationships with print, radio, and television reporters. The mayor, the city council and the city manager recognize that the news media provide an important link between the council and the public. It is the council's desire to establish a professional working relationship to help maintain a well-informed and educated citizenry.

(b) All reporters will receive an agenda in advance and will be furnished support material needed for clarification if requested.

(c) The city manager or his designee is the city's official representative to the media.

(d) The mayor or city council by a majority vote may designate an alternative media representative.

(2006 Code, sec. 2-607; Ordinance 10-11-862 adopted 11/15/10)

### **Sec. 1.02.038 Planning**

The mayor and council are responsible for establishing a vision for the city and planning for its future.

(1) On an annual basis, the mayor, the city council and the city manager shall hold a minimum of one strategic planning session wherein they set priorities, goals and objectives. The goals and objectives shall address short-term and long-term needs, including financial, of the city.

(2) Policy direction shall be consistent with the strategic goals and objectives. Sufficient time and consideration should be given to policy alternatives to ensure that decisions are made consistent with the long-term vision and budgetary measures.

(2006 Code, sec. 2-608; Ordinance 10-11-862 adopted 11/15/10)

### **Sec. 1.02.039 Council/staff relations**

(a) The city has a council-manager form of government. Basically, with this structure, the city council's role is to establish city policies and priorities. The council appoints a city manager to implement those policies and undertake the administration of the organization. The city manager is appointed by the city council to enforce its laws, to direct the daily operations of city government, to prepare and monitor the annual budget, and to implement the policies and programs initiated by the city council. The city manager is responsible to the city council, rather than to individual council members, and directs and coordinates the various departments. The city manager is responsible for appointing all department directors, except as provided by the charter, and authorizing all other personnel positions. The city council authorizes positions through the budget process; based upon that authorization, the city manager makes the appointments.

(b) The city council shall direct comments, correspondence and concerns about city operations to the city manager's office. Citizens' concerns, comments and correspondence regarding city operations received by council members shall be forwarded to the city manager for appropriate staff action and a timely response.

(c) The city council may inquire of the city manager about the conduct of any office, department or agency of the city and make investigations as to municipal affairs, per the city charter. In no manner, either directly or indirectly, shall a council member become involved in, or attempt to influence, personnel matters that are under the direction of the city manager. Nor shall the city council be involved in, or influence, the purchase of any supplies beyond the requirements of the

city purchasing procedures. Notwithstanding the foregoing, any member of the city council, may, prior to or during a meeting, make inquiry to a department head on an agenda item posted for the next council meeting. The council member will carbon copy (cc) the city manager on any email communication to a staff member.

(d) Documents provided to one council member shall also be distributed to all other members of the council. The city manager shall prepare and submit to the council prior to the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year. The city manager shall keep the council advised of the financial condition and future needs of the city and make such recommendations that may seem desirable.

(e) In order to ensure proper presentation of agenda items by staff, questions arising from council members after receiving their information packet should be, whenever possible, presented to the city manager or the manager's designated assistants for staff consideration prior to the council meeting. This allows staff the time to address the council members' concerns and provide all council members with the additional information.

(f) Seeking political support from staff is not appropriate. The city is a nonpartisan local government. Neither the city manager nor any other person in the employ of the city shall take part in securing or contributing any money toward the nomination or election of any candidate for a municipal office. In addition, some professionals have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.

(2006 Code, sec. 2-609; Ordinance 10-11-862 adopted 11/15/10)

**Charter reference**—Investigations by city council, sec. 3.16.

**Sec. 1.02.040 Council relations with city attorney**

(a) The city attorney is appointed by the city council. The city attorney is the legal advisor for the council, its committees, commissions and boards, the city manager, and all city officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the city.

(b) The general legal responsibilities of the city attorney are to:

(1) Provide legal assistance necessary for formulation and implementation of legislative policies and projects;

(2) Represent the city's interest, as determined by the city council, in litigation, administrative hearings, negotiations, and similar proceedings;

(3) Prepare or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the city council; and

(4) Keep the city council and staff apprised of court rulings and legislation affecting the legal interest of the city.

(c) No council member shall request or direct the city attorney to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study, without the consent of a majority of the council. The city attorney shall determine whether or not a matter is significant. The city manager shall be informed of any project, study, opinion or report prepared by the city attorney as requested by the city council. The city manager shall not prevent council members from communication with the city attorney.

(d) It is important to note that the city attorney does not represent individual members of the council, boards, commissions or employees, but rather the city as a whole.

(2006 Code, sec. 2-610; Ordinance 10-11-862 adopted 11/15/10)

**Charter reference**—City attorney, sec. 4.04.

**Sec. 1.02.041 Staff and council relations with boards, commission and committees**

(a) Staff support and assistance may be provided to advisory boards, commissions, and committees. Advisory bodies, however, do not have supervisory authority over city employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the city manager. The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or bylaws. Staff members are to assist the advisory boards to ensure appropriate compliance with ordinances, the charter, and state and local laws and regulations.

(b) Staff support includes: (i) preparation of an agenda; (ii) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and (iii) preparation of minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. It is important to note that city staff seeks to not influence boards, commissions and committees, but provide objective information to help the boards, commissions and committees in their decision-making process. Staff should provide information on options considered along with a summary of pros and cons of each option. Any prior direction by the city council on a particular issue should be provided by staff to any board, commission or committee considering the issue.

(c) The role of the city's boards, commissions and committees is to perform the specific functions established in state statutes, city ordinances, resolutions, or minute orders as applicable and to advise the city council about the topics assigned.

(d) If a city council member should attend a meeting of a board, commission or committee, the member shall not take part in the meeting nor address the board in any manner whether by questions or statements. A city council member shall not attempt to influence the decisions of boards, commissions and committees, either directly or indirectly, nor express an opinion to a board, commission or committee about its actions unless at a city council meeting. Boards that require a city council member to be a member of that board are exempt from this policy provision.

(e) All instructions to boards, commissions and committees by the city council shall be in writing.

(2006 Code, sec. 2-611; Ordinance 10-11-862 adopted 11/15/10)

**Charter reference**—Boards and commissions, art. VIII.

**Sec. 1.02.042 Violations and sanctions**

(a) Any city council member who violates this division may be subject to sanctions imposed pursuant to section 2.06.017 of the Code of Ordinances of the city.

(b) The following sanctions, as similarly set out in section 2.06.017 of the code of ethics, may be imposed for violations of this division:

(1) A letter of notification is an appropriate sanction when the violation is clearly unintentional, or when the conduct of the person complained against was done in reliance upon an opinion of the city attorney.

(2) A letter of admonition is the appropriate sanction when the ethics review commission (“commission”) finds the violation is minor and/or may have been unintentional, but calls for a more substantial response than a letter of notification.

(3) A letter of reprimand is the appropriate sanction when the commission finds a serious violation has been committed intentionally or knowingly or through disregard of this ordinance.

(4) A letter of censure is the appropriate sanction when the commission finds that a serious violation has occurred and/or more than one serious violation or repeated serious violations of this division have been committed by a city official.

(5) Copies of all sanction letters issued by the commission under this section shall be sent to the city council.

(2006 Code, sec. 2-612; Ordinance 12-03-908, sec. 2, adopted 3/6/12)