

CITY COUNCIL MINUTES
OCTOBER 15, 2013 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

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

Mayor Eric Barna
Mayor Pro Tem Owais Siddiqui
Deputy Mayor Pro Tem Ben St. Clair
Councilmember Scott Bradley
Councilmember Betty Nichols Spraggins
Councilmember Bernard Grant
Councilmember Rob Thomas (*arrived at 6:39 pm*)

Councilmembers absent: None

4. PUBLIC COMMENTS –

April Forehand, 629 Morning View Way- Ms. Forehand asked the Council if a street light could be installed on Betsy Drive to allow for better viewing of traffic.

5. PRESENTATION ITEMS –

A. Mayor Barna presented a proclamation to the manager of the Murphy Firehouse Subs store recognizing the Firehouse Subs Public Safety Foundation for their provision of a grant to fund a 2013 Kawasaki mule equipped with emergency medical gear.

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. September 23, 2013 special meeting minutes; and,
2. October 1, 2013 regular meeting minutes.

B. Consider and take action, if any, on the approval of an ordinance approving a negotiated resolution between the Atmos Cities Steering Committee and Atmos Energy Corp., Mid-Tex Division regarding the company's 2013 annual rate review mechanism filing in all cities exercising original jurisdiction; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; requiring the company to reimburse cities' reasonable ratemaking expenses; repealing conflicting resolutions or ordinances; determining that this ordinance was passed accordance with the requirements of the Texas Open Meetings Act; adopting a savings clause; declaring an effective date; providing a most favored nations

clause; and requiring delivery of this ordinance to the company and the steering committee's legal counsel. (*Ordinance 13-10-960*)

- C. Consider and take action, if any, on a Resolution approving the 2013 tax roll with a total levy of \$9,201,542.33 as certified by Kenneth L. Maun, Tax Assessor Collector for Collin County. (*Resolution No. 13-R-782*)

COUNCIL ACTION (6.A. – 6.C.):

APPROVED

Mayor Pro Tem Siddiqui moved to approve the consent agenda as presented. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and take action, if any, on the request by the Glen Ridge Estates Homeowners Association to waive permit and/or impact fees for a proposed beautification project located at the intersection of Glen Ridge Drive and Heritage Drive.

City Manager James Fisher stated that he had a conversation with TxDOT regarding the history of damages at the entrance. Mr. Fisher recommended waiving the fees.

Councilmember Grant indicated that he did not have an issue with waiving the fees because of the property damage as a result of North Murphy Road construction activities.

Mayor Pro Tem Siddiqui indicated his agreement with Councilmember Grant's statement, but commented that he was hesitant to vote on the item until more information has been obtained regarding the project status.

COUNCIL ACTION (7.A.):

APPROVED

Councilmember Grant moved to approve a request of the Glen Ridge Estates Homeowners Association to waive permit and/or impact fees for a proposed beautification project located at the intersection of Glen Ridge Drive and Heritage Drive. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- B. Consider and take action, if any, on the results of the bids received for the Animal Shelter Project.

Mr. Fisher stated that staff was surprised at the high dollar amount of the bids. Mr. Fisher stated that approximately \$150,000 of the cost of the shelter was proposed to be funded by the Municipal Development District (MDD). Mr. Fisher stated that a recent Attorney General ruling indicated that an animal shelter was not an approved use of MDD funds, despite the City Attorney's disagreement. Mr. Fisher recommended the rejection of all bids.

Police Chief GM Cox stated that options included removing items from the project or making the facility smaller, neither of which was recommended. Chief Cox stated that another option was to expand and improve the current facility, which was not advisable.

David Duman, Quorum Architects, stated that the bids were much higher than others for a comparable facility.

Mayor Barna suggested that Mr. Duman review the project with the general contractors to determine the reasoning behind the bids, assuming the bids are rejected.

COUNCIL ACTION (7.B.):

REJECT & REBID

Councilmember Bradley moved to reject all bids, create a new bid package and rebid the project in its entirety. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- C. Discussion on the improvements to North Murphy Road and an update on the Safe Routes to School project along North Murphy Road.

Mr. Fisher asked the Council to consider taking ownership of North Murphy Road in order to have greater control of projects along the route.

Caleb Thornhill, Project Manager with Freese and Nichols, provided the Council with an update on the Safe Routes to School project. Mr. Thornhill provided pros and cons with taking North Murphy Road off-system.

Council held discussions with regard to construction activities on North Murphy Road including the cost of maintenance if the road is taken offline.

COUNCIL ACTION (7.C.):

NON ACTION ITEM

No action was taken.

- D. Consider and take action, if any, on the City Council meeting schedule for November and December 2013 and January 2014.

COUNCIL ACTION (7.D.):

AMEND DECEMBER MEETING

Councilmember Grant moved to keep the November and January meetings as scheduled and amend the December schedule to have a single meeting on December 10, 2013. Mayor Pro Tem Siddiqui seconded the motion. For: Barna, Siddiqui, St. Clair, Bradley, Nichols Spraggins and Grant. Opposed: Thomas. The motion carried by a vote of 6 to 1.

- E. Discussion regarding setting a date and time for a fall Council planning session.

Mr. Fisher provided a quick review of the City's history and the need for a fall planning session. Council held discussions with regards to holding a planning session on Friday, November 15th and Saturday, November 16th.

COUNCIL ACTION (7.E.):

NON ACTION ITEM

No action was taken.

- F. Consider and take action, if any, on the 2014 City of Murphy Holiday Schedule.

COUNCIL ACTION (7.F.):

APPROVED

Mayor Pro Tem Siddiqui moved to approve the holiday schedule as presented with an early close of December 24th and December 26, 2014 off. Councilmember Nichols Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

EXECUTIVE SESSION (Item 8.)

The City Council convened into Executive Session at 7:22 p.m. 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 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 the Texas Open Meetings act regarding:
Zoning and subdivision regulation issues involving the Ranch/ Gables subdivisions
- B. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of :
 - 1. City Secretary;
 - 2. Municipal Court Judge; and,
 - 3. City Attorney

RECONVENE INTO REGULAR SESSION (Item 9.)

The City Council reconvened into Open Session at 8:35 p.m. 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 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 the Texas Open Meetings act regarding:
Zoning and subdivision regulation issues involving the Ranch/ Gables subdivisions
- B. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of :
 - 1. City Secretary;
 - 2. Municipal Court Judge; and,
 - 3. City Attorney
- C. Consideration, if any, on executive session items.

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

Mayor Barna stated that the Council conducted a very positive annual review of City Secretary Kristi Gilbert and the Council was looking forward to many more years as the City Secretary.

Councilmember Bradley moved to approve a resolution approving a contract for professional judicial services. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

CONTINUE ITEM 7.G.:

- G. Discuss Planned Development District Ordinance No. 03-10-590 (Gables and Ranch), Section H. Screening.

Mayor Barna stated that he had been working with residents of the subdivision to come to a conclusion and is currently waiting on a response from the homeowners association. Mayor Barna stated that the City cannot do anything on the matter until there is further communication from the homeowners association indicating their willingness to work on the fence.

COUNCIL ACTION (7.G.):
No action was taken.

NON ACTION ITEM

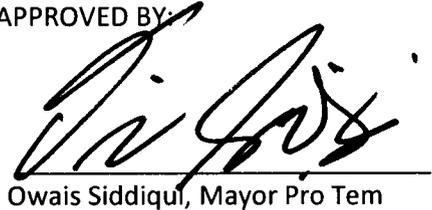
8. CITY MANAGER/STAFF REPORTS

Mr. Fisher provided the Council with an update on the following items:
North Murphy Road Construction Update
Murphy Central Park Construction Update
Update on West Nile Virus
Council Planning Session
Employee Cook Out – November 8th

11. ADJOURNMENT

With no further business, the meeting was adjourned at 8:41 p.m.

APPROVED BY:



Owais Siddiqui, Mayor Pro Tem

ATTEST:



Kristi Gilbert, City Secretary

