

CITY COUNCIL MINUTES
AUGUST 5, 2014 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

Mayor 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:

Anthony & Debra Chiarello, 616 Taylor Trail, Windy Hill Farms - Mrs. Chiarello addressed the City Council and explained an issue that surfaced while they were trying to sell their home. She gave a brief background of a violation issue in 2003-2004 regarding homes built in front of the required 30 foot setback. The City Council at that time had given a variance for a number of homes in violation. However, she reported that after investigating, it seemed that the document allowing the variance had never been filed with the property records.

Mrs. Chiarello thanked Kristen Roberts, Director of Economic and Community Development and the City Manager James Fisher for their assistance with trying to get this issue resolved so the sale of their home could proceed.

Mayor Barna apologized for the issue. He stated that he was on Council in 2004 when the variance was approved and Council had done everything necessary but it seemed City staff at that time let it fall through the cracks.

5. PRESENTATION ITEMS:

A. Presentation of proposed municipal budget for fiscal year 2014-2015.

City Manager James Fisher presented the proposed FY '15 budget. He pointed out that it had been posted on the City's website.

Mr. Fisher reviewed the general fund and the utility fund in detail.

Mayor Barna expressed appreciation to the City Manager and Finance Director Linda Truitt as well as all of the City staff for their comprehensive work on this proposed budget.

6. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

A. Consider and/or act upon meeting minutes:

1. July 14, 2014 Joint Meeting with Murphy Municipal Development District;
2. July 14, 2014 Budget Work Session
3. July 15, 2014 Regular City Council Meeting
4. July 16, 2014 Special City Council Meeting (Budget Work Session)
5. July 17, 2014 Special City Council Meeting (Budget Work Session)
6. July 21, 2014 Special City Council Meeting (Budget Work Session)

City Manager Fisher reported that corrections had been made to the minutes for the July 15, 2014 Regular City Council Meeting.

COUNCIL ACTION (6.A.):

APPROVED

Mayor Pro Tem Bradley moved to accept the consent agenda with the changes to the minutes for the July 15, 2014 Regular City Council Meeting. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act upon a resolution establishing two dates, August 19, 2014 and September 2, 2014, at 6 pm, to conduct a Public Hearing on the City of Murphy proposed tax rate of \$0.5500 per \$100 valuation and establishing two dates, August 19, 2014 and September 2, 2014 at 6 pm, for a Public Hearing on for the proposed 2014-2015 municipal budget.

The City Manager explained that the City was required to conduct two public hearings on the proposed tax rate and one public hearing on the proposed budget. The proposed tax rate for FY 2015 is \$0.5500 which is comprised of the maintenance and operations rate of \$0.336270 and \$0.213730 for debt service, a two cent decrease from the FY 2014 tax rate.

It is scheduled that the City Council will adopt the proposed budget for FY 2014-2015 on September 16, 2014.

COUNCIL ACTION (ITEM 7.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the Resolution establishing two dates, August 19, 2014 and September 6, 2014 at 6 pm, to conduct a Public Hearing on the City of Murphy proposed tax rate of \$0.5500 per \$100 valuation and establishing two dates, August 19, 2014 and September 2, 2014 at 6 pm, for a Public Hearing on the proposed 2014-2015 municipal budget. The motion was seconded by Councilmember Fincanon. For: Unanimous. The motion carried by a vote of 7 to 0. (*Resolution No. 14-R-799*)

- B. Consider and/or act upon Resolution approving the 2014 appraisal roll with a taxable value of \$1,774,655,435 as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of \$25,968,662 under review by the Appraisal Review Board.

City Manager Fisher reported that the City of Murphy's taxable values are certified annually by the Chief Appraiser of Collin County Central Appraisal District. The Tax Code requires submittal of these certified values to the governing body. The 2014 Certified Tax Roll totals in excess of \$1.7 million which is a 9.93% increase compared to the appraisal roll value a year ago. This does not include properties still under review by the Appraisal Review Board.

The City Manager also explained to the City Council that the Certified Tax Roll totals will continue to change; however, the proposed budget was based on the \$1.7 million and that would not change.

COUNCIL ACTION (ITEM 7.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve the Resolution approving the 2014 appraisal roll with a taxable value of \$1,774,655,435 as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of \$25,968,662 under review by the Appraisal Review Board. The motion was seconded by Deputy Mayor Pro Tem Siddiqui. For: Unanimous. The motion carried by a vote of 7 to 0. (*Resolution No. 14-R-800*)

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

City Manager Fisher reported that the Council began discussing this item in April, 2014 and at the City Council meeting held on July 15th the City Council requested that staff return with an ordinance that prohibited artificial turf from being installed in the following places: front yard, any yard visible from a street, sidewalk and easements. This would allow a homeowner to construct and install artificial turf in their backyard considering it met the requirements of the proposed ordinance including maintaining the drainage as approved at the time of original yard installation.

The Mayor stated that he didn't want to cause these residents any more hassle and he would be willing to vote for a grandfather clause for properties who had installed artificial turf before August 1, 2014. He reported that maps on Google showed many Murphy backyards with putting greens and composite surfaces for athletic purposes.

Council discussed at length with the City Manager.

Michael Grant, Synthetic GreenScapes asked to address the Council and stated that his company installs synthetic turf. He listed many advantages of the synthetic turf over natural grasses.

COUNCIL ACTION (ITEM 7.C.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to amend the landscape ordinance as presented to specifically prohibit artificial turf for landscaping in residential zoning. Mayor Pro Tem Bradley seconded the motion.

Mayor Pro Tem Bradley moved to amend the previous motion to include grandfathering any artificial turf that was installed prior to August 1, 2014. The motion to amend was seconded by Councilmember Rob Thomas. For: Mayor Barna, Mayor Pro Tem Bradley, Councilmember St.

Clair, Councilmember Spraggins, and Councilmember Thomas. Against: Deputy Mayor Pro Tem Siddiqui and Councilmember Fincanon. The motion carried by a vote of 5 to 2.

Mayor Barna returned to the main motion as amended and called for a vote. For: Mayor Barna, Mayor Pro Tem Bradley, Councilmember St. Clair, Councilmember Spraggins, and Councilmember Thomas. Against: Deputy Mayor Pro Tem Siddiqui and Councilmember Fincanon. The motion carried by a vote of 5 to 2.

ORDINANCE NO. 14-08-981

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF MURPHY, TEXAS BY AMENDING CHAPTER 28 DEVELOPMENT STANDARDS, ARTICLE VI LANDSCAPE STANDARDS, BY ADDING SECTION 28-150 PROVIDING FOR A DEFINITION OF ARTIFICIAL TURF AND BY AMENDING SECTION 28-155 TO PROHIBIT THE INSTALLATION OF ARTIFICIAL TURF IN YARDS THAT ANY PORTION OF SAID TURF IS VISIBLE FROM CITY STREETS, SIDEWALKS, AND/OR EASEMENTS; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION.

The City Manager asked the Mayor for clarification of wording of Section 28-150, Section 3 (i). It shall read that any property owner that has installed artificial turf on their property prior to August 1, 2014 is hereby grandfathered.

- D. Discuss the Water Conservation Plan as approved by City Council on July 15, 2014.

City Manager Fisher reported to the City Council that Councilmember Thomas requested that this item be brought back for further discussion, specifically to discuss information as received from a resident.

Councilmember Thomas reported to Council that the definition of Regulated Irrigation Property in Section 2 should only address property that uses 1 million gallons of water or more for irrigation purposes in a single calendar year and should not have anything to do with the size of the lot.

Mr. Keith Patton, 451 Poindexter, addressed the Council and stated that he lived on more than one acre from the time when most properties in Murphy were larger than one acre. He believed that the definition of Regulated Irrigation Property including the lot size of more than one acre was penalizing the property owner. He felt that using more than one million gallons should take care of it.

COUNCIL ACTION (ITEM 7.D.):

NO ACTION

No action was taken on this item. Council directed the City Manager to bring the amendment of the definition of Regulated Irrigation Property to the next Council meeting. Section 2 – Definitions - REGULATED IRRIGATION PROPERTY means any property that uses 1 million gallons of water or more for irrigation purposes in a single calendar year. The words “or is greater than 1 acre in size” will be removed.

- E. Hold a public hearing and consider and/or act on the request from MCDC to amend the FY 2014 MCDC Budget to fund an Event Coordinator (Recreation Department) for the remainder of FY 2014.

City Manager Fisher explained that City staff had requested a position be created that would be dedicated to community events. The Murphy Community Development Corporation requested that staff return to their July 21, 2014 meeting with a request and justification for the remainder of the current fiscal year as well as for the request within the proposed FY 2015 budget. The MCDC approved the request for funding of a Community Events Coordinator staff position. Mr. Fisher reminded Council that MCDC receives its funding from sales tax.

Mayor opened the public hearing at 6:48 pm. No one spoke on this item. The Mayor closed the public hearing at 6:48 pm and called for Council discussion.

It was reported that in 2013, the City of Murphy held 8 community events. In 2014-2015, the City of Murphy will hold 16 events. The proposed schedule is:

December	Christmas in the Park
February	Rainbow Trout Roundup
April	Experience Murphy Spring Keep Murphy Beautiful Event Miscellaneous – Historical Society event host 2015
May	Moonlight Movies (four evening movies)
June	Sounds at Sundown (three evening concerts)
September	Maize Days
October	Animal Shelter Grand Opening and Howl-o-ween Fest (possibly annual) Arbor Day Celebration

Currently, the Recreation Department has 3 full time and 4 part time staff. The Recreation Staff operates the MCC and MAC, coordinates programming, memberships, field/pavilion/room reservations, and volunteers. Council agreed that a full-time Community Events Coordinator would be an asset.

The City Manager thanked Caitlyn Mullins, Manager of Recreation Services, and her staff for the growth of successful events that have been held in Murphy.

COUNCIL ACTION (ITEM 7.E.):

APPROVED

Deputy Mayor Pro Tem Owais Siddiqui moved to amend the FY 2014 MCDC Budget to fund an Event Coordinator (Recreation Department) for the remainder of MCDC FY 2014 budget in the amount of \$15,000. Councilmember Ben St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- F. Consider and take action, if any, on the request to take FM 2551 (North Murphy Road) off of the Texas State Highway System and authorize the City Manager to execute an agreement.

City Manager Fisher reported that the City had been in discussions with the State since late last year about the possibility of taking this road off the State system because the City desired to implement measures in the Safe Routes to School funding program on North Murphy Road 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.

North Murphy Road (FM 2551) is a two lane asphalt road that runs from FM 544 in Murphy north through Allen. The State is currently rebuilding and expanding this roadway from two lanes to six lanes from FM 544 to Parker Road. The new road will be 8" of reinforced concrete, on top of 10 inches of lime with a compacted subgrade. The continuous concrete will be stronger and will cause lesser of an issue than the concrete panels on FM 544.

Mr. Fisher reported that TxDOT's estimate of maintenance costs for a 30 year period to be approximately \$380,185. The State will not be providing any funds to take the road off system because they are providing a new road to the City. Due to the construction of the road, there should be very little maintenance cost in the first 10 years other than signal maintenance and striping. The budgeted amount for signal maintenance for FY 15 is approximately \$24,000.

Fisher suggested the City Council consider a 1/8% sales tax from the MMDD and MCDC be allocated for road improvements. Mayor Barna expressed his support for a street maintenance fund and he pointed out that the City of Murphy might eventually end up with the roadway even without this proposed agreement.

City Council members discussed this issue at length.

COUNCIL ACTION (ITEM 7.F.):

APPROVED

Mayor Pro Tem Bradley moved to authorize the City Manager to negotiate an agreement with TxDOT for taking North Murphy Road off the State Highway System and bring the agreement back to City Council for final approval. Deputy Mayor Pro Tem Siddiqui seconded the motion. 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 6-1.

- G. Consider and take action, if any, on a proposed Interlocal Agreement between the City of Murphy, Texas and Texoma Area Paratransit System, Inc. for demand-response transit services.

The City Manager reported that the Chief Operating Officer at TAPS made a presentation before City Council on April 15, 2014 to discuss TAPS and the type of services that they provide, especially within the City of Murphy. The proposed cost for services, depending on the level chosen, is between \$33,000 and \$51,000. Mr. Fisher explained that no dollars were included in the proposed budget for these services.

The City Council discussed the number of registered riders per month from the City of Murphy and other issues of the proposed services to be provided by TAPS.

COUNCIL ACTION (ITEM 7.G.):

NO ACTION

The City Manager was requested to contact TAPS and get more information on the total number of trips on an annual basis that these funds would cover.

- H. Discuss the draft City of Murphy Rental Registration Program for Single Family Residential Properties.

City Manager Fisher reported that there had been discussion regarding the City of Murphy implementing a Rental Registration Program. Code Compliance continues to identify a growing number of rental properties.

The benefits and challenges of a rental registration program were discussed by the City Manager, Director of Economic and Community Development Kristin Roberts and Code Compliance Supervisor David Gensler. It was reported that approximately 360 rental properties have been identified.

Neighboring cities that have rental property registration include:

- a) Dallas – since Feb. 1, 2010
- b) Richardson – since Aug. 12, 2003
- c) Frisco – since Dec. 15, 2009
- d) Plano – since Nov. 25, 2005 (multi-family)
- e) Garland – since May 19, 1992

Following discussion, members of the City Council were reluctant to proceed with a rental registration program at this time.

8. CITY MANAGER/STAFF REPORTS

Mr. Fisher provided the Council with an update on the following items:
North Murphy Road Construction Update – planning for first day of school
Animal Shelter Construction Update
Aviary Park – new canopy installed today
City of Plano's invitation to visit with families from Toyota who will be relocating to the area
Labor Day Weekend Volleyball Tournament

9. EXECUTIVE SESSION

The City Council convened into closed Executive Session at 7:40 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 litigation or contemplated litigation involving:
 - a. Burgess v. Cox et al; Cause No. 4:14-cv-00466-ALM
- 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:
 - a. City Manager
 - b. City Secretary

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into open session at 8:36 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 litigation or contemplated litigation involving:
 - a. Burgess v. Cox et al; Cause No. 4:14-cv-00466-ALM

- 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:
 - a. City Manager
 - b. City Secretary

- D. Take Action on any Executive Session Item.

No action was taken.

11. ADJOURNMENT

With no further business, the meeting was adjourned at 8:37 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Terri Johnson, Interim City Secretary