

CITY COUNCIL MINUTES
APRIL 1, 2014 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 Pledge of Allegiance to the flag of the United States of America.

3. ROLL CALL & CERTIFICATION OF A QUORUM

Interim City Secretary, Terri Johnson, 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

Councilmembers absent: None

4. PUBLIC COMMENTS

Marv Williams, 1201 Cactus Back Drive, President of the Murphy Chamber of Commerce – Mr. Williams thanked the Council for attending the Spring Fever Event held on March 29th. He reported that the Exchange Club will put out flags for the Murphy Central Park Dedication and Experience Murphy event to be held on Saturday, April 5th. The Exchange Club will also be holding their First Annual Chili Cook-off on that same date.

Mary Radosz, 706 Summer Place – Mrs. Radosz stated that she had been a resident of Murphy for 30 years and experienced three to four power outages every year. She expressed her concerns for the many Oncor power outages in her neighborhood, especially the one in December, 2013 and the one on March 31, 2014.

Barbara Harless, 709 Summer Place - Mrs. Harless stated that she had sent an email to the Mayor and Council regarding public transportation and power outages. She mentioned the latest Oncor power outage on March 31st. She spoke at length about the City joining the regional steering committee of cities served by Oncor. Mrs. Harless concluded with a plea to the City Council to get the power outage problems with Oncor resolved in their neighborhood in Travis Estates.

Fire Chief Mark Lee – Chief Lee introduced the newest member of the Murphy Fire Department, Michael Orrico, Assistant Fire Chief. Mayor Barna welcomed Orrico to Murphy.

5. PRESENTATION ITEMS – None

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 March 4, 2014 regular meeting minutes.
- B. Consider and/or act upon the March 18, 2014 regular meeting minutes.
- C. Consider and/or act upon approval of an ordinance amending the City of Murphy Code of Ordinances Chapter 35 Section 35-6 Duty to Transport whereas Methodist Richardson – Renner will be added to the list of facilities to receive patients. (*Ordinance 14-04-974*)

Councilmember Bernard Grant requested that Item 6.A. be removed from consent agenda.

COUNCIL ACTION (6.B. & 6.C.):

APPROVED

Mayor Pro Tem Siddiqui moved to approve items 6.B. and 6.C. on the consent agenda, as presented. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

COUNCIL ACTION (6.A.):

APPROVED

Councilmember Bernard Grant moved to approve the March 4, 2014 regular minutes striking the word Aaron from the description under 7.C. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act on the approval of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2013.

City Manager James Fisher presented the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2013. The Council had received this shortly prior to the last meeting and asked for action to be postponed on this until the Council had an opportunity to review it and citizens as well. Fisher asked for the Council's consideration of approval.

There were no additional questions or comments.

COUNCIL ACTION (7.A.):

APPROVED

Councilmember Thomas moved to approve the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2013 as conducted by Pattillo, Brown & Hill, L.L.P. Councilmember Bernard Grant seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Consider and/or act on the application of **Lloyd M. Nelson** requesting approval of a Concept Plan for property zoned PD (Planned Development) District No. 09-02-785; approximately 4.8 acres on property known as the Nelson Addition, approximately 800' west of Heritage Parkway. The City Council cannot take action on this item because it has not received a recommendation from the Planning & Zoning Commission.

City Manager Fisher reported that the City Council would meet jointly with the City's Planning & Zoning Commission on Tuesday, April 22, 2014 to discuss this item.

COUNCIL ACTION (7.B.):

NON-ACTION ITEM

No action was taken on this item.

- C. Discussion on the consideration of the use of synthetic material landscaping in residential zoning.

Councilmember Bernard Grant announced that the packet had information relating to the property at 516 Smoke Tree which was very close to his residence. Councilmember Grant asked that Council separate this item into two discussions – one for general discussion of synthetic turf in the City and a second discussion relating specifically to 516 Smoke Tree. He asked that he be recused from the second discussion on the property at 516 Smoke Street.

City Manager Fisher reported that the City received notice that a yard in the Maxwell Creek Subdivision had synthetic turf installed which does not comply with the City's Ordinance. Prior to asking the Code Compliance Department to take action on this, Fisher wanted to step back and bring this issue before the Council. There was discussion at the last Community Leadership Committee meeting by some of the homeowners associations on synthetic turf. It is an issue that as the drought continues will become a part of the discussion on ways we can conserve water. The City Manager wanted to get the Council's thoughts and feelings regarding synthetic turf and if it was something Council wanted City staff to look at in depth.

Mayor Barna reminded the Council that for the first portion to keep the discussion generic so Councilmember Bernard Grant could participate. He also stated that it was not just one property but possibly 6,000 residences in Murphy.

Councilmember Bradley pointed out that the rules in a HOA could create a higher burden for the property owners over the City's ordinances.

City Manager Fisher stated that the City enforces the City's ordinances but whether the HOA enforces or doesn't enforce their rules is a completely separate issue.

Councilmember Bradley continued and discussed dirt scape-type landscaping used out west is because of availability of water and/or climate. Murphy is currently under a once every other week watering schedule and hopefully the City will come out of it this summer. He wasn't sure what his property will look like at end of summer with this limited water use.

This is the first time this issue had come before City Council and Councilmember Bradley stated that as North Texas continues to grow and limp along to provide more access to water, that the restrictions for water use will increase. He suggested that the City open the discussion to allow HOA's to decide if synthetic turf will be allowed and the City allow it as an option.

Councilmember Bernard Grant questioned if the synthetic turf was water permeable. City Manager Fisher reported that some types were water permeable. Councilmember Bradley gave a brief description of how synthetic turf is installed, which is the same type of prep for the installation of brick pavers.

Councilmember Bernard Grant also pointed out that not every Murphy resident is in a homeowners' association so the City is the authority for a number of neighborhoods and the Council should be mindful of that as well.

City Manager Fisher reported that information in the packet stated water run-off from synthetic turf was not a problem and would not be filled with pesticides and other chemicals that could be harmful.

Councilmember Bernard Grant pointed out that there were different types of synthetic turf. He felt that there needed to be some understanding as to what categories of synthetic turf material would be allowed. Councilmember Grant stated that it would seem synthetic turf would be cost prohibitive for larger tracts whereas xeriscaping wouldn't be from his understanding. He pointed out that xeriscaping is already allowed if someone was just looking for something to save water. The Texas Statutes allow xeriscaping. The definition of xeriscaping was discussed.

City Manager Fisher stated that minimum requirements would need to be established.

Councilmember Thomas stated that he felt that a big conversation was needed on this topic and it would make perfect sense on the pro-side to look at this alternative because of the extreme drought and watering restrictions. He pointed out that there were a lot of unanswered questions that the City Council needed to pursue.

Councilmember Bernard Grant stated that other questions would be how it looks, how long it lasts and what would be the maintenance level required by the City. Various products on the market should be reviewed by the City Council.

Mayor Pro Tem Siddiqui said that it would be useful to have City staff do some research on this and look at what other cities have done so the City Council could use it for comparison. He was curious to see what the maintenance requirements were and what the level of aesthetics were required to keep it going. He would like to give the residents of Murphy another option because of the water restrictions during extreme drought situations. It was definitely worth further conversation to discuss pros and cons.

Mayor Barna said he liked to look at ways to be cutting edge in Murphy but sometimes when you are cutting edge, you tend to bleed a lot. He just didn't have enough information at this time. One concern he had was what would happen to the fire response. What were the chemicals that were used to make the synthetic grass and would homes need to be evacuated were questions that needed to be answered. He was willing to have this conversation.

Mayor Barna stated that he did find that Glendale, California did allow synthetic turf by ordinance. He couldn't envision where every home in Murphy had synthetic grass.

Councilmember Thomas pointed out that the ordinance was on the books and to some extent the City Council has to honor that until we do our research to change it. He stated that he was not opposed to it, but felt that the Council should do their homework before any changes were made to the City's ordinance.

Mayor Pro Tem Siddiqui asked the City Manager if there was any historical record relating to when and why this was passed. Fisher stated that it was going to be one of those traditional ordinances that a lot of cities had.

Mayor Barna requested City Attorney Messer address recent legislation from the State of Texas. The City Attorney stated a new law which became effective in September, 2013 deals specifically with homeowner associations not cities. Drought resistant landscaping or water conserving natural turf cannot be prohibited by HOA's. The law does not apply to the City of Murphy. As a Home Rule city, Murphy can regulate this type of artificial surface any way you want to. It is just like a zoning ordinance.

Councilmember Bradley asked what did the Council need to make a decision. Mayor Barna said that answers were needed from environmental to fire safety. City Manager Fisher stated that there were a myriad of questions that have come out in Council from appearance, to life cycle, to grades, colors, maintenance requirements, aesthetics, impact on ambient temperatures and environment. The Council also asked what other cities were doing, pros, cons, and fire response. A possible moratorium might be considered at the next meeting until staff has enough time to put all of this research together.

Councilmembers discussed a permitting process in the future for professional landscapers.

Councilmember Bernard Grant stepped out of the room, while the City Council heard comments regarding the property at 516 Smoke Tree Drive and discussed the issue of synthetic turf being installed at this address.

Mayor Barna announced that there were three public comment forms on this item and each person had three minutes to comment.

Mrs. Pat Haddock, property owner of 516 Smoke Tree Drive addressed the City Council and gave a detailed background on their installation of synthetic turf which cost \$15,000. She passed out a handout to the Mayor and each Councilmember which included photos of the property and specifications of the synthetic turf. Mrs. Haddock stated they were not aware that the City ordinance only allowed natural grasses. They mailed cards to nineteen neighboring property owners asking their opinion on their synthetic turf. They did not receive any cards in opposition. Eleven positive cards were received. The only people who did not respond live at the end of their block. She passed out the cards for the Council to review.

Mrs. Haddock thanked Councilmembers St. Clair and Bradley for stopping by to see their lawn and for the Council's consideration of their request to change the City's requirements.

Councilmember Thomas and Mayor Barna both stated they also went by to look at the lawn.

Mr. Bob Gorby, 705 Smoke Tree Drive, told that Council that he and his wife admired the appearance of the synthetic turf installed on the Haddock's property. He stated that he was one of the eleven neighbors who returned their card with positive comments. He said this issue deserved serious consideration and encouraged the City Council to look at this issue closely as a means to save water.

Mr. Michael Grant, with Synthetic Greenscapes, passed around samples of the synthetic turf used at 516 Smoke Tree Drive. He stated that there was a huge lack of education about the product and he thought education would go a long way in the Council's decision-making process.

Michael Grant also provided recommended guidelines for the installation of synthetic turf.

Councilmember Bradley asked Michael if he knew what North Texas communities were doing about this issue.

Michael Grant stated that it was becoming increasingly important for residents to find alternatives to their landscaping to reduce the use of water. There are a lot of benefits that come from synthetic turf. He pointed out that in many cases the synthetic turf drains faster than a natural turf because you don't get the compaction of the soil. Advantages that he listed include: no watering, no mowing, no fertilizing, elimination of mud, dead spots, always beautiful, perfectly manicured and makes for a clean environment. It makes for a very enjoyable outdoor environment. In addition, he reported that it does help eliminate erosion problems and holds moisture better.

Mayor Pro Tem Siddiqui asked Michael Grant how long it would take if the synthetic turf was removed for new plants to take. Michael answered that if the synthetic turf is removed and decompressed granite base is extracted, you could go right back with sod and it should anchor in. It depends on the process used.

Deputy Mayor Pro Tem St. Clair questioned Michael Grant about the installation in back yards or front yards. Michael stated they do install synthetic turf in both front and backyards although the majority is installed in back yards in North Texas. They also have a division in West Texas that does more installations in front yards.

Michael Grant said he was not aware there was a regulation in the City of Murphy. The only ones he was aware of were in Highland Park and a historical district in Dallas.

Mayor Barna questioned the barrier used between two properties. Michael reported that a commercial grade steel edging was recommended as well as a four inch barrier of river rock or similar material.

Councilmember Spraggins asked if the turf was thick enough that dogs wouldn't be digging in it and she questioned the eight-year warranty. Michael Grant stated that the warranty was for fading and defects in the product itself. He reported they actually saw dogs reduce their digging or eliminate it because it doesn't have the same natural smells from natural sod.

Spraggins also asked if it hindered the growth of trees. Michael assured her that if the synthetic surf is installed correctly, the base would hold moisture better than natural grass.

Michael Grant closed by saying he would be happy to be a resource or provide any information to the City regarding synthetic turf.

Mayor Pro Tem Siddiqui called Councilmember Bernard Grant back to the Council chambers.

COUNCIL ACTION (7.C.):

NO ACTION TAKEN

No action was taken on this item.

- D. Consider and/or take action on Timbers Nature Preserve and Trail Project.

City Manager Fisher reported that this item was back before the Council to clarify the base bid and the four alternates to be included in the bid process. The base bid would include City Park improvements, Inter-City Trail, drainage, grading, relocate existing bridge and landscape.

Alternate No. 1 would include the existing City Park demolition and improvements.

Alternate No. 2 would be the soft surface trails, picnic area, signage and landscape.

Alternate No. 3 includes a new pavilion and restrooms.

Alternate No. 4 includes the fishing piers and an outdoor classroom.

The location of the restrooms and a fire pit was discussed by the Council. The projected timeline is to advertise bids by May 15th, consider Council approval in mid-June with construction to begin in July or August. The project should be completed in April or May, 2015. The proposed cost is \$1.3 million for the base bid. Alternate #1 is projected to be \$88,000; alternate #2 is projected to be \$309,000; alternate #3 is projected to be \$361,500; and, alternate #4 is projected to be \$156,000.

Mayor Barna announced that the Council was ready to get this project started.

COUNCIL ACTION (7.D.):

APPROVED

Mayor Pro Tem Siddiqui moved to authorize City staff to prepare bid documents and put the Timbers Nature Preserve and Trail Project out to bid. The motion was seconded by Deputy Mayor Pro Tem St. Clair and passed with a unanimous vote of 7-0.

- E. Consider and/or act on the SRTS – sidewalk in Rolling Ridge.

City Manager Fisher stated that this item had been before the City Council a couple of times with a Town Hall meeting being held on March 31st. City staff's recommendation, based on comments and walking the site, is to construct the Safe Routes to School program proposed sidewalk in the Rolling Ridge Subdivision from Featherwood north to Oriole Court. A request will also be made to move the remaining dollars in this project back to the crosswalk at Liberty Ridge Park. If that is not possible, other projects will be considered.

Mayor Pro Tem Siddiqui questioned possible projects at Salisbury Circle and Whitestone, north of the park. City Manager Fisher reported that the project on Salisbury was outside of the scope for these monies but other funding sources were available that were being explored.

Siddiqui also clarified that Staff's recommendation did not include any striping from Featherwood south to the park.

There will be no striping included in this project at all.

COUNCIL ACTION (7.E):

APPROVED

Mayor Pro Tem Siddiqui moved to direct City staff to move forward with the sidewalk from Featherwood to Oriole Court and proceed with the project. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

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 Grand Opening – Experience Murphy – April 5th
- Concession Stand Agreement with PSA
- May Election
- Water Rate Study

9. EXECUTIVE SESSION

The City Council convened into closed Executive Session at 7:20 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.
- 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. §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation involving:
 - a. George Parker and Parker Tree Services

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into open session at 7:45 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.
- 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. §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation involving:
 - a. George Parker and Parker Tree Services
- D. Take Action on any Executive Session Item


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

11. ADJOURNMENT

With no further business, the meeting was adjourned at 7:46 p.m.



APPROVED BY:


Eric Barna, Mayor

ATTEST:


Terri Johnson, Interim City Secretary