

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
January 5, 2016 AT 6:00 PM

1. CALL TO ORDER

Mayor Pro Tem Scott Bradley called the meeting to order at 6:01 pm.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Betty Spraggins gave the invocation and Mayor Pro Tem Bradley led the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

Executive Assistant Kim McCranie certified a quorum with the following Councilmembers present:

Mayor Pro Tem Scott Bradley
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Rob Thomas

Absent:

Mayor Eric Barna
Councilmember Ben St. Clair

4. PUBLIC COMMENTS

Ray Shahan, resident wished council best wishes for the coming year. He gave his view of the legal classified advertisements from various years as being incorrect and some items are missing. He explained he feels Ordinance Number 03-10-590 was an incorrect document.

Councilmember Spraggins asked Shahan for clarification of what he is wanting from Council. Shahan explained he really wants language to state the HOA is responsible for the maintenance and staining of the fences which are part of the screening walls in the Ranch subdivision.

5. PRESENTATIONS

A. Presentation of financial reports for October and November, 2015.

Finance Director, Linda Truitt gave a separate presentation for the October and November 2015 financials. She explained in October 2015 there was about a 10 million dollar decrease compared to September because there were a lot of bills paid in that month. Interest rates continue at .14%. Sales Tax from the General Fund/MDD/CDC show increases over this time last year. Revenues for October 2015 are at approximately 3% of the budget (instead of 8%); this will increase in December/January because of property taxes collections. As of October no building permits for single family homes have been issued. General Fund Expenditures are only about 6% for the budget. For the utility fund our revenue is at about 11% and expenditures are at 8%.

For the November 2015 data we continue to show General Fund Revenues are behind since we have not collected much in property taxes. In the Sales Tax in the General Fund/MDD/CDC still shows a slight increase monthly and we hope this trend will continue. The City issued two (2) single family building permits, and issued one (1) commercial building permit with more on the horizon. We are at about 13% for expenditures for the General Fund. In the Utility Fund the City is approximately 18% for revenue. Utility Fund expenditures are at around 15%.

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 on the December 1, 2015 regular meeting minutes.

COUNCIL ACTION (6.A.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve the consent agenda as presented. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0 (Mayor Barna and Councilmember St. Clair were absent).

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act upon approval of Resolution Number 16-R-824 designating investment officers of the City and approving the investment policy for the investment of municipal funds.

Director of Finance Linda Truitt explained this item is an annual item. The investment officers are Steven Ventura - Assistant Finance Director, James Fisher - City Manager, and Linda Truitt - Finance Director.

Councilmember Thomas noted the resolution number is listed as 16-R-824 in the agenda and packet. City Manager James Fisher explained it was a typo and confirmed this can still be passed with a change to the motion number as 16-R825.

COUNCIL ACTION (7.A.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve Resolution Number 16-R-825 designating investment officers of the City and approving the investment policy for the investment of municipal funds. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0 (Mayor Barna and Councilmember St. Clair were absent).

- B. Consider and/or act upon approval of Ordinance Number 16-01-1006 amending the FY 2014-2015 revenue budgets, expenditure budgets and fund balances for the General Fund, Cable PEG Fund, Utility Fund, Capital Improvement Fund, Police Seizure Fund, Murphy Community Development Corporation (Type B) and the Capital Construction Fund.

Finance Director, Linda Truitt explained this item occurs annually and is generally just a housekeeping item. This year we increased the General Fund by \$300,000 and the Utility Fund by \$442,000. Councilmember Thomas asked why the General Fund FY 2014 projected number wouldn't be an actual number. Truitt explained we have to amend the budget based on the budget we had as it was presented in 2014 and it will become the actual number. All auditing has been completed it's just a formality.

COUNCIL ACTION (7.B.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve Ordinance Number 16-01-1006 amending the FY 2014-2015 revenue budgets, expenditure budgets and fund balances for the General Fund, Cable PEG Fund, Utility Fund, Capital Improvement Fund, Police Seizure Fund, Murphy Community Development Corporation (Type B) and the Capital Construction Fund. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 5 to 0 (Mayor Barna and Councilmember St. Clair were absent).

Discussion between items: City Manager James Fisher explained prior to discussing items C and D that staff is requesting the public hearings be held for these items today but continue any action until the January 19th City Council Meeting. These items were denied by the Planning and Zoning Commission and in order to overturn their decision it would need a super majority which requires a vote of 6 out of the 7 and there are only 5 councilmembers present at this time. Mayor Pro Tem Bradley asked about an appeal for Item 7D and Fisher confirmed the applicant has until January 7th to file the appeal. Andy Messer requested for 7D in its entirety be continued until the January 19th meeting since an appeal has not been filed as of this meeting.

Councilmember Spraggins asked for clarification of why Planning & Zoning voted these items down. Fisher explained they didn't give a reason when they voted they just gave their vote.

Councilmember Thomas also asked for clarification of why this item is on the agenda. Fisher explained because the public hearing was published in the newspaper with tonight's date, therefore it must be on the agenda. He also explained the notice was published prior to Planning & Zoning voting against the item. There was discussion on methods to get clearer/better information on why items are passed or failed by other boards.

- C. Hold a public hearing and consider and/or act on the application of Anshu Jain requesting to amend the Concept Plan for approximately 6.43 acres of property zoned PD (Planned Development) District No. 09-02-785, as amended by Ordinance No. 14-04-975, located on FM 544 approximately 800' west of Heritage Parkway for Lots 2-3, Block A, Nelson Addition.

Director of Economic & Community Development, Kristen Roberts gave a brief background of this item, and explained that Planning & Zoning denied this item with much discussion on this item. She also explained the minutes are not approved yet and that is the reason they were not included in this agenda packet. Roberts said staff is recommending approval for this plan for this and future development. The applicants gave a presentation of their concept plan explaining their vision for the property on FM544. The applicant also gave a background of her history with Murphy, she is a resident and wants to move her current dental location within the city to create a larger building and hoping to preserve the trees and area as best she can. The applicant also described the layout of the driveway as requested by the Fire Chief, and explained how they plan

to address other concerns from residents and the Planning and Zoning commission. There was further discussion regarding the driveway and parking lots, the applicant verified they will invest in the road themselves and have the circle driveway in the back to avoid a K-turn for fire trucks and other emergency vehicles. There was also discussion regarding the elevation difference of 16 feet.

Public Hearing opened at 6:47pm

Tammy Maxey, resident explained her house location in relation to the proposed development. She stated she was also speaking for her neighbors as well. She explained when she purchased her home it was said this area would be retained as greenspace. Maxey requested assurance that nothing is built within one hundred feet (100') from the creek. Council mentioned the current planned development on file is approved and the applicant would not have to go before Council or the Planning and Zoning Commission to build. Council clarified her concern was the circle driveway in the back.

Dwight Johnson, resident explained the residents in that area have been told nothing would be built from the backline of the vet clinic. He wants to clarify the 100 year floodplain line on the proposal to ensure nothing is built too close.

Diane Tingle, resident explained when the vet clinic was being built they changed the topography because of the amount of fill dirt they brought in to change the elevation. She stated she is concerned on how this will affect their homes with the 100 year floodplain and water run-off. She stated concerns regarding trees being removed, and the removal of the buffer the trees created to block the view of FM 544 and concrete. Property values will be affected (lowered) with elimination of the country feel the area currently has from viewing buildings on FM 544.

Bradley continued the public hearing until January 19, 2016.

Council asked for clarification from Roberts regarding the distance that will change for the new plan. Roberts confirmed from the rear of the building to the creek will be 65 feet and there is a 100 feet from the creek bed as setback for building. Council also clarified there is no current language in the existing planned development for this lot regarding how close to a residential lot something can be built. Council requested an exact overlay from a satellite image for the proposed development with a clearer idea of the proposed elevation, and also to look at ways to lessen the impact for the rear of the property.

The City Attorney clarified that the entire item will be brought forward to the January 19th meeting.

COUNCIL ACTION (7.C.):

NO ACTION AS THIS ITEM IS BEING CONTINUED

- D. Hold a public hearing and consider and/or act on the application of Ryan Betz of 4B & W Land, LLC., Ronald and Patricia Williford and Kevin McAllister requesting a change in zoning from SF-20 (Single Family 20 Residential) to Retail on approximately 5.56 acres of property located southeast of FM 544 and Maxwell Creek Road. **This public hearing will be continued until February 2, 2016.**

Mayor Pro Tem Bradley said item 7D is pulled in its entirety for this meeting and the public hearing will be continued until the January 19th meeting.

COUNCIL ACTION (7.D.): **NO ACTION AS THIS ITEM IS BEING CONTINUED**

- E. Consider and/or act upon the recommendations from the Council Interview Panel regarding appointing board members to the Murphy Municipal Development District.

City Manager James Fisher explained this board was not appointed with the others. Council clarified the interview panel has not chosen appointees yet. This item will be postponed until January 19, 2016 meeting.

COUNCIL ACTION (7.E.): **NO ACTION AS THIS ITEM IS BEING POSTPONED**

- F. Consider and/or act upon on the Interlocal Agreement between the City of Murphy and the Texoma Area Paratransit System, Inc. for demand-response transit services.

City Manager James Fisher explained this agreement was entered into a year ago. The interim CEO has requested we cancel this agreement.

COUNCIL ACTION (7.F.): **APPROVED**

Deputy Mayor Pro Tem Siddiqui moved to cancel the Interlocal Agreement between the City of Murphy and the Texoma Area Paratransit System, Inc. for demand-response transit services. Councilmember Fincanon seconded the motion. For: unanimous. The motion carried by a vote of 5 to 0 (Mayor Barna and Councilmember St. Clair were absent).

- G. Discussion on the Board and Commission Orientation on Saturday, February 6th from 9 a.m. until noon at the Murphy Community Center.

City Manager James Fisher explained we do an orientation each year and reiterated the date for the proposed orientation. He described his hopes that Council will be in attendance as well to discuss what the Council is wanting regarding direction and reports. The comprehensive plan and charter review are on the horizon. Fisher also explained the attorney's office will present a lot of information on open meetings act, etc. Council suggested scheduling a work session for an hour to discuss their visions for the boards.

No action was required for this item.

8. CITY MANAGER/STAFF REPORTS

- A. Timbers Nature Preserve

Continuing to work on the trails, and address the trails for the future. Currently we are working and sharing the costs for making the trails stronger for the rain in the future.

- B. Betsy Lane Road Widening Project

This project is continuing to be on target and finishing items such as the bridge, sidewalk construction, median irrigation, etc.

C. South Maxwell Creek Parallel Trunk Sewer Line

Contract ends on March 25, 2016 and a new schedule was requested since it will not be completed by then. Due to the drought/flood this project has been delayed because the beginning point is currently underwater.

D. North Murphy Road

Representative Laubenberg will be setting up meetings with the HOAS and the City to discuss damages and resolutions. Meeting times have not been finalized yet. Council mentioned the left turn lane on Murphy Road and FM 544 regarding the need to open that up. Fisher explained the traffic analysis that the City prepared was given to TxDOT over a year ago and it is still being reviewed.

Comprehensive plan update, staff met with Freese and Nichols regarding this and it will be coming before Planning and Zoning Commission with items to update. Currently there isn't anything of huge impact, just miscellaneous items regarding thoroughfare, parks and open spaces, and southeast study.

Monday, January 18th the city offices will be closed in observance of Martin Luther King Jr. Day.

On December 26th our neighbors were devastated by tornados, Fisher publically thanked both chiefs and the City employees for their preparedness and hard work on assisting the surrounding communities.

7. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 7:23 p.m. to discuss the following:

- A. §551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter in regard to open carry laws.
- B. §551.076 Deliberation regarding security devices.
- C. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Murphy Municipal Development District Members.

8. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 8:19 p.m., pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. §551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter in regard to open carry laws.
- B. §551.076 Deliberation regarding security devices.
- C. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Murphy Municipal Development District Members.
- D. Take Action on any Executive Session Items.

COUNCIL ACTION (8.A., 8.B., & 8.C.):

NO ACTION

11. ADJOURNMENT

With no further business, the regular council meeting was adjourned at 8:19 pm.

ATTEST:



Susie Quinn, City Secretary



APPROVED BY:



Scott Bradley, Mayor Pro Tem