

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 19, 2016 AT 6:00 PM

1. CALL TO ORDER

Mayor Eric Barna called the meeting to order at 6:01 PM.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Reverend Brendon Kimbrough gave the invocation and Mayor Barna 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
Councilmember Ben St. Clair
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Rob Thomas

Absent:
Deputy Mayor Pro Tem Owais Siddiqui

4. PUBLIC COMMENTS

Reverend Brendan Kimbrough, St. Timothy's Episcopal Church, expressed his gratitude to the Council and Staff for allowing them to use the Murphy Activity Center for their Church since August, 2014. He also requested to have a meeting with Council and Staff regarding their future plans for the MAC building for possible purchase in the future.

Jon Lashbrook, resident addressed Council regarding the Chamber Corner Honor Garden located in Central Park. He thanked the City for their support in this project and other projects they have done in the past. He gave a description where the brick honor garden is located, and the bench dedicated to deceased Officer Kyle Kucacus. He gave more background on the brick garden, on its purpose to honor people with an engraved brick. The bricks are engraved with three lines of wording and cost \$100 per brick. The funds raised from the sale of bricks in the brick garden go towards scholarships; this year they were able to award \$10,000 to deserving High School Seniors. Lashbrook invited everyone to see and enjoy the Honor Garden.

Robert Wynn, resident is requesting the green light at S Maxwell Creek by the RaceTrac gas station be looked into the timing for this light. He would also like for the evergreen/landscaping along N Murphy road to be looked into for other options.

Ray Shahan, resident presented his thoughts on PD10-5-390 screening and also his thoughts regarding requested rezone of The Ranch, and the Planning and Zoning meeting on September 8th, 2003. He presented highlighted documents to the Mayor and Council of minutes from various meetings.

COUNCIL ACTION (6.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the consent agenda as presented. Councilmember Fincanon and Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act on postponement of action until February 2, 2016 of 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.

Wording from the agenda packet item: *Continue 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. **This item was continued from January 5, 2016.***

Director of Economic and Community Development, Kristen Roberts explained the applicant discussed the Concept Plan with staff regarding the possible changes based on the feedback from the last meeting. The applicant has requested to speak tonight to council due to absences on council the last time. The applicant spoke to Council and gave their background as business owners/residents in Murphy. He spoke to some of the concerns by council and citizens regarding the view and privacy for the residents on the rear side of the proposed PD, and the trees on the property. He explained he is aware of the setbacks and his plan is in accordance with them. He said there will be no floodlights in the back of the building, and the businesses would be used for daytime operators with office hours of 9 to 5 not like retail or restaurants which are open much later. The applicant also showed the tree survey he had done to show the difference between the current PD that is approved and what he is proposing in regards to the trees that would have to be removed in each plan. The applicant also spoke to the elevation issues for the property, and explained if their building was not graded to the same height as the surrounding buildings his building will not be visible. Council asked the applicant if they were aware of the elevation prior to purchasing the property. The applicant said that was not something that was known to them prior to buying.

Public Hearing opened: 7:05PM

Dwight Johnson, resident opposed to new plan, would like to stick with the original plan.

Vickie Johnson, resident opposed to new plan, would like to stick with original plan.

Dr. Carbonel, business owner and resident opposed to new plan, would like to stick with original plan.

Tammy Maxey, resident read comments directly from her neighbors that were unable to attend this Council meeting. Jeff Hanson, resident is opposed to the new concept plan. Chris Hanton,

resident is opposed to the new concept plan. Dr. Thomas, resident is opposed to the new concept plan. For Maxey's comments she opposes the new plan, would like to stick with original plan.

Dennis Richmond, resident thanked council for their hard work and service to the community. He is opposed to the new plan and expressed wishes to use the original plan.

Diane Tingle, resident opposed to the new concept plan, wishes to use the current plan.

Terry Larson, resident explained she is not in support or opposed to either plan but to think about a 3rd plan.

Public Hearing closed: 7:43PM

Council expressed interest in having a third plan developed.

City Manager, James Fisher asked for clarification and specific guidance from council regarding what their input and wishes for the new plan are. Fisher also explained to remand it back to the Planning and Zoning Commission they need specific guidance from Council on items to address.

Council expressed their wishes being the distance of the building to the building next to it in regards to building elevation and the additional 65 feet closer to the buffer line. Changing the building layout to provide better sight lines to traffic, additionally the entrance to the building being offset needs to be addressed.

COUNCIL ACTION (7.A.):

APPROVED

Mayor Pro Tem Bradley moved to remand this request back to the Planning and Zoning Commission for evaluation with some guidance from council is to review how close the proposed building is to the vet's office with an eye on the elevation of the properties and to review the encroachment of the additional 65 feet getting close to the buffer line and the creek. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- B. 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 item was continued from January 5, 2016 City Council Meeting).**

Director of Economic and Community Development Kristen Roberts gave a brief history of this item including the December 28th meeting from Planning and Zoning with a 6-0 opposition vote. It was on the City Council agenda January 5th at which time there was not an appeal received. The letter of appeal has been filed within the appropriate time frame and the applicant is requesting this item to be remanded back to Planning and Zoning for further review, and to come back before Council approximately in a June timeframe. Ryan Betz, one of the landowners spoke to council regarding Kristen's comments, confirming their position.

Richie Earl, resident opposed

Barbara Harless, resident opposed

David Cole, resident opposed

Yolanda Luna, resident opposed

Martha Gallion, resident opposed

Keith Huyck, resident opposed

Warren Gallion, resident opposed

Barbara Krumholtz, resident opposed

Helen Shankle, resident opposed

John Doyle, resident opposed

Carlos Gabriel, owner of property #31 on the map, opposed

Ray Weyandt, resident opposed

Public hearing closed at 8:38PM

Council addressed the residents and explained they understand their frustration, and will continue to work with the applicant and residents to achieve a conclusion.

Guidance from council to remand back to planning and zoning includes creating a Planned Development with specific business types, buffers to the creek west and south excluding property #44. Expand the PD to also include the property #33 with how that would be developed. The question was raised to address what will happen with Oak Glen specifically regarding emergency vehicle access options.

City Manager Fisher, clarified council is okay with having retail along FM 544 with a large buffer to the west.

COUNCIL ACTION (7.B.):

APPROVED

Mayor Pro Tem Bradley moved to remand this request back to the Planning and Zoning Commission with some guidance, within any submission of a Planned Development. I would like to see business types classified that would be allowed in that location, specific plans for buffering to the creek, buffer to the west, buffer residents to the south, and I would like included in the PD all the property to the retail line to be locked in at SF 20+, I would like to see options for Oakglen specifically. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- C. Consider and/or act upon the Agreement for Video Streaming Services between the City of Murphy and Swagit Productions, LLC; consider adding additional video streaming for Boards/Commissions meetings.

City Manager James Fisher explained the history of this item and suggested adding Planning and Zoning to see how it goes.

Council asked if this was budgeted, Fisher confirmed this is within our budget and has room in our contract to make this work. Council asked for clarification if this is helping. Fisher confirmed it is a useful tool to Council, staff and residents and has had a good response.

COUNCIL ACTION (7.C.):

APPROVED

Mayor Pro Tem Bradley moved to add Planning and Zoning meetings to the streaming services contract with Swagit Productions LLC. Councilmember St Clair Seconded the motion. For: 6. Against 1. The motion carried by a vote of 6 to 1 (Councilmember Fincanon voted against).

- D. Consider and/or act upon the Board and Commission Orientation/Work Session on Saturday, February 6th from 9:00 AM until noon at the Murphy Community Center.

City Manager James Fisher clarified the training will be located in the Murphy Activity Center. Fisher asked for guidance from Council regarding the direction and expectations they want for the boards. Council would like to see a councilmember liaison for each one of the boards. Fisher explained he wants to go over our guiding principles and vision statement as well. He also asked council to give him any information they have regarding specific items they hear that need to be resolved or discussed.

COUNCIL ACTION (7.D.):

NO ACTION

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.

There is no action taken on this item.

COUNCIL ACTION (7.E.):

NO ACTION

- F. Consider and/or act upon advertising board members to the Charter Review Commission.

City Manager James Fisher explained there isn't anything too significant in this review just mostly clarification items. Council asked to give this item attention as it only happens every 6 years. Fisher explained he would like council to suggest people to be on this board for a total of at least 11.

Consensus was reached by Council for staff to begin the advertising for Charter Review Commission members.

COUNCIL ACTION (7.F.):

NO ACTION

8. CITY MANAGER/STAFF REPORTS

A. Timbers Nature Preserve

This project is moving forward, working on laying sod, and strengthening the granite trails.

B. Betsy Lane Road Widening Project

This project is 28% complete. The contract expires in March, and will be asking for an extension.

C. South Maxwell Creek Parallel Trunk Sewer Line

This project is 89% complete, the railings are being completed.

D. North Murphy Road

Items are being worked on for this project, we are waiting to hear about the meetings Jodie Laubenberg will be having with the HOAs. The turn lane is currently being worked on at the intersection of FM 544 and Murphy Road.

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 9:00 p.m. to discuss the following:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Murphy Municipal Development District Members and Charter Review Commission.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 9:10 p.m., pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Murphy Municipal Development District Members and Charter Review Commission.
- B. Take Action on any Executive Session Items.

COUNCIL ACTION (8.A.):

NO ACTION

11. ADJOURNMENT

With no further business, the regular council meeting was adjourned at 9:20 PM.



ATTEST:



Susie Quinn, City Secretary

APPROVED BY:



Eric Barna, Mayor