

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

**1. CALL TO ORDER**

Mayor Eric Barna called the meeting to order at 6:00 PM.

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Eric Barna gave the invocation and 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  
Deputy Mayor Pro Tem Owais Siddiqui  
Councilmember Ben St. Clair  
Councilmember Betty Nichols Spraggins  
Councilmember Sarah Fincanon  
Councilmember Rob Thomas

**4. PUBLIC COMMENTS**

*Marv Williams, resident*, on behalf of the Exchange Club, invited Council and residents to the monthly luncheon, Monday April 25<sup>th</sup>. State Representative Jodie Laubenberg will be the guest speaker.

**5. PRESENTATIONS**

A. Proclamation recognizing Motorcycle Safety Awareness Month.

Councilmember Rob Thomas presented proclamations to five motorcycle clubs present at the meeting. Finance Director Linda Truitt expressed her deep wishes for all citizens to use extreme caution while driving on streets and roadways, especially watching out for the motorcyclists.

**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 April 5, 2016 regular meeting minutes.

B. Consider and/or act on approval of Resolution No. 16-R-827 directing Oncor Electric Delivery Company, LLC to file certain information with the City of Murphy, Texas setting a procedural schedule for the gathering and review of necessary information in connection therewith; setting dates for the filing of the city's analysis of the company's filing and the company's rebuttal to such analysis; ratifying the hiring of legal counsel and consultants; reserving the right to require

current PD is valid but there could be a unilateral change at a later date. The applicant expressed one dentist has a tentative lease at the site and he wanted to ensure that is an allowed use.

**COUNCIL ACTION (7.B.):**

**APPROVED**

Mayor Pro Tem Bradley moved to approve the sight plan, landscape plan, building elevation and construction plat for Wal-Mart additions lot 3 and 4 block A for 2 single story retail centers on property zoned PD (planned development) district number 12-02-905 located on the Eastern outparcel of Walmart on N Murphy as requested by Wal-Mart real-estate business trust. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- C. Consider and/or act on 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.

Community Development Coordinator, Tina Stelnicki explained this is another revised concept plan and gave a detailed background on this item, pointing out this item has been to Planning and Zoning and Council multiple times. Planning and Zoning requested that staff facilitate a meeting to include staff, both businesses and an HOA representative. From that meeting, there were 4 compromises made and are reflected in the new revised plan. Dr. Jain and her husband gave a presentation of the new revised plan specifically pointing out the original proposed plan, their initial changes and the current changes, with emphasis on the distance from the building to the 100 foot buffer for the creek. There will be a heavy buffer of landscaping in the rear of their property line. Council asked for clarification on the retaining wall, with such a large drop that needs to be addressed. The applicant's engineer confirmed there will be a fence or handrail on the retaining wall per code.

Public Comments:

**Diane Tingle**, resident; opposed

**J. T. Oden**, resident, HOA board member; opposed and in support of residents comments.

**Vicki Johnson**, resident; opposed

**Tammy Maxey**, resident; opposed

**Dennis Richmond**, resident; opposed, concerned about development of lot 3 on the plan

Council asked for clarification regarding the building elevations and grading map from the Jain's engineer. The engineer explained the Jain's building is about 9 feet lower than the Vet clinic next door. There was discussion regarding the elevations, retaining wall, the drainage for the property, and the placement of the building on the property. Heavy landscaping was discussed, along with regards of wanting detailed specifics of that heavy landscaping when it is brought back for development approval.

**COUNCIL ACTION (7.C.):**

**APPROVED**

Councilmember Fincanon moved to approve 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.

**Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmember St. Clair, Councilmember Fincanon, and Councilmember Thomas Noes: Councilmember Spraggins. The motion was approved by a vote of 6 to 1 (Councilmember Spraggins abstained which is recorded by city charter as a no vote).**

- D. Consider and/or act upon authorizing the interim city manager to execute purchase and construction documents, and authorize funding through the sale of tax notes in the amount of \$1,800,000 for the Murphy Public Safety radio system component replacements and upgrades to the system.

Fire Chief Mark Lee summarized the background on this item, and explained the remodel of the police department is not included in this action item. The things included are, approximately \$1,280,411.00 for dispatch equipment and technology in its existing location. An additional half a million dollars (\$500,000) will be used to replace current field equipment and hand held radios that are reaching their end of life. Lee explained he spoke with Motorola regarding the lifespan of the equipment the City will be purchasing; the conservative estimate will be 7 to 10 years which is in the timeframe for serviceable life. The current consoles were purchased in the 2004-2005 timeframe and need to be replaced. The platform is now upgradable as long as the board is still able to support the advancements in the software. Council asked regarding a potential lease program, Lee confirmed Motorola offers one, however, the low interest on the tax notes makes purchasing more advantageous over a lease arrangement.

Council asked for a clarification regarding the funding for this item and why it is recommended to not use the reserve balance. Finance Director, Linda Truitt explained the minimum of a 15% reserve balance is not sufficient for covering a potential major storm such as what Wylie and Rowlett currently have dealt with and for purchasing emergency vehicles. Council further commented that tracking the various percentages for replacing emergency equipment should be discussed. Raising the percentage of reserves from 15% to 20% should also be considered during that the same discussion.

***COUNCIL ACTION (7.D.):***

***APPROVED***

**Mayor Pro Tem Bradley moved to authorize the interim city manager to execute purchase and construction documents, and authorize funding through the sale of tax notes in the amount of \$1,800,000 for the Murphy Public Safety radio system component replacements and upgrades to the system. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.**

- E. Discussion regarding the 2016 Sidewalk Replacement Program.

Director of Public Services, Bernie Parker explained we have sole responsibility for the sidewalk repair within the city. Parker established a matrix to define the sidewalks criteria in need of repair using a rating system. Parker explained he has been working with the City of Wylie on an agreement to "piggyback" on their concrete contract to complete the repairs to sidewalks in the City of Murphy. The City does not repair lead-walks, but the contractor will work with the residents on pricing and getting their lead-walk repaired if they choose to do so with their own

funds. The City is looking at 1500 to 1600 square yards of sidewalk repair this year. The anticipated time frame for depleting the dollars allocated for this project is by the end of this fiscal year. Bernie clarified that no action is required for this item, as it is an update on the project status.

**COUNCIL ACTION (7.E.):**

**NO ACTION**

**8. CITY MANAGER/STAFF REPORTS**

Interim City Manager Bill Shipp, explained a form was created for the leadership team to report the status of projects and the report will be coming to council by the second meeting of each month.

A. Timbers Nature Preserve

The project is 95% complete, with work continuing on drainage issues.

B. Betsy Lane Road Widening Project

This project is about 97% complete, streetscaping and planting are currently being completed and a 250' section of the trail in the area is being negotiated.

C. South Maxwell Creek Parallel Trunk Sewer Line

There are many challenges with this project; it is about 50% complete and the City is in the process of discussing an extension for completion time on this project with the contractor. A connection was made by the contractor on this line that allowed stormwater to flow to the plant through the sewer lines. The City received an invoice in the amount of \$82,000 for the additional water flow and was assured by the contractor that the City will be reimbursed by the contractor's insurance company.

D. North Murphy Road

The HOA's that have been affected by the Murphy Road construction are meeting with TxDOT and staff on Wednesday, April 20<sup>th</sup> and on Friday, April 22<sup>nd</sup> to discuss the HOA's final requests from TxDOT to fix the items that were damaged during the road construction.

E. Upcoming events:

- April 22, 2016 Earthday, Keep Murphy Beautiful will have a booth at the moonlight movies to help spread the word on recycling.
- April 30, 2016 Drug take back day will be in the police department lobby and residents are encouraged to bring their unwanted or used drugs for proper disposal.

Shipp thanked the Fire and Police departments for the assistance provided to the City of Wylie during the recent storms.

Shipp announced Finance Director, Linda Truitt gave him a letter of her retirement intentions. Truitt explained she is ready to move on to the next chapter in her life and is excited to see what that holds. Her retirement will be effective May 27, 2016.

Council asked for an update in regards to the advertising for the Craft Beer Festival (Tunes, Tails and Ales) and requested staff to advertise the event more.

**9. EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551.087 (Economic Development) the City Council recessed into Executive Session (closed meeting) to discuss the following at 8:23 pm:

- 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 the City Charter review.
- B. §551.072 Deliberation on the purchase, exchange, lease, or value of real property.
- C. §551.087 Update and deliberation regarding economic development negotiations and projects.

**10. RECONVENE INTO REGULAR SESSION**

The City Council reconvened into Regular Session at 9:16 pm, 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 the City Charter review.
- B. §551.072 Deliberation on the purchase, exchange, lease, or value of real property.
- C. §551.087 Update and deliberation regarding economic development negotiations and projects.
- D. Take Action on any Executive Session Items.

***COUNCIL ACTION (10.B & 10.C.):***

***APPROVED***

Mayor Pro Tem Bradley made a motion in reference to 10. B. (§551.072 Deliberation on the purchase, exchange, lease, or value of real property) and 10. C. (§551.087 Update and deliberation regarding economic development negotiations and projects) to authorize the Mayor to execute a letter of intent related to city owned property on Murphy Road. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

**10. ADJOURNMENT**

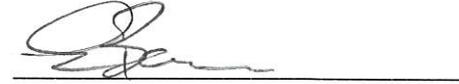
With no further business, the regular council meeting was adjourned at 9:16PM.



ATTEST:

  
Susie Quinn, City Secretary

APPROVED BY:

  
Eric Barna, Mayor