

CITY COUNCIL MINUTES  
REGULAR CITY COUNCIL MEETING  
OCTOBER 4, 2016 AT 6:00 PM

**1. CALL TO ORDER**

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

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor 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 Betty Nichols Spraggins  
Councilmember Sarah Fincanon  
Councilmember Don Reilly

Absent:

Councilmember Jennifer Berthiaume

**4. PRESENTATIONS**

A. Proclamation for Fire Prevention Week.

Mayor Barna recognized October 9<sup>th</sup> through October 15, 2016 as Fire Prevention Week presenting a proclamation to Interim Chief Ed Henderson, Driver Joe Flowers and Firefighter Rian Weems.

B. Proclamation for National Night Out.

Councilmember Sarah Fincanon recognized Tuesday, October 4, 2016 as National Night Out presenting a proclamation to Chief Trey Cotten. Chief Cotten encouraged everyone to attend their neighborhood National Night Out parties.

C. Presentation from First Southwest regarding Preliminary Bond Election Information.

City Manager Mike Castro addressed Council that the presentation was in response to Council's inquiry into what eight (\$0.8) cents represents in dollars for the upcoming bond election. Staff met with the financial advisor, First Southwest, and developed several scenarios. Mike Castro introduced Jason Hughes with First Southwest.

Jason Hughes shared with Council a summary of current debt and that the City has an AA credit rating by S&P standard, the third highest credit rating recognized. A five slide presentation highlighted a summary of planning assumptions with the bond election being held in November 2017. The scenarios presented ranges from four (\$0.04) cents to ten (\$0.10) cents with regards to the debt capacity and tax rate impacting cents and/or debt.

**5. PUBLIC COMMENTS**

No Public Comments were presented.

**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 to approve the September 20, 2016 Regular Council meeting minutes.
- B. Consider and/or act upon the 2017 City of Murphy Holiday Schedule.

***COUNCIL ACTION (6.A. through 6.B.):***

***APPROVED***

**Mayor Pro Tem Bradley moved to approve the consent agenda items 6.A. through 6.B. as presented. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6-0. Councilmember Berthiaume was absent.**

**7. INDIVIDUAL CONSIDERATION**

- A. Consider and/ or act on the application of Pogue Engineering, a division of Westwood, requesting approval of a site plan, landscape plan, building elevations and construction plat for Smiles at Murphy on property located on West FM 544, just west of Heritage Parkway to build a 7,820 square foot building for medical offices uses.

Interim Director of Economic and Community Development Kelly Carpenter presented to Council the proposed site plan, landscape, building elevations and construction plat which were reviewed by staff and meets the requirements as set forth by the Planned Development guidelines. Easement approval will be required to be secured prior to a Pre-Construction meeting being scheduled.

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

***APPROVED***

**Mayor Pro Tem Bradley moved to approve the application of Pogue Engineering, a division of Westwood, requesting approval of a site plan, landscape plan, building elevations and construction plat for Smiles at Murphy on property located on West FM 544, just west of Heritage Parkway to build a 7,820 square foot building for medical offices uses. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6-0. Councilmember Berthiaume was absent.**

- B. Hold a public hearing and consider and/or act on the application by Syed Hussain, President of First Crescent Enterprises, LLC, for owner Lisa Roberts, for a rezoning from Single Family 20 (SF-20) to Single Family 9 (SF-9) with a Planned Development (PD), which is the next item on the agenda.

Interim Director of Economic and Community Development Kelly Carpenter explained to Council why two separate items are being presented regarding the same property. In November 2014, which overlays SF-20 with the minimum lot size is affected. She presented to Council the intent of

the rezoning is to develop 24 to 33 lots in sizes ranging from 8,401 square feet to over 12,524 square feet with an average lot size of 9,249 square feet. The surrounding uses include the following: North – residential (SF-20), South – residential (SF-20), East – residential (SF-20) and West – Murphy Road (State Highway 2551). The current Comprehensive Plan Future land use map designates this property as Neighborhood Services land use. This item was approved by a vote of 4 (in favor) to 3 (in opposition) at the September 26, 2016 Planning and Zoning Commission meeting. This item is directly related to the following item (7.C.), which requests approval of a zoning change from SF-9 to Planned Development, Item 7.C. cannot be approved if this item is not approved. Staff recommends the rezoning from SF-20 to SF-9 with a Planned Development. Council inquired to the drainage easement, which will be presented when the construction plat, site plan, landscaping and building elevation plans are presented to Council.

**PUBLIC HEARING OPENED at 7:13pm**

**James Permenter, Resident – In Favor**

**Mary Pat Elledge, Resident – In Favor**

**Naim Khan, Civil Engineer for Oasis Springs Manor – In Favor**

**John Nohrenberg, Deacon at the First Baptist Church Murphy - Opposed**

**PUBLIC HEARING CLOSED at 7:25pm**

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

***APPROVED***

**Mayor Pro Tem Bradley moved to approve the application by Syed Hussain, President of First Crescent Enterprises, LLC, for owner Lisa Roberts, for a rezoning from Single Family 20 (SF-20) to Single Family 9 (SF-9) with a Planned Development (PD) and to reduce the number of lots in Block B from 14 to 12. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6-0. Councilmember Berthiaume was absent.**

- C. Hold a public hearing and consider and/or act on the application by Syed Hussain, President of First Crescent Enterprises, LLC, for owner Lisa Roberts, to request approval of Ordinance Number 16-10-1023 for a zoning change from SF9 to a Planned Development located on 10.351 acres, having the legal description of Murphy Manors (CMR), Lot 2.

Interim Director of Economic and Community Development Kelly Carpenter presented to Council the intent of this rezoning is to develop 24 to 33 lots in sizes ranging from 8,401 square feet to over 12,524 square feet with an average lot size of 9,249 square feet. The surrounding uses include the following: North – residential (SF-20), South – residential (SF-20), East – residential (SF-20) and West – Murphy Road (State Highway 2551). The current Comprehensive Plan Future land use map designates this property as Neighborhood Services land use. This item was approved by a vote of 4 (in favor) to 3 (in opposition) at the September 26, 2016 Planning and Zoning Commission meeting. This item relates to Agenda Item 7.B. which was approved.

**PUBLIC HEARING OPENED at 7:29 pm**

**PUBLIC HEARING CLOSED at 7:29 pm**

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

**APPROVED**

Mayor Pro Tem Bradley moved to approve the application by Syed Hussain, President of First Crescent Enterprises, LLC, for owner Lisa Roberts, to request approval of Ordinance Number 16-10-1023 for a zoning change from SF9 to a Planned Development located on 10.351 acres, having the legal description of Murphy Manors (CMR), Lot 2 and to reduce the number of lots in Block B from 14 to 12. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6-0. Councilmember Berthiaume was absent.

- D. Consider and/or act upon the December 2016 City Council meeting.

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

**APPROVED**

Mayor Pro Tem Bradley moved to approve the adjustment of the City Council Meeting schedule for December 2016 limiting Council Meeting to one (1) date that will occur on the first Tuesday of the month. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6-0. Councilmember Berthiaume was absent.

- E. Consider and/or act upon filling a vacancy on the Ethics Review Commission.

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

**APPROVED**

Mayor Pro Tem Bradley moved to approve naming Barbara Harless to the Ethics Review Commission for the remainder of her original term to end December 31, 2017. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6-0. Councilmember Berthiaume was absent.

- F. Consider and/or act upon an interview panel regarding the consideration of candidates for service on the Animal Shelter Advisory Committee, Board of Adjustment, Building and Fire Code Appeals Board, Community Development Board, Ethics Review Commission, Murphy Municipal Development District Board, Park and Recreation Board, Planning and Zoning Commission.

Through consensus, Council agreed to have two interview committees. On the Capital Projects Advisory Committee and Ethics Review Commission, the interviewing panel will be Mayor Pro Tem Scott Bradley, Deputy Mayor Pro Tem Owais Siddiqui and Councilmember Jennifer Berthiaume. On the interviewing committee for all the other boards and commissions will be Councilmember Betty Spraggins, Councilmember Sarah Fincanon and Councilmember Don Reilly.

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

**NO ACTION**

- G. Discussion regarding the timeline for the Capital Projects Advisory Committee.

City Manager Mike Castro presented the Capital Projects Advisory Committee proposed timeline. November 15<sup>th</sup> will be the committee appointments. Committee members would begin meeting December 8, 2016 through May 4, 2017 and meet twice monthly. Final ballot language must be provided to the City Secretary no later than August 15, 2017. A 50% progress update from the committee to Council is scheduled to take place on March 21, 2017. Council requested that the

January Council Retreat be included into the proposed timeline and at that time provide guidelines, references and/or opinions that would be formally passed onto the Committee. First meeting in December to be joint meeting between Council and Capital Projects Advisory Committee to begin discussions on creating a strategy to build a five (5) year plan.

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

**NO ACTION**

- H. Consideration and/or act on a request for funding from the Municipal Development District for drainage and parking improvements at Murphy Village 3. This item may be discussed in executive session before action is taken.

Item will be moved to a future meeting.

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

**NO ACTION**

## 8. CITY MANAGER / STAFF REPORTS

- A. Radio Systems – The radios will be used in dispatch, so Chief Cotton updated Council regarding the air conditioner installation is almost complete, it should finish tomorrow. Finalization of the painting is to be completed and awaiting the arrival of furniture. Once the project is complete, Council requested a walkthrough of the project. Chief Cotten ensured that a walkthrough will be scheduled prior to a city council meeting.
- B. Sidewalk Rehabilitation Program – Contractor will complete work at the Aviary subdivision and will then move onto Maxwell Creek subdivision next week. Three (3) subdivisions should be completed expending FY16 budgeted funds. Six (6) subdivisions remain.
- C. South Maxwell Creek Sewer Line – Contractor continues to work on the south end, have approximately 2500 feet of linear pipeline remaining to install and is approximately 80% complete. City staff is working with the contractor to ensure that resident's properties are cleaned up.
- D. North Murphy Road – The light pedestal for the Rolling Ridge entrance has been installed, the light fixture is on order. The City has completed a signage plan internally and will be submitting formally to TxDOT for their approval.
- E. Betsy Lane – Contractor substantially completed the punch list. City staff met with contractor recently to discuss vegetation, but the outcome of the meeting isn't currently available so Council will be updated at the next meeting.
- F. Safe Routes to School – The lettering has been received, waiting for the contractor to install the lettering. The City of Murphy plaques may be delayed as the contractor has requested the designs for the City logo. Items remaining are side walk and monument cap work. There is a

Memorandum of Understanding between the City, TxDOT, the Surety Company and the contractor that discusses the close out of this project. The memorandum is still circulating awaiting agreement from the contractor to sign off, once complete the city can proceed forward with final payment. Again, the two items that remain will be the sidewalk and cap work to be finished out.

G. Regulatory Updates

- Texas Commission on Environmental Quality (TCEQ) – Agreed Order, the city’s assessment for failure to report MS4 data. The \$6,600 check was mailed on September 20, 2016. The City also mailed the response to the agreed order to Texas Commission on Environmental Quality (TCEQ). Awaiting Texas Commission on Environmental Quality (TCEQ) acceptance of the receipt of order and plan of action.
- Sanitary Sewer Overflow (SSO) – Texas Commission on Environmental Quality (TCEQ) received the City’s plan on August 10, 2016. The Regional office accepted the plan on September 15, 2016, forwarded onto Austin and awaiting approval from Texas Commission on Environmental Quality (TCEQ).
- Copper & Lead Monitoring – all violations has been resolved with no fines. The city will need to increase their reporting and will be reporting annually instead of every three (3) years. At a future time, the City can request from Texas Commission on Environmental Quality (TCEQ) to resume reporting every three (3) years. The future reports will all have to have positive results in order for them to change from annual to every three (3) years.

H. Upcoming events

- Fall Community Clean & Green Cleanup – October 8, 2016 from 9 am until Noon
- Fire – Open House – October 15, 2016 from 10 am until 2 pm
- Fall Drug Take Back – October 22, 2016 from 10 am until 2 pm
- Arbor Day – November 5, 2016 from 9 am until 11 am
- Christmas in the Park – December 1, 2016 5 pm until 8pm. (Council requested discussing relocating the Christmas tree to the pond area instead of the rear of the building).

Items for Staff to bring to future Council meetings:

- Recap of Maize Days - lessons learned, vendors, food trucks and bus service counts back to the parking lot. A need for a sidewalk that connects to Murphy Road.
- Research tiny libraries

**9. EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council **DID NOT** recess into Executive Session (closed meeting) to discuss the following:

- A. §551.087 Deliberation regarding economic development negotiations: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the government body and with which the governmental body is conducting

economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

**10. RECONVENE INTO REGULAR SESSION**

Because the City Council **DID NOT** convene into Executive Session, they did not reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

A. §551.087 Deliberation regarding economic development negotiations: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the government body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

B. Take Action on any Executive Session Items.

**11. ADJOURNMENT**

With no further business, the Council meeting adjourned at 7:58 pm.

APPROVED BY:



  
Scott Bradley, Mayor Pro Tem

ATTEST:

  
Susie Quinn, City Secretary