

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 1, 2015 AT 6:00 P.M.

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Barna led the invocation and led the Pledge of Allegiance to the United States flag.

3. ROLL CALL & CERTIFICATION OF A QUORUM

Susie Quinn, City Secretary, 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

Mark Williams, resident, and representative for the Exchange Club let Council know they will be flying the flags on September 11th, 2015 at Murphy Middle School. They will also be flying at Maize Days on September 26th, 2015 and all other patriotic holidays. Williams also invited all Councilmembers and the Mayor to the dedication of documents and open house at Murphy Middle School on September 8th, 2015.

Donna Jenkins, resident, and representative for the Historical Society explained to council they are getting closer to an historical marker for the Murphy Family Cemetery. This will be the 3rd historic cemetery in Murphy. The historic society also received an award for Rescuing Texas History 2015 in the amount of \$1310.45 which will allow preservation of several original Murphy photographs.

Ray Shahan, resident, is still requesting a full investigation on PD3-10-590 regarding the zoning/rezoning of the Ranch subdivision. Shahan explained to council the types of fencing allowed throughout the ranch subdivision and expanded on the information he distributed to Council.

5. PRESENTATIONS

A. Presentation of Proclamation for National Payroll Week.

Accounts Payable Payroll Specialist II Pat Skinner, and Assistant Finance Director Steven Ventura accepted the proclamation for national payroll week.

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 August 18, 2015 regular meeting minutes.

- B. Consider and/or act upon the approval of an Ordinance amending Section 9.100 of the Fee Schedule; water and sewer rates for the North Texas Municipal Water District pass through increase.

COUNCIL ACTION (6.A.and 6.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve the Consent Agenda as presented. Councilmember Fincanon 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 application of property owner McBirney 544 Joint Venture requesting approval of a site plan, landscape plan, building elevations and construction plat for a Denny's restaurant and retail space on property located on the southeast corner of Brand Road and FM 544 at the Murphy Village Addition.

Director of Economic & Community Development, Kristen Roberts presented a concept for Denny's restaurant with a small retail division of approximately 2,200 square feet. There was discussion on council regarding the landscape plan and light poles. It was confirmed by Roberts that the light poles would go along with the current development standards. Council also confirmed the retail portion of this building will only be one tenant, not to be subdivided.

COUNCIL ACTION (7.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the application of property owner McBirney 544 Joint Venture requesting approval of a site plan, landscape plan, building elevations and construction plat for a Denny's restaurant and retail space on property located on the southeast corner of Brand Road and FM 544 at the Murphy Village Addition. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Hold a public hearing to discuss the application of Domain Horizon Limited requesting a variance specifically to exterior construction standards and landscaping standards and consider and/or act on the application of Domain Horizon Limited requesting approval of a site plan, landscape plan, and building elevations for a Best Gymnasium at the NWC of FM 544 and McCreary Road.

Director of Economic & Community Development Kristen Roberts explained Best Gyms meets all requirements and it will be located at the McCreary and 544 intersection behind the existing 7/11. Roberts explained there are a few variances being requested. 1. The landscape, the

landscape buffer is normally 15 feet and they are requesting a 5 foot buffer. Staff is recommending strongly they allow this. Council discussed landscaping density in regards to safety around the railroad tracks nearby. The second variance request is the Landscape coverage. Currently the requirement based on code is 16.45% they are proposing 15.52% due to parking changes because of the potential for cut through traffic. The third variance requested is in regards to the masonry on the exterior of the building 80% they are requesting for the south elevation to have 52% and the east elevation of 59% masonry. The council discussed who owns the property behind Elevate Church and concerns regarding traffic. Roberts explained different things to be done to help control traffic for the Best Gym and 7/11. Roberts explained Planning and Zoning approved the three variance requests unanimously.

The applicant, Legacy Architecture addressed Council's questions regarding landscape, explained they are willing to work with P&Z, Staff and Council on their wishes for the landscape such as a hedge, ornamental trees, and dense shrubbery. Council asked for clarification on the siding. The applicant explained it is an insulated metal panel with stucco finish. Signage requirements were mentioned but the applicant explained they were not to that stage in submitting yet.

COUNCIL ACTION (7.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve the application of Domain Horizon Limited requesting a variance specifically to exterior construction standards and landscaping standards and consider and/or act on the application of Domain Horizon Limited requesting approval of a site plan, landscape plan, and building elevations for a Best Gymnasium at the NWC of FM 544 and McCreary Road and to include barrier landscaping between the building and the railroad tracks along the north border. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- C. Hold a public hearing and consider and/or act on an ordinance amending the zoning classification on approximately 6.51 acres on property located at the southwest corner of Betsy Road and McCreary Road from SF-PH (Single Family Residential Patio Home) to a Planned Development District: Single Family Residential – Patio Home and Townhome with a concept plan.

The public hearing was held but the item is to be moved to Tuesday, September 15, 2015 for action by the Council at the request of the applicant.

Public Hearing opened at 6:38PM

Don Jackson, resident, asked Council to respect the resident's minimum lot size of 9000 square feet. That has been changed to 5000 square feet. Jackson wanted to be clear on his wishes to have the minimum lot sizes, setbacks, garage locations, and parking requirements to all be kept.

Larry Truesdale, resident, clarified he is a board member of the Ranch HOA but his comments do not reflect the views and opinions of the Ranch HOA, he is commenting as a resident only. Truesdale wanted to let Council know he is supportive of this and has been working with the developer of concerns he has and other neighbors have.

Cindy Persinger, resident, explained her concerns regarding the fencing. She suggested using a solid brick fence would be the best for continuity in the area. She also expressed her wishes to keep them as patio homes as to not encourage rentals.

Public Hearing closed at 6:50PM

Public Hearing reopened at 6:50PM

Charles Hall, resident, addressed the Council regarding the potential for the homes to be too small in square footage according and wishes to make the homes larger for better appearance.

Public Hearing closed at 6:52PM

Council wanted clarification as to the reason for the delay. The developer clarified the reason as having to do with the land owner and sale of the property which is not completed.

COUNCIL ACTION (7.C.):

NO ACTION

- D. Hold a public hearing on the proposed 2015 Tax Rate of \$0.5300 per \$100 valuation.

City Manager James Fisher explained this is the second public hearing on the proposed tax rate. Fisher gave a brief description of the tax rate history, property values, and a breakdown on what the tax revenue will be used for.

This tax rate will raise more taxes for maintenance and operations than last year's tax rate.

The tax rate will effectively be raised by 6.50 percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$-3.05.

Public Hearing open at: 6:58PM

Public Hearing closed at: 6:58PM

The vote on the proposed tax rate will take place on Tuesday, September 15, 2015 at 6:00 PM in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas.

- E. Hold a public hearing on the proposed FY 2015-2016 Budget.

City Manager James Fisher gave a background on how the FY16 budget was directed by the guiding principles and how the different revenues will be used to fund the city. Fisher explained the General and Utility fund expenditures, and the monies being transferred from the reserve funds. Fisher broke down the items being funded by the MCDC and MMDD which include items like mowing and events.

Public Hearing open at: 7:06PM

Charles Hall, resident, expressed his concern for the water rates. He explained that his water bill is costing as much as other bills and is requesting council to look into the current water contract.

Council explained the city has been absorbing the rate increases but cannot afford to do so anymore.

Public hearing closed at 7:21PM

The vote on the proposed fiscal year 2015-2016 budget will take place on Tuesday, September 15, 2015 at 6:00 PM in the City Council Chambers at Murphy City Hall, 206 North Murphy Road, Murphy, Texas.

This budget will raise more total property taxes than last year's budget by \$539,926, or 5.46%, and of that amount \$200,093 is tax revenue to be raised from new property added to the roll this year.

- F. Consider, discuss and/or act on an update to the Southeast Study Project.

Director of Economic & Community Development Kristen Roberts, explained no action would take place for residents in the affected area right away but if there is a good deal of development in the future there would be a plan for this area. Roberts explained how staff has been communicating with the stakeholders, through meetings, flyers etc. on getting their feedback and wishes for this area.

Freese and Nichols explained to Council and members of the community the three different potential plans for this area. Concept Plan A includes commercial/retail along FM 544 and McCreary, low density/flex residential, and some medium density residential. Council asked for clarification regarding what low and medium density residential means. Freese and Nichols explained it would be a potential mixture of patio homes and townhomes, and low density residential would be larger acre lot homes. Connectivity was discussed on Ridgeview, Moonlight and McCreary.

Concept Plan B includes low density/flex residential, commercial/retail, and walkable type center, a Roundabout to connect to McCreary to S. Maxwell Creek, and preserving Maxwell Creek. Concept Plan C was created as if it was a blank slate_connecting S. Maxwell Creek to McCreary without a roundabout but a winding type road. Council expressed their concerns on connecting Ridge View to Maxwell Creek, which would have the potential to make Ridge View a highly traveled road.

Council discussed connectivity, residential density, the potential for streets to become cut through, and differences between the different concept plans. City Manager James Fisher also explained that Cherokee Drive is not a public street but it is a privately owned street.

Roberts explained they would take all the comments, notes and concerns and try to come up with one concept plan to come before council later in September.

Public Comments:

Christine Johnson, resident, expressed her concern on the deadline. She would like council to consider extending it. She also expressed her desire for a few more stakeholder meetings, and the consideration of council to think about the cost of updating the infrastructure.

Rose Perry on behalf of residents, Nemesio and Luz Rodriguez, requested clarification on what flex residential means. Council clarified there will not be commercial/retail in the low density/flex residential areas.

Julianne Delozier, resident, would like the consideration of being included in the southern part of the plan in the low density residential area. She also expressed her desire to not extend the moratorium due to needing to house her horses.

Daniel Lucas, resident, wanted to make clear that Cherokee is a private road which is repaired/maintained by the owners. He explained their wishes to keep their area of Murphy as it is as they have just finished building their home.

Ryan Betz, resident, expressed his desire to be involved in the plans and likes the general direction of the plans.

Mike Prez, resident, expressed his concerns on cut troughs and suggested connecting S. Maxwell Creek. And would like the council to consider the traffic not only in Murphy but surrounding areas on the impact this would have.

Mark Hanson, resident, expressed not wanting Ridge View or Kinney as a cut through. He also would like council to consider extending this study until the residents who will be impacted by not only the study but the traffic as well.

Tucker Jeff, resident, would like clarification on the homeowner's options. He would like council to consider extra time to make the best decisions for the area, traffic and otherwise.

Don Kiertscher, resident, would like to remind council and staff to look at the big picture of Murphy and the surrounding areas and how this study will affect the city as a whole, and cautioned against traffic calming measures because it does the opposite in his opinion.

Keith Huyck, resident, would like to see the northern properties along the west of Maxwell Creek left as they currently stand, and develop along FM 544 and McCreary.

Ray Cross, resident, expressed his wishes to not change the zoning and leave as SF20 with an exception east of Maxwell Creek.

Pete Ganis, resident, has been approached by developers already, and would like to know how the road will connect and how the traffic will affect things such as public safety vehicles.

Diane Waller, resident, would like to provide more input before a concrete plan is made and to take another look at the north area to not put too many houses there.

Council clarified the intention of this project is to have a plan if/when there is future interest in developing it.

COUNCIL ACTION (7.F.):

NO ACTION

- G. Discussion regarding the appointment process for service to 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, and Community Improvement Capital Advisory Committee.

City Manager, James Fisher asked for direction of council on the process of appointing the Community Improvement Capital Advisory Committee. Council confirmed the current timeline and current process of appointing will continue.

8. CITY MANAGER/STAFF REPORTS

- A. Timbers Nature Preserve

City Manager Fisher gave update on construction being complete. To date it is approximately 85% complete. We are hoping to get it finished by the end of September, early October.

- B. Betsy Lane Road Widening Project

City Manager Fisher said this project is ahead of schedule.

- C. South Maxwell Creek Parallel Trunk Sewer Line

This project is on time and moving forward.

- D. North Murphy Road

City Manager Fisher explained they are hoping to have all of the Safe Routes To School items complete by October.

- E. "Drug Take Back" day in Murphy

City Manager Fisher updated council regarding the event, which is to be held Saturday, September 19th.

9. EXECUTIVE SESSION

The City Council convened into closed Executive Session at 8:52 pm, 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 City Manager's appointment of the Police Chief.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into open session at 9:17 pm with the Mayors announcement that no action was taken in Executive Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.074 Deliberation regarding the City Manager’s appointment of the Police Chief.
- B. Take Action on any Executive Session Items.

COUNCIL ACTION (10.A.)

NO ACTION

11. ADJOURNMENT

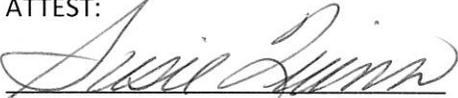
With no further business, the meeting was adjourned at 9:18 pm.

APPROVED BY:



Eric Barna, Mayor

ATTEST:



Susie Quinn, City Secretary

