

CITY COUNCIL MINUTES
DECEMBER 11, 2012 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

Mayor Pro Tem Daugherty called the meeting to order at 6:02 p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Daugherty gave the invocation and led the recitation of the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

Kristi Gilbert certified a quorum with the following Councilmembers present:

Mayor Pro Tem John Daugherty
Deputy Mayor Pro Tem Colleen Halbert
Councilmember Dennis Richmond
Councilmember Scott Bradley
Councilmember Bernard Grant
Councilmember Dave Brandon

Councilmembers absent:

Mayor Brett Baldwin

4. PUBLIC COMMENTS

No individuals were signed in to speak on non-agenda items.

5. PRESENTATION ITEMS

Mayor Pro Tem Daugherty presented a Monthly Media Award to the Murphy Messenger, represented by Marcia Jowers; a Civic Award to the Windy Hills Homeowners Association, represented by Kim Zech; and, a Litter Law Enforcement Award to Officer Joe Wetzel all for their consistent support of the City of Murphy's efforts to maintain an active, productive and widespread program of the Keep Murphy Beautiful campaign.

Marv Williams with the Exchange Club presented the Murphy Fire Department with a check in the amount of \$500 to assist in purchasing backpacks to be stored on vehicular equipment that will contain emergency supplies. Fire Chief Mark Lee stated that the donation allowed the Fire Department to purchase three backpacks.

The Murphy Chamber of Commerce, represented by TJ Ahmad invited the Council to attend the chamber banquet to be held on January 18, 2013 and encouraged Council to attend the Chamber's monthly meetings.

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 approval of the November 27, 2012 meeting minutes.

- B. Consider and/or act upon awarding bid to the low bidder, Barbosa A. Construction, Inc. for constructing the sanitary sewer line extension for Kinney Road Addition.

COUNCIL ACTION:

APPROVED

Councilmember Grant moved to approve the consent agenda as presented. Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

EXECUTIVE SESSION

At 6:16 p.m. the Mayor Pro Tem convened the City Council into closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:

- a) Susan Kinder-Alessio v. City of Murphy, et. al., Civil Action No. 4:12-CV-000493-RC-ALM
- b) Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.
- c) Nathan Burgess Complaint

§551.072 Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.

§551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City of Murphy Planning and Zoning Commissioners, Board of Adjustment Board Members, Murphy Municipal Development District Members, the Murphy Community Development Members, the Ethics Review Commission Members and the Building and Fire Code Board of Appeals Members.

§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 governmental body and with which the governmental body is conducting economic development regulations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

RECONVENE INTO REGULAR SESSION

The Mayor Pro Tem reconvened the City Council into open session at 7:10 p.m., pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:

- a) Susan Kinder-Alessio v. City of Murphy, et. al., Civil Action No. 4:12-CV-000493-RC-ALM
- b) Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.
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See Item 7.A. for action taken as a result of the executive session.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act upon the recommendations from the Council Interview Panel regarding appointing board members to the Planning and Zoning Commission, Board of Adjustments, Murphy Municipal Development District, Murphy Community Development Corporation (4B), the Animal Shelter Advisory Committee, the Ethics Review Commission, the Parks and Recreation Board and the Building and Fire Code Board of Appeals.

The Council held discussions regarding appointments to the various boards and commissions.

COUNCIL ACTION (7A):

APPROVED

Councilmember Brandon moved to make the following appointments to the Murphy Community Development Corporation (4B):

- Greg (Stephen) Janiga for a one year term expiring the end of 2013
- Joan Tepfer for a two year term expiring the end of 2014
- James Tuskan for a two year term expiring the end of 2014
- Marty Brenner for a two year term expiring the end of 2014
- Shawn Balusek for a two year term expiring the end of 2014.

Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

Councilmember Brandon moved to make the following appointments to the Murphy Municipal Development District:

- Betty Spraggins for a one year term expiring the end of 2013
- Joseph Mani for a one year term expiring the end of 2013
- Alan Dermarker for a one year term expiring the end of 2013
- Owais Siddiqui for a two year term expiring the end of 2014
- Jamie Nicholson for a two year term expiring the end of 2014.

Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

Councilmember Brandon moved to make the following appointments to the Planning and Zoning Commission:

- Eric Hemphill for a two year term expiring the end of 2014
- Matthew Thekkil for a two year term expiring the end of 2014
- Ty Holcomb for a two year term expiring the end of 2014
- Jon King for a two year term expiring the end of 2014
- Jennifer Berthiaume for a two year term expiring the end of 2014

Greg Mersch as an alternate commissioner for a one year term expiring the end of 2013
Donald Rhea as an alternate commissioner for a one year term expiring the end of 2013
Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. *(Note: See January 2, 2013 Minutes for revisions to appointments)*

Councilmember Brandon moved to make the following appointments to the Ethics Review Commission:

- Howard Swanfeldt for a one year term expiring the end of 2013
- Andrew Chase for a two year term expiring the end of 2014
- Thomas McDade for a two year term expiring the end of 2014
- Maggie Whitt for a two year term expiring the end of 2014

Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

Councilmember Brandon moved to make the following appointments to the Building and Fire Code Appeals Board:

- Donald Decker for a two year term expiring the end of 2014
- Scott Marin for a two year term expiring the end of 2014

Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

Councilmember Brandon moved to make the following appointments to the Board of Adjustments:

- Sharon Kindall for a one year term expiring the end of 2013
- Scott Holden for a two year term expiring the end of 2014
- Christine Johnson for a two year term expiring the end of 2014
- Mahendra Parikh for a two year term expiring the end of 2014
- Ryan Sullentrup for a two year term expiring the end of 2014
- Thad Ayers for a two year term expiring the end of 2014
- Beverly Gaither as an alternate board member for a two year term expiring the end of 2014
- Robert Thomas as an alternate board member for a two year term expiring the end of 2014
- Clint Pingleton as an alternate board member for a two year term expiring the end of 2014

Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. *(Note: See January 2, 2013 Minutes for revisions to appointments)*

Councilmember Brandon moved to make the following appointments to the Parks and Recreation Board:

- Angelia Pinaga for a two year term expiring the end of 2014
- Julia Baldwin for a two year term expiring the end of 2014
- Sherry Pace for a two year term expiring the end of 2014
- Mark Reed for a two year term expiring the end of 2014

Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

Councilmember Brandon moved to make the following appointments to the Animal Shelter Advisory Committee:

- Buddy Russell for a two year term expiring the end of 2014
- Lorraine Chalkley for a two year term expiring the end of 2014

Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

Councilmember Brandon moved to appoint Stephanie Pennington as the Chairperson for the Animal Shelter Advisory Committee. Councilmember Brandon seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

Council held discussions regarding the role of a municipal official on the Animal Shelter Advisory Committee.

Councilmember Bradley moved to appoint Dave Brandon to the Animal Shelter Advisory Committee for a two year term expiring the end of 2014. Deputy Mayor Pro Tem Halbert seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

- B. Hold a public hearing and consider and/or act on the proposed amendments to the Comprehensive Zoning Ordinance text.

Kristen Roberts expressed her appreciation of the Planning and Zoning Commission for their hard work in addressing the zoning changes. Ms. Roberts stated that staff identified inconsistencies between the zoning map and the zoning text in the spring of 2012. As a result, staff identified three additional zoning districts that needed to be included in the text of the zoning ordinance. These included the Public/Semi-Public (P/SP), Parks/Open Space (PK) and Private Recreation (PPK) zoning districts.

Mayor Pro Tem Daugherty opened the public hearing at 7:28 p.m. No citizens signed in to speak in favor of, or in opposition to the proposed zoning text change. Mayor Pro Tem Daugherty closed the public hearing at 7:28 p.m.

COUNCIL ACTION (7B):

APPROVED

Councilmember Brandon moved to approve the proposed zoning text changes. Deputy Mayor Pro Tem Halbert seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0. (*Assigned Ordinance No. 12-12-929*)

- C. Hold a public hearing and consider and/or act on the proposed clarifications to the Zoning Map, as shown on the proposed Zoning Map #2 ("Zoning Map #2") for adoption. Specifically:
- 1) Amending the Zoning Map legend/labels as outlined within this item.
 - 2) Amending various Planned Development ordinance numbers so that these are accurately shown on the Zoning Map.
 - 3) Amending the colors on the Zoning Map to clarify current zoning in various areas of the City.

Ms. Roberts stated that all three sub-items should be approved with a single motion. Ms. Roberts stated that in adopting the zoning ordinance and the zoning map in 2004, it was discovered that districts on the map did not accurately reflect the ordinance. Ms. Roberts stated that, by adopting zoning map #2, it will not change any zoning districts, but allow the map to accurately reflect the actual zoning.

Mayor Pro Tem Daugherty opened the public hearing at 7:32 p.m. No citizens signed in to speak in favor of, or in opposition to the proposed clarifications. Mayor Pro Tem Daugherty closed the public hearing at 7:32 p.m.

COUNCIL ACTION (7C):

APPROVED

Deputy Mayor Pro Tem Halbert moved to approve the proposed clarification to the zoning map as shown on Zoning Map #2 for adoption, specifically amending the zoning map legend and labels as outlined within the item, amending various planned development ordinance numbers so they are accurately shown on Zoning Map #2 and amending colors on the zoning map to clarify current zoning in various areas. Councilmember Richmond seconded the motion.

For: Unanimous. The motion carried by a vote of 6 to 0. *(Assigned Ordinance No. 12-12-930)*

- D. Hold a Public Hearing and consider and/or act on the zoning category change of **415 Oriole Drive, Hunt Elementary**, from Single-Family Residential Planned Development SF-9/SF-11/SF-20 to Public/Semi-Public (P/SP).

Ms. Roberts stated that the next several items are zoning changes proposed to accurately reflect the current use of the property at the present time.

Mayor Pro Tem Daugherty opened the public hearing at 7:34 p.m. No citizens signed in to speak in favor of, or in opposition to the proposed zoning category change. Mayor Pro Tem Daugherty closed the public hearing at 7:34 p.m.

COUNCIL ACTION (7D):

APPROVED

Councilmember Bradley moved to approve the zoning category change of **415 Oriole Drive, Hunt Elementary**, from Single-Family Residential Planned Development SF-9/SF-11/SF-20 to Public/Semi-Public (P/SP). Deputy Mayor Pro Tem Halbert seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. *(Assigned Ordinance No. 12-12-931)*

Mayor Pro Tem Daugherty declared that he had a conflict of interest with regard to Item 7.F. as he lived within 200' of the subject property. A Conflict of Interest statement was filed with the City Secretary and is attached as Attachment "A". Mayor Pro Tem Daugherty left his seat on the dias and removed himself from the room. Deputy Mayor Pro Tem Halbert took control of the meeting.

- E. Hold a Public Hearing and consider and/or act on the zoning category change of **621 Waters Edge Way, Tibbals Elementary** – from Single-Family Planned Development SF-9/SF-11/SF-20 to Public/Semi-Public (P/SP).

Deputy Mayor Pro Tem Halbert opened the public hearing at 7:36 p.m. No citizens signed in to speak in favor of, or in opposition to the proposed zoning category change. Mayor Pro Tem Daugherty closed the public hearing at 7:36 p.m.

COUNCIL ACTION (7E):

APPROVED

Councilmember Bradley moved to approve the zoning category change of **621 Waters Edge Way, Tibbals Elementary** – from Single-Family Planned Development SF-9/SF-11/SF-20 to Public/Semi-Public (P/SP). Councilmember Brandon seconded the motion. For: Halbert,

Richmond, Bradley, Grant and Brandon. Against: None. Abstained due to conflict of interest: Daugherty. The motion carried by a vote of 5-0-1. (*Assigned Ordinance No. 12-12-932*)

Mayor Pro Tem Daugherty resumed his seat on the dias and took control of the meeting.

- F. Hold a Public Hearing and consider and/or act on the zoning category change of the **1302 Rodeo Drive properties** to include: a) **North Hill Park** from Single-Family Residential Planned Development SF-9/SF-11 to Parks/Open Space (PK); b) **Murphy City Water Tower** from Single-Family Residential Planned Development SF-9/SF-11 to Public/Semi-Public (P/SP); and c) **North Hill Amenity Center and pool** from Single-Family Residential Planned Development SF-9/SF-11 to Private Recreation (PPK).

Mayor Pro Tem Daugherty opened the public hearing at 7:39 p.m. No citizens signed in to speak in favor of, or in opposition to the proposed zoning category change. Mayor Pro Tem Daugherty closed the public hearing at 7:39 p.m.

COUNCIL ACTION (7F):

APPROVED

Councilmember Bradley moved to approve the zoning category change of the **1302 Rodeo Drive properties** to include: a) **North Hill Park** from Single-Family Residential Planned Development SF-9/SF-11 to Parks/Open Space (PK); b) **Murphy City Water Tower** from Single-Family Residential Planned Development SF-9/SF-11 to Public/Semi-Public (P/SP); and c) **North Hill Amenity Center and pool** from Single-Family Residential Planned Development SF-9/SF-11 to Private Recreation (PPK). Deputy Mayor Pro Tem Halbert seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. (*Assigned Ordinance No. 12-12-933*)

- G. Hold a Public Hearing and consider and/or act on the zoning category change of **121 Heritage Parkway (Oakbrook School)** from Public/Semi Public (P/SP) to Neighborhood Service (NS).

Ms. Roberts stated that the property owner had no opposition to the proposed change.

Mayor Pro Tem Daugherty opened the public hearing at 7:41 p.m. No citizens signed in to speak in favor of, or in opposition to the proposed zoning category change. Mayor Pro Tem Daugherty closed the public hearing at 7:41 p.m.

COUNCIL ACTION (7G):

APPROVED

Councilmember Bradley moved to approve the zoning category change of **121 Heritage Parkway (Oakbrook School)** from Public/Semi Public (P/SP) to Neighborhood Service (NS). Deputy Mayor Pro Tem Halbert seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. (*Assigned Ordinance No. 12-12-934*)

Councilmember Richmond declared that he had a conflict of interest with regard to Item 7.H. as he lived within 200' of the subject property. A Conflict of Interest statement was filed with the City Secretary and is attached as Attachment "B". Councilmember Richmond left his seat on the dias and removed himself from the room.

- H. Hold a Public Hearing and consider and/or act on the zoning category change of **725 FM 544** from Single Family Residential 15 (SF-15) to Public/Semi Public (P/SP).

Ms. Roberts stated the subject property was a city owned lift station.

Mayor Pro Tem Daugherty opened the public hearing at 7:42 p.m. No citizens signed in to speak in favor of, or in opposition to the proposed zoning category change. Mayor Pro Tem Daugherty closed the public hearing at 7:42 p.m.

COUNCIL ACTION (7H):

APPROVED

Councilmember Bradley moved to approve the zoning category change of **725 FM 544** from Single Family Residential 15 (SF-15) to Public/Semi Public (P/SP). Deputy Mayor Pro Tem Halbert seconded the motion. For: Daugherty, Halbert, Bradley, Grant and Brandon. Against: None. Abstained due to conflict of interest: Richmond. The motion carried by a vote of 5-0-1. *(Assigned Ordinance No 12-12-935)*

Councilmember Richmond returned to his seat on the dias.

- I. Hold a Public Hearing and consider and/or act on the zoning category change of City of Murphy public maintenance yard along the railroad south of municipal complex and adjacent to Murphy Road (**Murphy Municipal Center (CMR), BLK A, Lot 3, 3.982 Acres**) from Town Center (TC) to Public/Semi Public (P/SP).

Mayor Pro Tem Daugherty opened the public hearing at 7:46 p.m. No citizens signed in to speak in favor of, or in opposition to the proposed zoning category change. Mayor Pro Tem Daugherty closed the public hearing at 7:46 p.m.

COUNCIL ACTION (7I):

APPROVED

Councilmember Bradley moved to approve the zoning category change of City of Murphy public maintenance yard along the railroad south of municipal complex and adjacent to Murphy Road (**Murphy Municipal Center (CMR), BLK A, Lot 3, 3.982 Acres**) from Town Center (TC) to Public/Semi Public (P/SP). Deputy Mayor Pro Tem Halbert seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. *(Assigned Ordinance No. 12-12-936)*

- J. Hold a Public Hearing and consider and/or act on the zoning category change of **Kinney Drive, ABS A0579 Henry Maxwell Survey, Tract 24, 16.249 acres** from Parks/Open Space (PK) to Public/Semi Public (P/SP).

Ms. Roberts stated that the subject property is currently zoning Parks/Open Space (PK) and staff initially recommended a zoning change to Public/Semi Public (P/SP) as it is city owned property. Ms. Roberts stated that extensive research did not turn up any documentation that would indicate that the property was ever dedicated as a park. Ms. Roberts stated that the Planning and Zoning Commission denied staff's original request to rezone the property as Public/Semi Public (P/SP). Ms. Roberts stated that staff is now recommending the property remain zoned as Parks/Open Space (PK).

Councilmember Bradley stated that the Council has no intention of making the property a park and believes that keeping it zoned as a park is a misnomer. Mayor Pro Tem Daugherty stated that, since the Planning and Zoning Commission denied the zoning change, a super-majority vote of Council would be required to overturn their denial.

Mayor Pro Tem Daugherty opened the public hearing at 7:54 p.m.

The following citizens spoke regarding the proposed zoning category change:

Kris Mraz, 470 Kinney Drive – Mr. Mraz stated that the Park, Recreation and Open Space Master Plan dated October 2008, mentions Kinney Park several times. Mr. Mraz requested that the Council accept the recommendation of the Planning and Zoning Commission to keep it zoned as a park.

Jennifer Berthiaume, 416 Woodcrest Cir – Ms. Berthiaume stated that the open space definition fits the property as it exists now. She stated that she did not want to see parking on it and encouraged the Council to listen to the Planning and Zoning Commissions recommendation.

Mayor Pro Tem Daugherty closed the public hearing at 8:03 p.m.

Mayor Pro Tem Daugherty stated that the property on Kinney Drive was originally designed as a potential regional park; however, the City has since acquired the land for Murphy Central Park along North Murphy Road.

COUNCIL ACTION (7J):

RETAIN ZONING

Councilmember Bradley moved to approve the zoning category change of **Kinney Drive, ABS A0579 Henry Maxwell Survey, Tract 24, 16.249 acres** from Parks/Open Space (PK) to Public/Semi Public (P/SP). Councilmember Richmond seconded the motion. For: Brandley and Daugherty. Against: Halbert, Richmond, Grant and Brandon. The motion failed 2-4.

Deputy Mayor Pro Tem Halbert moved to confirm the Planning and Zoning Commission's recommendation to keep **Kinney Drive, ABS A0579 Henry Maxwell Survey, Tract 24, 16.249 acres** as Parks/Open Space (PK) as noted on Zoning Map #2, Councilmember Richmond seconded the motion.

Councilmember Bradley amended to motion to provide that the property not be dedicated as park land. Councilmember Richmond seconded the amendment. For the approval of the amendment: Unanimous. Against: None. The amendment carried by a vote of 6 to 0.

Consideration of the main motion to confirm the Planning and Zoning's recommendation. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. *(No ordinance number necessary.)*

- K. Hold a Public Hearing and consider and/or act on the zoning category change of **Murphy Central Park properties** to include: a) **Murphy Central Park** from Public/Semi Public (P/SP) to Parks/Open Space (PK); b) **Murphy Central Park** from Single-Family Residential 15 (SF-15) to Parks/Open Space (PK); and c) **Murphy Central Park** from Single-Family Estate (SF-E) to Parks/Open Space (PK).

Mayor Pro Tem Daugherty opened the public hearing at 8:14 p.m.

The following citizens spoke regarding the proposed zoning category change:

Keith Patton, 451 Poindexter Ln – Mr. Patton stated that it looked bad that the City allowed a project to be built on property without the proper zoning in place first.

Mayor Pro Tem Daugherty closed the public hearing at 8:15 p.m.

COUNCIL ACTION (7K):

APPROVED

Councilmember Bradley moved to approve the zoning category change of **Murphy Central Park properties** to include: a) **Murphy Central Park** from Public/Semi Public (P/SP) to Parks/Open Space (PK); b) **Murphy Central Park** from Single-Family Residential 15 (SF-15) to Parks/Open Space (PK); and c) **Murphy Central Park** from Single-Family Estate (SF-E) to Parks/Open Space (PK). Deputy Mayor Pro Tem Halbert seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. (*Assigned Ordinance No. 12-12-937*)

- L. Hold a Public Hearing and consider and/or act on the zoning category change of a) **Murphy Community Center, 205 N. Murphy Road** from Town Center (TC) to Parks/Open Space (PK); b) **Murphy Activity Center, 201 N. Murphy Road** from Town Center (TC) to Parks/Open Space (PK).

Ms. Roberts stated that the item includes the current location of the animal shelter. Ms. Roberts stated that, if the animal shelter remains on the property, staff will request a zoning change to Public/Semi Public (P/SP).

The Council held discussion regarding the appropriate zoning for the existing and proposed animal shelter.

Mayor Pro Tem Daugherty opened the public hearing at 8:21 p.m. No citizens signed in to speak in favor of, or in opposition to the proposed zoning text change. Mayor Pro Tem Daugherty closed the public hearing at 8:21 p.m.

COUNCIL ACTION (7L):

DELAY ACTION

Deputy Mayor Pro Tem Halbert moved to take action on Item 7.L. when a building footprint has been established for the animal control facility. Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. (*No ordinance number assigned.*)

- M. Hold a Public Hearing and consider and/or act on the zoning category change of **Timbers Nature Preserve Park, 324 Pine Top Drive** from Single Family Residential - 20 (SF-20) to Parks/Open Space (PK).

Mayor Pro Tem Daugherty opened the public hearing at 8:22 p.m. No citizens signed in to speak in favor of, or in opposition to the proposed zoning category change. Mayor Pro Tem Daugherty closed the public hearing at 8:23 p.m.

COUNCIL ACTION (7M):

APPROVED

Councilmember Bradley moved to approve the zoning category change of **Timbers Nature Preserve Park, 324 Pine Top Drive** from Single Family Residential - 20 (SF-20) to Parks/Open Space (PK). Councilmember Richmond seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. (*Assigned Ordinance No. 12-12-938*)

- N. Hold a Public Hearing and consider and/or act on the zoning category change of a) **Willow Wood Ranch Estates #1, Lot 1 and 2** from Single Family Estate (SF-E) to Public/Semi Public (P/SP); b) **A0582 JAS W Maxwell Survey, Tracts 43 and 60** from Single Family Estate (SF-E) to Parks/Open Space (PK).

Mayor Pro Tem Daugherty opened the public hearing at 8:25 p.m.

The following citizens spoke regarding the proposed zoning category change:

Keith Patton, 451 Poindexter Ln – Mr. Patton stated there was extensive discussion at the Planning and Zoning meeting regarding the property. Mr. Patton stated that the property should be straightened out and the Council should determine what the best use of the leftover property is.

Mayor Pro Tem Daugherty closed the public hearing at 8:23 p.m.

COUNCIL ACTION (7N):

APPROVED

Councilmember Bradley moved to approve the zoning category change of a) **Willow Wood Ranch Estates #1, Lot 1 and 2** from Single Family Estate (SF-E) to Public/Semi Public (P/SP); b) **A0582 JAS W Maxwell Survey, Tracts 43 and 60** from Single Family Estate (SF-E) to Parks/Open Space (PK). Councilmember Richmond seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. (*Assigned Ordinance No. 12-12-939*)

- O. Hold a Public Hearing and consider and/or act on the zoning category change of **ABS A0588 C A McMillan Survey, Tract 57** from Private Recreation (PPK) to Parks/Open Space (PK).

Mayor Pro Tem Daugherty opened the public hearing at 8:34 p.m. No citizens signed in to speak in favor of, or in opposition to the proposed zoning category change. Mayor Pro Tem Daugherty closed the public hearing at 8:34 p.m.

COUNCIL ACTION (7O):

APPROVED

Councilmember Bradley moved to approve the zoning category change of **ABS A0588 C A McMillan Survey, Tract 57** from Private Recreation (PPK) to Parks/Open Space (PK). Councilmember Grant seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. (*Assigned Ordinance No. 12-12-940*)

- P. Hold a Public Hearing and consider and/or act on the zoning category change of the following properties from Office (O) to Single-Family Residential-9 (SF-9):

- 1) 213 N. Murphy Road; 2) 215 N. Murphy Road; 3) 217 N. Murphy Road;
- 4) 223 N. Murphy Road; 5) 225 N. Murphy Road; 6) 227 N. Murphy Road;
- 7) 231 N. Murphy Road; 8) 233 N. Murphy Road; 9) 235 N. Murphy Road;
- 10) 237 N. Murphy Road; 11) 239 N. Murphy Road; 12) 241 N. Murphy Road;
- 13) 243 N. Murphy Road; and 14) 501 N. Murphy Road.

Ms. Roberts stated that staff is recommending 213, 215 and 217 N. Murphy Road remain zoned as Office (O) and the remaining properties be rezoned to Single-Family Residential-9 (SF-9).

Mayor Pro Tem Daugherty opened the public hearing at 8:38 p.m.

The following citizens spoke regarding the proposed zoning category change:

Steve Chaddick, 2019 Northwood Terrace, Denton – Mr. Chaddick stated that the properties had been owned by his family partnership since the mid-1980's and had initially purchased the property as investment property. Mr. Chaddick stated that he would like the zoning to remain office.

Mayor Pro Tem Daugherty closed the public hearing at 8:40 p.m.

COUNCIL ACTION (7P):

APPROVE & CONFIRM

Deputy Mayor Pro Tem Halbert moved to approve the zoning category change of **223 N. Murphy Road; 225 N. Murphy Road; 227 N. Murphy Road; 231 N. Murphy Road; 233 N. Murphy Road; 235 N. Murphy Road; 237 N. Murphy Road; 239 N. Murphy Road; 241 N. Murphy Road; 243 N. Murphy Road; and 501 N. Murphy Road** from Office (O) to Single-Family Residential-9 (SF-9) and to confirm the zoning of **213 N. Murphy Road; 215 N. Murphy Road and 217 N. Murphy Road** as Office (O). Councilmember Bradley seconded the motion.

Discussion was held regarding the omission of 229 N. Murphy Road from the public hearing. The property will be considered at a future meeting. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. *(Assigned as Ordinance No. 12-12-941)*

- Q. Hold a public hearing and consider and/or act on the adoption of the Official City of Murphy Zoning Map 2012, as shown as proposed official Zoning Map #3.

Ms. Roberts stated that the item was to consider the adoption of Zoning Map #3 with modifications as a result of the previous hearing items to keep 213, 215 and 217 N. Murphy Road as Office (O); the Kinney Drive property should be reflected as Parks/Open Space (PK); Tract 38 should be reflected as Town Center (TC), the Murphy Community Center and the Murphy Activity Center should be reflected as Town Center (TC) and 229 N. Murphy Road be reflected as Office (O).

Mayor Pro Tem Daugherty opened the public hearing at 8:34 p.m. No citizens signed in to speak in favor of, or in opposition to the proposed zoning text change. Mayor Pro Tem Daugherty closed the public hearing at 8:34 p.m.

COUNCIL ACTION (7Q):

APPROVED

Deputy Mayor Pro Tem Halbert moved to approve Zoning Map #3 to be known as the Official Zoning Map of the City of Murphy with the following edits: keep 213, 215 and 217 N. Murphy Road as Office (O); the Kinney Drive property should be reflected as Parks/Open Space (PK); Tract 38, directly south of 213 N. Murphy Road should be reflected as Town Center (TC), the Murphy Community Center and the Murphy Activity Center should be reflected as Town Center (TC) and 229 N. Murphy Road be reflected as Office (O) *(Note: 229 N. Murphy Road will be reflected as Public/Semi-Public, the original zoning, on Zoning Map #3 as it was never publicized as part of a zoning change public hearing.)* Councilmember Richmond seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. *(Assigned Ordinance No. 12-12-942)*

8. CITY MANAGER/STAFF REPORTS

City Manager, James Fisher provided the Council with a report on the following:

- North Murphy Road Construction Update

- McCreary Road Construction Update
- Oncor Electrical Outages
- Upcoming Council Meetings – Wednesday, January 2 and Tuesday, January 15
- City Holidays – December 24, 25 and 31 and January 1

9. ADJOURNMENT

With no further business, the meeting was adjourned at 8:50 p.m.

APPROVED BY:



Bret M. Baldwin, Mayor

ATTEST:



Kristi Gilbert, City Secretary

