

CITY COUNCIL MINUTES  
JUNE 18, 2013 REGULAR CITY COUNCIL MEETING

**1. CALL TO ORDER**

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

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Barna gave the invocation and led the recitation of the Pledge of Allegiance.

**3. ROLL CALL & CERTIFICATION OF A QUORUM**

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

Mayor Eric Barna  
Mayor Pro Tem Owais Siddiqui  
Deputy Mayor Pro Tem Ben St. Clair  
Councilmember Scott Bradley  
Councilmember Betty Nichols Spraggins  
Councilmember Bernard Grant  
Councilmember Rob Thomas

Councilmembers absent:  
None

**4. PUBLIC COMMENTS –**

*Ray Shahan, 405 Sagebrush Trail* – Mr. Shahan addressed the Council with regard to issues relating to the McWhirter Road fence in the Ranch subdivision.

**5. PRESENTATION ITEMS –**

A. Finance Director Linda Truitt provided the Council with the financial report for the month ending May 31, 2013.

**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 June 4, 2013 Regular Meeting minutes.
- B. Consider and/or act upon authorizing the City Manager to sign the contract agreement with ONCOR to utilize the easement for the east-west inter-city trail project.
- C. Consider and or act upon authorizing the City Manager to sign contract for Freese and Nichols, Inc. to provide professional services for the TxDOT Safe Routes to Schools (SRTS) sidewalk and enhanced crosswalk grant projects.
- D. Consider and/or act upon a resolution to the Texas Department of Transportation (TXDOT) to prepare a traffic light signal progression study and adjustments on FM 544 to reduce traffic congestion.

- E. Consider and/or act upon declaring Patrol Unit #32, Ford Crown Victoria, with certain accessories as surplus and donating it to the West Police Department.
- F. Consider and/or act upon an amendment to the Code of Ordinances to rescind the "No Left Turn" designation at the westbound turn lane of FM 544 and the entrance to the Neighborhood Market.

**COUNCIL ACTION (6.A -6.F.):**

**APPROVED**

Mayor Pro Tem Siddiqui moved to approve the consent agenda as presented. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

**7. INDIVIDUAL CONSIDERATION**

- A. Discuss and take action, if any, on the review of the follow-up Traffic Study conducted on Moonlight Drive along with data collection on Grant and Mason.

City Manager James Fisher reported on the meeting with the City of Sachse with regard to traffic challenges in both cities. Mr. Fisher stated that the City Attorney had a legal briefing prepared for Council to be discussed in executive session.

The Mayor closed consideration on Item 7.A. until after consideration of Items 7.B through 7.D.

- B. Hold a public hearing and consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, to re-plat Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road.

The applicant submitted a request to postpone consideration until the July 16, 2013 meeting prior to the Council meeting.

Mayor Barna opened the public hearing at 6:23 p.m.

Councilmember Grant stated that he understood members of Council met with the applicant prior to the Council meeting and asked if the Council could be briefed on the meeting. Mayor Barna stated that the applicant provided the same information as was presented at the Planning and Zoning meeting and that he did not make any recommendation.

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

**CONTINUED**

Councilmember Bradley moved to continue the public hearing until the second meeting in July, currently scheduled for July 16<sup>th</sup>. Mayor Pro Tem Siddiqui 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 the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, for an ordinance approving a Specific Use Permit for a drive thru on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road.

The applicant submitted a request to postpone consideration until the July 16, 2013 meeting prior to the Council meeting.

Mayor Barna opened the public hearing at 6:25 p.m.

*David Brandon, 136 Oak Bluff* – Mr. Brandon stated that he was against the specific use permit. Mr. Brandon stated that the applicant had failed Planning and Zoning twice.

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

**CONTINUE**

Councilmember Bradley moved to continue the public hearing until the second meeting in July, currently scheduled for July 16<sup>th</sup>. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- D. Consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, for approval of a site plan, including building elevations and landscape plan, on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road.

The applicant submitted a request to postpone consideration until the July 16, 2013 meeting prior to the Council meeting.

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

**CONTINUE**

Councilmember Bradley moved to postpone consideration of Item 7.D. until the second meeting in July, currently scheduled for July 16<sup>th</sup>. Councilmember Nichols Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- A. Discuss and take action, if any, on the review of the follow-up Traffic Study conducted on Moonlight Drive along with data collection on Grant and Mason.

Mayor Barna opened up Item 7.A. for reconsideration.

The following residents expressed concerns regarding speeding and volume issues on Moonlight Drive:

*Linda Martin, 142 Moonlight Drive*  
*Greg Matocha, 151 Moonlight Drive*  
*Julia Matocha, 151 Moonlight Drive*  
*Clayton Bitler, 109 Moonlight Drive*

*Dave Brandon, 136 Oak Bluff* – Mr. Brandon stated that the Council should set a volume limit for Moonlight Drive being a Type “E” street and apply that consistently through all Type “E” streets.

*Don Kiertscher, 450 Skyline Drive* - Mr. Kiertscher stated that he had a clear view of the intersection from his house and stated that he felt the problem was traffic coming through from Sachse, not Murphy Farms residents. He stated that he believed most of the traffic was coming from residents of the Woodbridge subdivision.

*Craig Goodroe, 126 Green Acres* – Mr. Goodroe suggested that the Council close the road at Mason with an easement provided to the property owner on Grant.

#### **EXECUTIVE SESSION**

The City Council convened into Executive Session at 7:02 p.m. 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 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 the Texas Open Meetings act regarding traffic calming policies and measures.

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

#### **RECONVENE INTO REGULAR SESSION**

The City Council reconvened into Open Session at 8:11 p.m. 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 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 the Texas Open Meetings act regarding traffic calming policies and measures.

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

No action was taken as a result of the executive session items.

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

#### **NO ACTION**

Mayor Barna indicated that Council will provide an update at the July 2, 2013 meeting.

#### **8. CITY MANAGER/STAFF REPORTS**

Mr. Fisher provided the Council with an update on the following items:

- North Murphy Road Construction Update
- Murphy Central Park Construction Update
- Budget Work Sessions
- Neighborhood Crime Watch, June 27<sup>th</sup>

Sounds at Sundown -- Emerald City Band, June 28<sup>th</sup>

9. ADJOURNMENT

With no further business, the meeting was adjourned at 8:21 p.m.

APPROVED BY:



Eric Barna, Mayor

ATTEST:



Kristi Gilbert, City Secretary

