

CITY COUNCIL MINUTES  
JANUARY 21, 2014 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 –**

*Marv Williams, 1201 Cactus Back Drive* – Mr. Williams introduced himself as the new president of the Murphy Chamber of Commerce and thanked members of the Council for attending the Chamber's annual banquet. Mr. Williams invited the Council to attend the next Chamber Luncheon and the Spring Fever Event on March 29<sup>th</sup>.

**5. PRESENTATION ITEMS –**

A. Finance Director Linda Truitt presented the Council with the unaudited finance and investment report as of December 31, 2013. Ms. Truitt stated that the bank balances were near \$20 million and sales tax has increased by approximately 41% over this time last year.

B. Police Chief GM Cox presented the Council with a proposed volunteer program for the Murphy Animal Shelter.

**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 January 7, 2014 regular meeting minutes.

B. Consider and/or act on the Final Plat Application of **Wendy's Corporation** on property zoned PD (Planned Development) District No. 12-02-905. This property is located at 117 West FM 544, Lot 2R, Block A, Wal Mart Addition.

- C. Consider and/or act on the Final Plat Application for **O'Reillys Automotive Store**, located at 607 E. FM 544.

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

**APPROVED**

Mayor Pro Tem Siddiqui moved to approve the consent agenda, as presented. Deputy Mayor Pro Tem St. Clair 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 **Murphy Equity Management, Ltd.** requesting approval of a site plan, landscape plan and building elevations for Maxwell Creek Pavilion on property zoned PD (Planned Development) District No. 09-12-825 and amended in PD District No. 11-01-871 for Retail and Office Uses on property located Lot 1, Block A, on the 600 block of East FM 544, west of McCreary Road.

Director of Community and Economic Development Kristen Roberts stated that the item had been reviewed at the January 7, 2014 Council meeting. Ms. Roberts stated that a tree survey had been prepared in response to Council questions. Ms. Roberts reviewed the trees to be removed, as well as the trees that are planned to be planted. Ms. Roberts reviewed the planned development requirements that provide that tree mitigation is not required for the property.

Council held discussions with regard to the trees, access to the property and future development surrounding the property.

Terry Gorman, lawyer for the entities under the developer, addressed Council. Mr. Gorman stated that the developer was still looking at medical offices for the rear of the property. Mr. Gorman stated that there were three access points to the rear of the development. Mr. Gorman stated the developer was installing utilities that would be an appropriate size to accommodate development in the back.

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

**APPROVED**

Mayor Pro Tem Siddiqui moved to approve the site plan, landscape plan and building elevations for Maxwell Creek Pavilion. Councilmember Nichols Spraggins seconded the motion. For: Barna, Siddiqui, St. Clair, Bradley, Nichols Spraggins and Thomas. Opposed: Grant. The motion carried by a vote of 6 to 1.

- B. Consider and/or act on the application of **Murphy Equity Management, Ltd.** Requesting approval of a construction plat for Maxwell Creek Pavilion on property zoned PD (Planned Development) District No. 09-12-825 and amended in PD District No. 11-01-871 for Retail and Office Uses on property located Lot 1, Block A, on the 600 block of East FM 544, west of McCreary Road.

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

**APPROVED**

Mayor Pro Tem Siddiqui moved to approve the construction plat for Maxwell Creek Pavilion. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Barna, Siddiqui, St. Clair, Bradley, Nichols Spraggins and Thomas. Opposed: Grant. The motion carried by a vote of 6 to 1.

- C. Consider and/or act upon Murphy Central Park:
1. Operations policy, rentals and application for the amphitheater; and,
  2. Amended fee schedule for deposits and miscellaneous fees.

City Manager James Fisher stated that staff had researched other cities policies. Mr. Fisher stated that the policy calls for the park to be open while the amphitheater is being rented.

Council held discussions with regard to usage, events and fees. Council discussed the need to make modifications to the documents as necessary for future needs.

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

**APPROVED**

Councilmember Bradley moved to approve the Murphy Central Park operations policy, rentals and application for the amphitheater; and the amended fee schedule, as presented. Councilmember Nichols Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (*Ordinance 14-01-968*)

- D. Consider and/or act on revising the Alcohol Policy for the Murphy Community Center (MCC) and Murphy Activity Center (MAC).

Mr. Fisher stated that the current policy only allowed for alcohol at events scheduled for Saturdays. Mr. Fisher stated that the item was brought before Council in response to discussions held when staff requested a variance for the Board and Commission dinner.

Council held discussions with regard to limitations on days, times, other activities and current reservations.

Mr. Fisher stated that staff would incorporate Council comments, including allowing alcohol at the MAC on any day of the week and allowing the request for a variance from Council to use the MCC on days other than Saturday. Mr. Fisher stated that staff would bring the changes back for the February 4, 2014 meeting.

*Keith Patton, 451 Poindexter* – Mr. Patton stated that the Council should require the rental of the entire facility if alcohol is to be served.

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

**POSTPONED**

Item 7.D. was postponed until the February 4, 2014 meeting.

- E. Consider and/or act upon designating Council liaisons to boards, commissions and committees of the City of Murphy.

Council held discussions with regard to holding joint work sessions with certain boards on a quarterly or semiannual basis rather than designating liaisons.

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

**NO ACTION**

No action was taken on Item 7.E.

- F. Consider and/or act upon the adoption of an ordinance requiring a maintenance bond for all public improvement on commercial properties.

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

**APPROVED**

Councilmember Bradley moved to approve an ordinance requiring a maintenance bond for all public improvement on commercial properties. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (*Ordinance 14-01-969*)

- G. Consider and or act upon authorizing the City Manager to execute a contract for Freese and Nichols, Inc. to provide professional services for the TxDOT Safe Routes to Schools (SRTS) sidewalk and enhanced crosswalk grant projects, Task Authorization #2.

Mr. Fisher stated that Task Authorization #1 was approved during the summer. Task #2 will move forward with construction drawings. Mr. Fisher stated the preliminary engineering was approximately \$67,000 and the total cost is estimated to be approximately \$137,000. Mr. Fisher stated dollars were available in the Murphy Road Fund and TxDOT was going to be asked to release contingency funds for the project to cover the cost.

Mr. Fisher stated the crosswalks would be at Glen Ridge, Shirehurst, Spring Ridge, Windsor and Betsy, including the sidewalks.

Councilmember Bradley inquired as to whether the SRTS project was approved by TxDOT as is indicated on Page 2 of 6, Item 7 of Form 2355. Mr. Fisher stated that it has been approved and funding has been allocated.

Councilmember Thomas referenced the same form as Councilmember Bradley and inquired about the box checked that read "traffic calming, off system only" and what the committed the city to. Mr. Fisher stated if the city wanted to implement the traffic calming it would have to take the road off-system.

Mr. Fisher stated that if North Murphy Road was not taken off-system, there would still be sidewalks and painted crosswalks, but no mechanism to slow traffic.

Council discussed moving to Item 7.H. before addressing the item on the floor.

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

**TABLED**

Councilmember Bradley moved to table the item until later in the meeting. Councilmember Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- H. Discussion concerning taking North Murphy Road off of the state highway system.

Mr. Fisher stated Council was briefed in October about the idea to take North Murphy Road off the state highway system. Mr. Fisher that he sent a non-committal letter to TxDOT stating the Council had the final say on the matter. Mr. Fisher stated that the cities of Plano and Wylie were contacted regarding future Interlocal agreements for maintenance. Mr. Fisher stated that the road should last 30 to 40 years.

Council held discussions with regard to future maintenance of the road. Councilmember Thomas inquired as to the cost of the maintenance. Councilmember Bradley stated he wanted

to see specifics as to what the city was going to be allowed to do and what they were not going to be allowed to do if the road is not taken off system.

Mayor Pro Tem Siddiqui stated he wanted to see the pros and cons of not taking the road off system, as well as the financial impact. Deputy Mayor Pro Tem St. Clair inquired as to if a TxDOT representative could attend a council meeting to offer their input.

Mayor Pro Tem Siddiqui inquired as to what portion of the road was being considered to be taken off system. Mr. Fisher stated it was North Murphy Road from FM 544 to the bridge because there would be a separate contract need for annual bridge maintenance.

Council held discussions with regard to holding a meeting with a TxDOT representative and a Plano ISD representative.

*Don Kiertscher, 416 Skyline* – Mr. Kiertscher stated that taking North Murphy Road over is a big decision and cautioned the Council on long term issues.

Council asked Mr. Fisher to bring back a cost estimate to maintain North Murphy Road, as well as a specific listing of what would be and what would not be allowed if the road was not taken offline.

Councilmember Bradley stated that he would like to see a cost estimate to maintain the road and a specific listing of what would be and would not be allowed for SRTS if it was not taken offline with documentation from TxDOT. Mayor Pro Tem Siddiqui stated he wanted to see anything else that City might be losing by not taking it offline.

Mr. Fisher stated that there were a lot of things moving because the paving has started. Mr. Fisher stated he would see if TxDOT was available to attend a meeting.

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

***NO ACTION***

Council provided direction to the City Manager.

**REVISIT ITEM 7.G.**

Mayor Barna removed Item 7.G. from the table.

Mr. Fisher stated that approval was necessary in order to keep the engineer moving on designing the Safe Routes to School project.

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

***APPROVED***

Councilmember Bradley moved to authorize the City Manager to execute the contract for SRTS Task Authorization # 2 with Freese and Nichols, Inc. to coordinate with TxDOT, prepared construction documents, design and bid documents, and construction administration for the SRTS Projects. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- I. Consider and/or act upon authorizing the City Manager to develop plans for the permanent closure of Grant Drive.

Mr. Fisher stated that staff had researched ways to provide for the permanent closure of Grant Drive including different bollards, a sliding gate or landscape buffer.

*Don Kiertscher, 416 Skyline* – Mr. Kiertscher stated that he preferred lots of large, low bollards and suggested signage stating “No motorized vehicles”. Mr. K asked Council to move forward this evening so that it is clear that Grant Drive is permanently closed.

Council held discussions with regards to a fourth option of combining the bollards and the landscaping that allowed for bicycle access between the barrier and the curb. Council inquired as to the use of the irrigation of the trees.

Councilmember Grant stated that he wanted the road jack hammered and pulled up so it was very clear that the road was closed.

Mayor Barna asked that the bollard and landscaping options be brought to the immediate neighbors for their opinion.

Mr. Fisher stated that he would get with the City’s contractor to get a better drawing and then meet with the residents. Mr. Fisher stated that he would bring the item back to Council for the second meeting in February.

*Jeff Kerr, 437 Love Bird Lane* – Mr. Kerr inquired as to whether the closure was a matter of official record. Mr. Kerr also inquired as to whether the residents of the surrounding roads were contacted regarding the use of self-funded gates for the use of the residents.

**COUNCIL ACTION (7.I.):** **NO ACTION**  
No action was taken on Item 7.I.

- J. Consider and/or act upon moving the March 4, 2014 Council meeting.

Mr. Fisher stated that March 4<sup>th</sup> is a primary election day and both parties would be voting at City Hall.

**COUNCIL ACTION (7.J.):** **NO ACTION**  
No action was taken on Item 7.J.

**8. CITY MANAGER/STAFF REPORTS**

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

- Baylor Emerus preview on January 29<sup>th</sup> at 5:30pm
- Murphy’s First Rainbow Trout Round-Up for February 22<sup>nd</sup>
- North Murphy Road Construction Update
- Board and Commission Training – February 1<sup>st</sup>, 9am to 1pm
- Report on January 16<sup>th</sup> CLC Meeting
- Murphy Central Park Grand Opening – April 5<sup>th</sup>

**9. EXECUTIVE SESSION**

The City Council convened into closed Executive Session at 8:19 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- B. § 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).

**10. RECONVENE INTO REGULAR SESSION**

The City Council reconvened into Regular Session at 8:45 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- B. § 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).
- C. Take Action on any Executive Session Item  
No action was taken as a result of executive session items.

**11. ADJOURNMENT**

With no further business, the meeting was adjourned at 8:45 p.m.

APPROVED BY:

  
Eric Barna, Mayor

ATTEST:

  
Kristi Gilbert, City Secretary

