

CITY COUNCIL MINUTES  
JUNE 3, 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  
Deputy Mayor Pro Tem Ben St. Clair  
Councilmember Scott Bradley  
Councilmember Betty Nichols Spraggins  
Councilmember Bernard Grant  
Councilmember Rob Thomas

Councilmembers absent:  
Mayor Pro Tem Owais Siddiqui

**4. PUBLIC COMMENTS – None.**

**5. PRESENTATION ITEMS:**

A. Finance Director Linda Truitt presented the financial report and investment report as of April 30, 2014. Ms. Truitt stated, to date, the city has made a little over 2 million in sales tax. Ms. Truitt stated the Utility Fund revenue was down and was not expected to meet forecasted budget numbers.

**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 take action, if any, on the May 20, 2014 Regular Meeting minutes.

***COUNCIL ACTION (4.A.):***

***APPROVED***

Deputy Mayor Pro Tem St. Clair moved to approve the consent agenda as presented. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

**7. INDIVIDUAL CONSIDERATION**

A. Hold a public hearing and consider and/or act on the application of Allen & Loucks Venture, LP requesting to amend Ordinance No. 08-10-767 for approval of revising the existing SUP (Specific Use Permit) to allow for a Smoothie King drive-thru on property located at 277 E. FM 544.

City Manager James Fisher stated that Council had previously approved the subject site for a drive-thru for Saxby's specifically.

Mayor Barna opened the public hearing at 6:08 pm.

*Keith Patton, 451 Poindexter* - Mr. Patton stated the developer has approached the City numerous times regarding drive-thru's and he is asking for another drive-thru. Mr. Patton encouraged Council to enforce the ordinance.

*Jeff Hudgins, 533 Cherokee Drive* – Mr. Hudgins stated he had been a resident since 1992 and had purchased the Smoothie Factory on FM 544 to help turn the business around. Since 2012 the business has grown over 50% and is frequented by many Murphy residents. Mr. Hudgins expressed concerns for placing a competitor within 120 yards of his business.

*Matthew King, 1212 Cabernet Drive, Allen, Texas* – Mr. King stated he was an architect working on the project. Mr. King stated that he advised his client regarding the Smoothie Factory's proximity to the proposed Smoothie King site.

Mayor Barna commented that the Council was only considering the use of a drive-thru for the facility.

Mayor Barna closed the public hearing at 6:16 pm.

Councilmember Bradley stated this was an existing building with an existing drive-thru approach. Councilmember Bradley stated Council designed the SUP so that each business would have to be approved individually.

Councilmember Thomas inquired as to whether Smoothie Factory asked for a drive-thru when they initially applied with the city.

Mayor Barna, Councilmember Bradley and Mr. Fisher all commented that Smoothie Factory chose the specific tenant space and did not request a drive-thru.

Mayor Barna stated that the center was not developed the way he wants. Mayor Barna stated this was a perfect opportunity to redevelop the property the way that he thinks is best by disallowing the drive-thru. Mayor Barna stated if the developer wants to continue the subject site as a drive-thru then he wants the drive-thru opportunity on the pad on Murphy Road (Pad 10) removed.

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

**DENIED**

Councilmember Bradley moved to deny the SUP to allow a drive-thru window for a Smoothie King at the location formerly occupied by Saxby's Coffee. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- B. Consider and/or act on extending outdoor watering restrictions to once every two weeks through October 31, 2014.

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

**APPROVED**

Deputy Mayor Pro Tem St. Clair moved to approve the outdoor watering schedule until October 31, 2014 as follows:

Odd House Numbers

First and Third Mondays

Even House Numbers

First and Third Wednesdays

Public Schools, non-residential business

First and Third Fridays

Councilmember Thomas seconded the motion. For: Barna, St. Clair, Nichols-Spraggins, Grant and Thomas. Opposed: Bradley. The motion carried by a vote of 5 to 1.

- C. Discussion on the proposed Water Resource & Emergency Management Plan and the proposed Water Conservation Plan.

Mr. Fisher stated the proposed Water Conservation Plan reflects the current Stage 1 restrictions. Mr. Fisher stated the Water Resource & Emergency Management Plan would be amended to move each stage up one and remove Stage 4. Mr. Fisher stated the ordinance would not go into place until the current drought is over, which is an unknown. Mr. Fisher stated the Texas Commission on Environmental Quality requires the adoption of the plan.

Councilmember Bradley inquired as to how much leniency the city had in making changes to the plan. Mr. Fisher stated there was not much leeway unless there was a legitimate reason for a change.

Councilmember Grant asked if the North Texas Municipal Water District (NTMWD) to restrict the watering requirements, how they can require the municipalities to adopt the regulations. Mr. Fisher stated that he has not had a response from NTMWD to his questions.

Council held discussions with regard to Lake Texoma coming online and the practices of surrounding communities.

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

**NON ACTION ITEM**

No action was taken.

- D. Discussion regarding the FY 2015 budget and Budget Meeting Calendar.

Mr. Fisher stated that staff was focusing on expenses with supporting documentation. Mr. Fisher stated that he and Ms. Truitt have looked at property valuations and stated staff should be able to bring a budget with a two cent property tax reduction.

Council came to a consensus of holding a budget meeting beginning at 5:30 pm on July 1<sup>st</sup> and continuing on July 2<sup>nd</sup> if needed.

Councilmember Thomas clarified his previous comments and stated that he feels the city is far enough along to begin to understand the baseline expenses within a range. Councilmember Thomas stated he had requested the baseline expenses and capital expenses will be and then begin the discussion on revenues.

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

**NON ACTION ITEM**

No action was taken.

**8. CITY MANAGER/STAFF REPORTS**

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

North Murphy Road Construction Update - Beginning the week of June 9<sup>th</sup> the traffic switch will begin and putting up electronic signs at the Betsy Road intersection to encourage alternate routes. The current completion date is early 2015.

Veteran's Appreciation Breakfast, June 14<sup>th</sup>

Animal Shelter Construction Update – the project is on schedule with an anticipated finish date of mid-August.

Grant Street is complete and metal poles were added because vehicles were trying to drive through the landscape barrier.

Runoff Election – June 21<sup>st</sup>, Early Voting begins June 9<sup>th</sup>

Sounds at Sundown – A Hard Days Night, June 13<sup>th</sup>

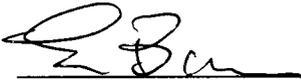
Emerald City Band, June 20<sup>th</sup>

Radio Disney Road Crew, June 27<sup>th</sup>

**9. ADJOURNMENT**

With no further business, the meeting was adjourned at 7:02 p.m.

APPROVED BY:

  
Eric Barna, Mayor

ATTEST:

  
Kristi Gilbert, City Secretary

