

CITY COUNCIL MINUTES
OCTOBER 7, 2014 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Eric Barna gave 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

None during this time, all spoke during the Public Hearing times for various items.

5. PRESENTATION ITEMS

- A. Keep Texas Beautiful Governor's Community Achievement Award 3rd place; Gold Star Affiliate; Award of Excellence; and Educator/Law Enforcement Award.

The following awards were presented:

Aaron McCarty – Ed Davis Litter Law Enforcement Award – 3rd Place

Celso Martinez – Media Award

Keep Murphy Beautiful – 2013 Gold Star Affiliate Award

Keep Murphy Beautiful – 2013 Governor's Community Achievement Award – 3rd place

Mayor Barna thanked staff for all the great work they did to make the 2014 Murphy Maize Days the best one to date.

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 meeting minutes for September 16, 2014 Regular City Council Meeting.

This item was approved on the Consent Agenda.

- B. Consider and take action, if any, on the December 2014 City Council meeting schedule.

Following Council discussion, the consensus was to meet on the first Tuesday in December and decide at the December 2nd meeting if the meeting scheduled to be held on the third Tuesday in

December will be necessary since it is so close to the Christmas Holidays. It was also requested that if the December meeting in 2015 is to be changed to meet on the second Tuesday in December that staff bring the request to Council for approval early in 2015.

No action was taken regarding this Consent Agenda item.

- C. Consider and take action, if any, on the 2015 City of Murphy Holiday schedule.

This item was approved on the Consent Agenda.

- D. Consider and/or act on an Alcohol Policy for the Murphy Community Center and Murphy Activity Center.

Council asked staff if the City of Murphy was the only applicant to request the exception to the Saturday serving of alcohol. The City Manager answered affirmative.

COUNCIL ACTION (6.D.):

APPROVED

Councilmember Rob Thomas moved to accept Item 6.D. as presented on the consent agenda. Councilmember Sarah Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

CONSENT AGENDA ITEMS ACTION

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

APPROVED

Mayor Pro Tem Scott Bradley moved to accept the consent agenda for items 6.A. and 6.C as presented. Deputy Mayor Pro Tem Owais Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and take action, if any, on the License Agreement with Oncor Electric Delivery Company LLC and the City of Murphy for a hike and bike trail as part of the Timbers Nature Preserve Park.

Staff explained that the License Agreement with Oncor Electric Delivery Company LLC and the City of Murphy for a hike and bike trail as part of the Timbers Nature Preserve Park had been signed in August of 2013 and therefore no further action is required.

No action was taken regarding this Agenda item.

- B. Consider and take action, if any, upon the approval of an Ordinance adopting the City of Murphy Boundary Map.

Staff explained the importance for the City to maintain an up-to-date City of Murphy Boundary Map. The City Engineer was complimented for his research efforts and the City Attorney for his legal expertise to bring this project before Council.

Council discussed the accuracy of the streets as represented on the map and whether or not this was the first boundary map to be approved. Staff responded and Mayor asked for a motion.

COUNCIL ACTION:

APPROVED

Councilmember Ben St. Clair moved to approve the map and authorize the City Manager and/or the City Secretary to execute the necessary documents for filing. Deputy Mayor Pro Tem Owais Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (Ordinance Number 14-10-986)

- C. Consider and/or act upon the approval of an Ordinance amending Section 9.100 of the Fee Schedule; irrigation rates.

Staff explained that these fees were overlooked when the other rates were approved.

Council asked if the rates presented were the same that were reflected in the rate study. Staff answered affirmative.

COUNCIL ACTION:

APPROVED

Mayor Pro Tem Scott Bradley moved to approve the Ordinance amending Section 9.100 of the Fee Schedule; irrigation rates. Councilmember Sarah Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (Ordinance Number 14-10-987)

- D. Consider and/or act upon all matters incident and related to approving and authorizing publication of notice of intention to issue certificates of obligation in an amount not to exceed \$3,000,000 for City water and sewer system improvements.

Staff explained that the payment for the issuance was included in the new water and sewer rates which will pay to construct the Maxwell Creek Parallel Trunk Sewer line. Staff also explained that the projects listed were discussed as Capital Items during the budget workshops.

Council discussed the other projects presented in the packet and confirmed with staff that each would have to be approved by Council before being funded.

COUNCIL ACTION:

APPROVED

Mayor Pro Tem Scott Bradley moved to authorize publication of notice of intent to issue certificates of obligation in an amount not to exceed \$3,000,000 for City water and sewer system improvements. Deputy Mayor Pro Tem Owais Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (Resolution Number 14-R-806)

- E. Hold a public hearing and consider and/or act on the application of Wade and Michelle Wilson, requesting a variance to Section 28-132(2) of the Code of Ordinances/Development Standards, to allow less than the *required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes* and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

Public Hearing opened at 6:21 pm.

John Daugherty spoke against
Don Kiertscher spoke against
Keith Patton spoke against
Wade Wilson spoke in favor
Robert Doyle spoke in favor
Jeanette Miller spoke in favor
Michael Abramski spoke in favor
Teresa Doyle spoke in favor
Charles Ijames spoke in favor
Public Hearing closed at 6:29 pm.

Following a lengthy discussion by Council, the need to revisit the development plans was reached by consensus and the variance was not granted at this time.

COUNCIL ACTION: **APPROVED**
Councilmember Fincanon moved to table this item to October 21, 2014. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- F. Hold a public hearing and consider and/or act on the application of Champion Langford Venture requesting approval of a SUP (Specific Use Permit) to allow a drive-thru window for a Dunkin Donuts restaurant on property zoned PD (Planned Development) District No. 12-10-923 for Retail Uses on Lot 3, Block C, Murphy Marketplace East Addition (North Maxwell Creek and FM 544), applicant being Dunkin Donuts on behalf of the property owner Champion Langford Venture.

Staff explained the property would have two retail units, Dunkin Donuts and Nothing Bundt Cake. Because the SUP was denied by Planning and Zoning (vote was 4 to 2), a super majority vote will be required by Council to approve the SUP.

Public Hearing opened at 6:51 pm.

John Daugherty spoke in favor
Keith Patton spoke against

Public Hearing closed at 6:54 pm.

Following the public hearing, Council discussed the pros and cons of approving the SUP (Specific Use Permit).

COUNCIL ACTION: **APPROVED**
Councilmember St. Clair moved to approve a SUP (Specific Use Permit) to allow a drive-thru window for a Dunkin Donuts restaurant on property zoned PD (Planned Development) District No. 12-10-923 for Retail Uses on Lot 3, Block C, Murphy Marketplace East Addition as presented. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- G. Hold a public hearing and consider and/or act on the application of the City of Murphy to zone the subdivision known as Windy Hill Farms – Phase 1 and generally located west of Heritage Parkway and north of FM 544 as a Planned Development (PD) District for SF-15 (Single Family 15 Residential) uses with a minimum lot size of 9,500 square feet, a minimum average lot width of 85 feet and a minimum front yard setback of 25 feet.

Deputy Mayor Pro Tem Siddiqui recused himself because he lives in Windy Hill Farms, Phase 1.

Staff explained the need for this process.

Public Hearing opened at 7:08 pm.

Kimberly Zech spoke in favor

Public Hearing closed at 7:09 pm.

COUNCIL ACTION:

APPROVED

Mayor Pro Tem Bradley moved to approve the application of the City of Murphy to zone the subdivision known as Windy Hill Farms – Phase 1 and generally located west of Heritage Parkway and north of FM 544 as a Planned Development (PD) District for SF-15 (Single Family 15 Residential) uses with a minimum lot size of 9,500 square feet, a minimum average lot width of 85 feet and a minimum front yard setback of 25 feet. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0. (Deputy Mayor Pro Tem Siddiqui recused himself for this item) (Ordinance Number 14-10-988).

- H. Consider and/or take action, if any, on the City of Murphy Code of Ordinances, Chapter 66 Streets and Sidewalks, Article V – Sidewalks.

Staff explained the need for direction regarding this item. The city has currently repaired approximately \$100,000 worth of sidewalks and the owners have not been billed. Criteria would be established to determine if a sidewalk warrants replacement.

John Nichols addressed Council discussing the sidewalk issue in front of his house which is located in Maxwell Creek. He paid for his sidewalk replacement and is requesting 50% reimbursement for his sidewalk replacement.

Council discussed the pros and cons regarding the payment of sidewalks by the City at 100% replacement cost or to keep the 50%-50% split between the home owner and the City.

COUNCIL ACTION:

APPROVED

Mayor Pro Tem Bradley moved to change the Code of Ordinances, Chapter 66 Streets and Sidewalks, Article V – Sidewalks to move the responsibility for the funding of the sidewalk replacement from 50 – 50, city – resident to 100% city responsibility. Councilmember Fincanon seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmember St. Clair, and Councilmember Fincanon. Against: Councilmember Spraggins and Councilmember Thomas. The motion carried by a vote of 5 to 2.

I. Discuss Emergency Management planning and training for the City of Murphy.

Chief Mark Lee explained to Council the need and the process for the Emergency Management. He explained to Council the recently held City of Murphy Hazard Mitigation Stakeholders meeting. He invited the City Councilmembers to attend the Senior Officials Workshop and Crisis Leadership on November 14, 2014 and the opportunity to attend NIMS anytime online.

No action was necessary regarding this Agenda item.

8. CITY MANAGER/STAFF REPORTS

- North Murphy Road Update – street sweeping timing is being addressed – paving to be complete by January 2015
- Fall Recycle Event –Open House at the Fire Department – very family oriented – Saturday, October 11, 2014
- Howl-a-ween Event – October 25th in connection with the Animal Shelter Open House

9. EXECUTIVE SESSION

The City Council convened into closed Executive Session at 7:47 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. §551.071. CONSULTATION WITH 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: to receive legal advice regarding planning and zoning issues regarding city development regulations, standards and conditions, and/or city zoning regulations and related issues.
- B. §551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING. A governmental body may conduct a closed meeting to deliberate 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.
- C. §551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into open session at 8:25 pm with the Mayor's announcement that no action was taken in Executive Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. §551.071. CONSULTATION WITH 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: to receive legal advice regarding planning and zoning issues regarding city development regulations, standards and conditions, and/or city zoning regulations and related issues.
- B. §551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING. A governmental body may conduct a closed meeting to deliberate 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.

- C. §551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Manager.
- D. Take Action on any Executive Session Item.

No action was taken regarding the Executive Session Items.

11. ADJOURNMENT

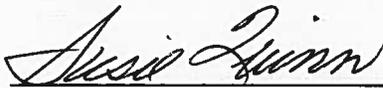
With no further business, the meeting was adjourned at 8:27 pm.

APPROVED BY:



Eric Barna, Mayor

ATTEST:



Susie Quinn, City Secretary

