

CITY COUNCIL MINUTES  
OCTOBER 21, 2014 CITY COUNCIL MEETING

**1. CALL TO ORDER**

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

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor 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**

*Ray Shahan*, resident, requested an independent investigation be conducted regarding the Murphy –McWhirter sidewalks that were traded for hike and bike trails as stated in Ordinance No. 03-10-590.

**5. PRESENTATION ITEMS**

**A. Murphy Historical Society Proclamation**

Mayor Barna presented the Murphy Historical Society Proclamation to the following Murphy Historical Society members who were present at the meeting:

Lolisa Largest

Shelly Bottlinger

Brad Lapsley

Donna Jenkins

**B. Fire Prevention Week Proclamation**

Councilmember Fincanon presented the Fire Prevention Week Proclamation to the following Exchange Club members who were present at the meeting:

Rosie Neely

Shelly Bottlinger

Marvel Williams

Donna Jenkins

**C. Presentation of financial report and investment report as of September 30, 2014.**

Financial Director Linda Truitt explained that the revenues and expenditures are both under budget. The yearend figures are still being generated. Vacancy savings in addition to staff's recognition that revenues were going to be short, account for expenditures being less. The accrual processes were discussed. The auditors will be here during December. Interest earnings are remaining at .10% for the City's investments.

Questions were asked by Council and explained by staff. Council asked to see the resulting delta following the audit.

**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:
1. October 7, 2014 Regular City Council Meeting
  2. October 15, 2014 Special City Council Meeting

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

**APPROVED**

Mayor Pro Tem Bradley moved to accept Item 6.A. as presented on the consent agenda. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

**7. INDIVIDUAL CONSIDERATION**

- A. Discussion on a proposed use for the property at South Maxwell Creek and FM 544 currently zoned SF-20.

Ryan Betz, owner of the property, explained to Council and Staff his ideas regarding the use of this vacant piece of property. Mr. Betz is proposing a mixed use development with medical offices on the front and senior housing on the south end. He went into great detail and Council recommended that Mr. Betz visit with more of the neighbors before moving forward.

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

**NO ACTION**

- B. Discuss and consider report from the Ethics Review Commission and adoption of Ordinance No. 14-xx-xxx – amending Chapter 2, Article IX, Section 2-513 of the City of Murphy Code of Ordinances to provide for staggered term appointments for the Ethics Review Commission members and a new annual meeting time for the Ethics Review Commission. City Attorney explained the proposed changes.

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

**APPROVED**

Deputy Mayor Pro Tem Siddiqui moved to approve an Ordinance amending Chapter 2, Article IX, Section 2-513 of the City of Murphy Code of Ordinances to provide for staggered term appointments for the Ethics Review Commission members and a new annual meeting time for the Ethics Review Commission. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (Ordinance No. 14-10-989)

- C. Discussion on amending Chapter 28, Article V, Sections 28-131, Minimum Exterior Construction Standards and Section 28-132, Construction Standards, of the Murphy Code of Ordinances. .

Staff explained that this action will require more discussion and would be a good retreat discussion item.

Keith Patton, resident, spoke regarding his steel roof and about hardiplank exteriors.

Don Kiertscher, resident, spoke regarding his driving tour of the current masonry requirements and does not want it changed.

Council agreed that more public input is necessary as well as Planning and Zoning input.

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

**NO ACTION**

- D. Continue consideration 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.

Staff explained that the applicant is willing to increase the masonry to 65% to work with the City and it will maintain the integrity of the design.

Don Kiertscher, resident, spoke opposed to the project unless the 65% masonry is real stone as a compromise to avoid setting a precedent.

Michele Wilson, property owner, stated silver mist quarried stone will be the masonry used. Council discussed the need for variances and the precedence that this could create. The variance has been approved by Planning and Zoning. Non HOA neighborhoods were discussed as the HOA requirements standards have guidelines for exterior coverings for the majority of homes in Murphy. The fact that the applicant is not proposing the masonry change to lower building costs is important to consider, too.

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

**APPROVED**

Mayor Pro Tem Bradley moved to approve 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 as submitted with 65 percent of the total exterior walls above grade being constructed of brick, stone, brick veneer, or stone veneer. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- E. Consider and take action relative to adopting the proposed budget for the expenditure of forfeited funds for the Murphy Police Department.

Staff explained the need for this item and the rules regarding the use of the funds.

Council asked several questions regarding this item and insist that the spending policy for these funds must not be abused.

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

**APPROVED**

Mayor Pro Tem Bradley moved to accept the proposed budget for the expenditure of forfeited funds for the Murphy Police Department. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- F. Consider and/or act upon Resolution approving the 2014 tax roll with a total levy of \$9,760,606.21 as certified by Kenneth L. Maun, Tax Assessor Collector for Collin County.

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

**APPROVED**

**Mayor Pro Tem Bradley moved to approve the 2014 tax roll with a total levy of \$9,760,606.21 as certified by Kenneth L. Maun, Tax Assessor Collector for Collin County. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (Resolution No. 14-R-807)**

- G. Consider and/or act upon an interview panel regarding the consideration of candidates for service on the Animal Shelter Advisory Committee, Board of Adjustment, Building and Fire Code Appeals Board, Community Development Board, Ethics Review Commission, Murphy Municipal Development District Board, Park and Recreation Board, and Planning and Zoning Commission.

Staff explained the procedure and process.

Council discussed different ideas about the interview process.

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

**APPROVED**

**Mayor Pro Tem Bradley moved to appoint Deputy Mayor Pro Tem Siddiqui, Councilmember St. Clair and Councilmember Spraggins on the Boards and Commission interview committee. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.**

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

Staff discussed sidewalk payment percentages in the cities in our area and there is not any consistency.

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

**APPROVED**

**Mayor Pro Tem Bradley approve a change to City of Murphy Code of Ordinances, Chapter 66 Streets and Sidewalks, Article V – Sidewalks, changing the ordinance from 50% to the City being responsible for 100% of the cost to repair, replace or to reconstruct sidewalks within residential zoned districts as the responsibility of the City. Councilmember Fincanon seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmember St. Clair, Councilmember Spraggins, and Councilmember Finacanon. Against: Councilmem-ber Thomas. The motion carried by a vote of 6 to 1. (Ordinance No. 14-10-990)**

- I. Discussion concerning the development of a Naming Policy for City of Murphy facilities, events, parks, amenities and/or buildings. .

This item was discussed following approval of the consent agenda. Staff explained that the draft policy was brought up by a couple of Boards. Staff needs direction on Council's desires for this item. Implementing a Community Foundation (501 (c)(3)) was also discussed.

Beverly Mueller, Murphy resident, discussed the new Animal Shelter and the need for additional funding through private donations and is in favor of a Naming Policy or Sponsorship program.

Council expressed ideas and reached consensus to have this discussed at an upcoming Council retreat.

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

**NO ACTION**

**8. CITY MANAGER/STAFF REPORTS**

- A. North Murphy Road Construction – stated some street closures will happen.
- B. Howl-a-Ween Event/Animal Shelter Ribbon Cutting, October 25<sup>th</sup>
- C. Chamber Luncheon November 18<sup>th</sup> honoring Veterans, sponsored by the City of Murphy
- D. Christmas in the Park, December 4<sup>th</sup>
- E. Boards and Commissions Dinner, December 11<sup>th</sup>

Timbers Nature Preserve has hauled off concrete that was being buried and explained the miscommunication. The new website is up and working well, and discussed a newly legislative approved Council blog to be added soon. Mentioned his upcoming out of town trips and the ongoing Murphy Road construction challenges to include the cutting of HOA irrigation lines that are in the State's right-of-way.

**9. EXECUTIVE SESSION**

The City Council convened into close Executive Session at 8:10 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 real property to 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. §551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of employees.
  - a. City Manager
  - b. Police Officer

**10. RECONVENTE INTO REGULAR SESSION**

The City Council reconvened into open session at 9:04 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. § 551.072 Deliberation regarding real property to 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.

**COUNCIL ACTION (10.A.):**

**APPROVED**

**Motion by Mayor Pro Tem Bradley to approve the Resolution authorizing the use of the power of eminent domain to acquire the necessary portions of properties listed in Exhibit "A" specifically for sanitary sewer line easements to facilitate sewage collection, drainage, treatment, disposal, or emptying. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (Resolution No. 14-R-808)**

- B. §551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of employees.
  - a. City Manager
  - b. Police Officer

**COUNCIL ACTION (10.B.a.):**

**APPROVED**

Motion by Mayor Pro Tem Bradley stating that following the annual performance evaluation of the City Manager that Council has full confidence, faith, and trust in the City Manager authorizing a five percent (5%) salary increase and an additional week of vacation. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

C. Take Action on any Executive Session Items.

**COUNCIL ACTION (10.B.b.)**

**NO ACTION**

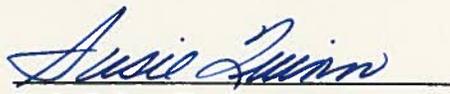
**11. ADJOURNMENT**

With no further business, the meeting was adjourned at 9:05 pm.

APPROVED BY:

  
Eric Barna, Mayor

ATTEST:

  
Susie Quinn, City Secretary

