

**COUNCIL MINUTES
NOVEMBER 4, 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, stated that his open records request is taking too long to process, as almost two months should be plenty of time to know if a record exists or not. His second public comment relates to the Deed Restrictions not being properly filed by the home builder (D R Horton) with Collin County. He wants to Council to stop allowing the selling of homes until the deeds have been properly recorded.

Marv Williams, resident, Exchange Club member, Chamber of Commerce Chair, is seeking volunteers to assist with placing of 100 flags around town for Veteran's Day to be displayed from 7 am until 5 pm. He also invited all Veterans to attend the Chamber of Commerce luncheon on November 18, 2014. The first 75 Veterans to register will have their lunch paid for by the City.

5. PRESENTATION ITEMS

A. Presentation of CERT Graduation Certificates

Graduates who were present to receive their certificates from Chief Mark Lee and Course Coordinator Ron Hill: Adam Lippman, Diane Weyandt and a special appreciation certificate to Instructor Ken Pietrasiks. Other CERT graduates who were not able to attend: Chris and Dennis Koleber and David Grice.

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.

Mayor Pro Tem Bradley requested Item 7.B. be removed from the consent agenda.

A. Consider and/or act upon the October 21, 2014 Regular City Council Meeting.

COUNCIL ACTION (6.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the October 21, 2014 as presented on the consent agenda. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Consider and/or act on the application of Bent Trail, LTD requesting approval of a Final Plat for approximately 11 acres located at the northeast corner of Murphy Road and McMillen Drive.

COUNCIL ACTION (6.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve the application of Bent Trail, LTD requesting approval of a Final Plat for approximately 11 acres located at the northeast corner of Murphy Road and McMillen Drive. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing and consider and/or act on the application of Bent Trail, LTD requesting a zoning change for Murphy Manors; approximately 10 acres of property located at 900 N. Murphy Road; northeast corner of Murphy Road and McMillen Road.

Staff explained the zoning change and the vote at the Planning and Zoning meeting.

Mayor Barna opened the Public Hearing at 6:28 pm.

Ray Shahan, resident, discussed the possibility of the fence being built in sections will result in the fence not matching and need replacing in sections.

Charles Thorpe, property owner, stated he has had open fields to view for years and he does not want the fence to be eight feet (8') in height, he prefers the fences be six feet (6') in height.

Curt Welwood, Hawkins-Welwood Homes, L.P., discussed the planned development with Council.

Mayor Barna closed the public hearing at 6:30 pm.

Council discussed the comments as well as the fence height requirements.

COUNCIL ACTION (7.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the application of Bent Trail, LTD requesting a zoning change for Murphy Manors; approximately 10 acres located at the 900 N. Murphy Road; northeast corner of Murphy Road and McMillen Drive, changing in part Section 2.06 F., replacing the 8' fence height requirement to read, "The height shall be 6 feet." (all other requirements in the section remain the same). Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Consider and/or act on a resolution of the City of Murphy opposing the construction of the private toll road project known as the Northeast Gateway.

Staff explained the resolution.

COUNCIL ACTION (7.B.):

APPROVED

Councilmember Fincanon moved to approve the resolution opposing the construction of the private toll road project known as the Northeast Gateway. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (Resolution No. 14-R-809)

- C. Consider and/or act on the License Agreement between the City of Murphy and the City of Wylie and the License Agreement between the City of Murphy and the City of Sachse regarding the construction of the South Maxwell Creek Parallel Trunk Sewer Line and authorize the City Manager to execute said Agreements.

Staff explained the need for the License Agreement.

COUNCIL ACTION (7.C.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve the License Agreement between the City of Murphy and the City of Wylie and the License Agreement between the City of Murphy and the City of Sachse regarding the construction of the South Maxwell Creek Parallel Trunk Sewer Line and authorize the City Manager to execute said Agreements. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- D. Consider and/or act on Resolution No. 14-R-808 regarding 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.

Staff explained the need to ratify the actions approving Resolution No. 14-R-808 following Executive Session on October 21, 2014.

COUNCIL ACTION (7.D.):

APPROVED

Mayor Pro Tem Bradley moved to ratify Resolution No. 14-R-808 regarding 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 Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

8. CITY MANAGER/STAFF REPORTS

- A. North Murphy Road Construction Update
City Manager Fisher explained that the asphalt is down and the project is moving along.
- B. Christmas in the Park – December 4th
City Manager Fisher explained that plans are almost complete regarding Christmas in the Park.
- C. Boards and Commission Celebration Dinner – December 11th
City Manager Fisher explained that the Boards and Commissions have been invited to the upcoming event.
- D. Employee Luncheon – December 18th
- E. City Hall Closing early – December 24th and Closed – December 25th & 26th
City Manager Fisher explained that since Christmas Eve is on a Wednesday, City Hall will close early that day and be closed Thursday and Friday of that week.

City Manager Fisher introduced Public Service Director Bernie Parker.

9. EXECUTIVE SESSION

The City Council convened into close Executive Session at 6:51 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. 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 this chapter in regard to open record requests and retention policy.

10. RECONVENTE INTO REGULAR SESSION

The City Council reconvened into open session at 7:43 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 a Resolution authorizing the use of the power of eminent domain to acquire the necessary portions of the property listed in Exhibit "A" specifically for permanent sidewalk easements to enlarge, improve, widen, or extend a public street, alley, other right-of-way, or public roadway . Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (Resolution No. 14-R-810)

- B. § 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 this chapter in regard to open record requests and retention policy.

COUNCIL ACTION (10.B.)

NO ACTION

- C. Take Action on any Executive Session Items.

11. ADJOURNMENT

With no further business, the meeting was adjourned at 7:43 pm.

APPROVED BY:



Eric Barna, Mayor

ATTEST:


Susie Quinn, City Secretary