

**COUNCIL MINUTES**  
**FEBRUARY 3, 2015 AT 6:00 P.M.**

**1. CALL TO ORDER**

Mayor Barna called the meeting to order at 6:00 pm. Mayor Barna commented on the number of guests in attendance.

**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**

Kim McCranie, Deputy 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**

Mark Williams, resident, representing the Exchange Club and the Murphy Chamber of Commerce, stated the American Flags will be flown on President's Day, February 16, 2015. They are to be flown in the area by the Fire Department. He requested volunteers to assist with placement of the flags between 7:00 am until 7:30 am and remove the flags between 5:00 pm and 5:30 pm. Channel 11 interviewed Mark Williams about the Crime Watch program. He thanked the police department for nominating him for the interview.

**5. PRESENTATIONS**

- A. Presentation of the Annual Traffic Contact Report for 2014 for the Murphy Police Department (also known as the Racial Profiling Report).

Chief Cox was not available for the meeting.

- B. Presentation of financial report and investment report as of December 31, 2014.

Finance Director Truitt stated the funds balance reflect over 23 million dollars due to the collection of property taxes and the 3 million dollars we received for the Certificates of Obligation for the Maxwell Creek Sewer line project. The interest rate continues at .10%, holding steady for the last 12 to 18 months; the Sales tax is increasing slightly. She mentioned that revenues are at 25% for the budget year. Franchise fees will be received in February-March time frame; permits and licenses have slowed because building has slowed down. Park revenue is slightly down. Expenditures are less than 25% but the bigger items have not been purchased as departments are waiting to make certain property taxes have been received. Utility funds are down due to less water usage. Sewer fund revenues are right on schedule. Expenditures for Utility funds are right at 20%. The formal quarterly investment report compared to last quarter reflects an increase in the cash balance of about 6.8 million dollars due to property taxes and the Certificates of Obligation.

Council asked about an updated last fiscal year actual report. Council will receive a draft audit at the February 17, 2015 meeting and then the auditors will be present March 3, 2015 to present the audit report.

## 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 approval and/or corrections to the minutes of the January 20, 2015 Regular City Council Meeting.

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

***APPROVED***

Mayor Pro Tem Bradley moved to approve the consent agenda as presented. Deputy Mayor Pro Tem Siddiqui 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 the City of Murphy to replat the existing subdivision known as Windy Hill Farms – Phase 1, generally located west of Heritage Parkway and north of FM 544; to remove platted building lines and establish the front building setback in accordance with the City's Ordinance No. 14-10-988, adopted by the City of Murphy on October 7, 2014.

In addition, as a part of the replat, the City is requesting a waiver of Section 70-132(a) of the Murphy Code of Ordinances requiring that monuments be set at the corner of each block within the Windy Hill Farms subdivision.

Deputy Mayor Pro Tem Siddiqui recused himself for this item. A conflict of interest was filed before the beginning of the meeting.

In October, 2014, Council approved Ordinance No. 14-10-988 to zone the subdivision which corrected zoning errors in Windy Hill Farms, Phase I. The zoning errors occurred back as far as 2000. The zoning now reflects what is on the ground (built) in the neighborhood. Extensive engineering was done. Now the city is the applicant and the property owners are the ones who need to sign in front of a notary to complete the final phase of this project.

City Engineer Gary Hendricks addressed the Council regarding the waiver of Section 70-132(a) of the Murphy Code of Ordinances. The original monuments were set in compliance with the Ordinance; however, if those original monuments were located now, there would be discrepancies that would create hardship for the owners.

Public hearing was opened at 6:18 pm. Since no one wished to be recognized to speak, the public hearing closed at 6:18 pm.

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

**APPROVED**

**Mayor Pro Tem Bradley moved to approve the application of the City of Murphy to replat the existing subdivision known as Windy Hill Farms – Phase 1 and the waiver of Section 70-132(a) as submitted. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0. (Deputy Mayor Pro Tem Siddiqui was recused from this item.)**

- B. Hold a public hearing and consider and/or act on the application of Ryan Betz requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek. 18:49

Community Development Director Roberts briefed Council with the background on the property. For about six years the prior as well as the current owner has presented several proposals for the property. Numerous meetings have been held to try to determine the best use for the property. Adjustments have been made since the preliminary meeting with Council in October, 2014. Planning and Zoning Commission met and following a lengthy meeting, the Commission denied the request with a 4-2-1 vote. The applicant has visited with the residents on several occasions. Based on resident's comments, no retail, no 24-hour business will be allowed. Sidewalks are being proposed based upon citizens' feedback. Solid living screening would be used and would be irrigated. No parking headlights would breach any home owner's homes. Overhead lighting will be downward lighting only.

Ryan Betz, land owner/developer made a presentation to Council regarding the proposal. The property was purchased in January, 2014. The original plan was single family lay-outs to conform to the SF-20 zoning. The majority of the neighbors do not want the Oak Glenn Road to extend. He explained that some of the support has come from neighbors that do not want two story or two and half story homes built in the area. He took that into consideration and made those concessions. More sidewalks are now proposed. He explained that no retail higher than one-story will be built as a concession to the neighbors. A gate at Oak Glenn entrance with emergency access only is to be built in Tract 1. Continuing Care Residential Community is the type of residency he is proposing. The site plan will determine the location of the various units. The eight acres would allow for all stages of care for people 55 and above. He described the living screen areas. The two story building would be constructed on the interior with complete privacy for occupants as well as the neighbors. Growing demand for this type of style, lock and leave, will continue. Full amenities are provided. He discussed the concessions that he is making to the neighbors in the area.

Council asked several questions. Mr. Betz stated that SF-20 proposals have been prepared. He explained that they will include opening of Oak Glenn to through traffic, it will have two-story homes on the perimeter as well as interior. Internal sidewalks will be built but not connected to established trails as proposed above. Proposed improvements to Maxwell Creek Road will not occur if 18 lots are developed for homes to be built. Council reflected to Mr. Betz that the property is currently zoned SF-20 as it was when he purchased the property. Nothing has been presented to Planning and Zoning displaying a SF-20 format.

Mr. Betz introduced Kevin Spraggins, Engineer and Bob Ingram with Mohr Partners, both have Assisted Living backgrounds. The aging population numbers for this area were discussed with a

graph showing citizens fifty-five and above, additionally predicting the demographics for this age group in five years for a five mile radius.

Mayor Barna opened the public hearing at 7:00 pm. He explained that each person will be allowed 3 minutes and will only be recognized once during the evening.

Renee Collins, resident – opposed  
John Daugherty, resident – opposed  
John Doyle, resident – opposed  
Mark Hanson, resident – opposed  
Chris Koleber, resident – opposed  
Celia Saunders, resident – opposed  
Larry Saunders, resident – opposed

David Smith, resident – opposed  
Diane Waller, resident – opposed  
Diane Weyandt, resident – opposed  
Keith Huyck, resident – on the fence  
Don Kiertscher, resident – design issues  
Jennifer Berthiaume, resident – in favor  
Richie Earle, resident – in favor

Summary of comments from the citizens opposing the development:

Too small an area for commercial; no walk-through in yards; wants housing only; demographics warranted for such; large housing lots are preferable-nothing commercial; no crime due to current traffic lay-outs; quality of life has changed due to traffic and retail; disturbing the quietness of the neighborhood; no apartment living; don't open Pandora's box; increased traffic in and out of the proposed facilities; decreasing property values; children at play in danger due to increased traffic; and not enough information received.

Summary of comments from the citizens in favor of the development:

Happy with the developer and his communication style; Mr. Betz has tried to meet the needs of the neighbors and in explaining that Oak Glenn will be an open thoroughfare if houses are built rather than a locked gated area accessible by police and fire only as currently proposed.

Summary of comments regarding on the fence and design issues:

The resident is concerned that as more and more of the property surrounding his becomes commercial zoning, that his home will eventually be surrounded and become a commercial property as well.

The design realignment of the interchange at South Maxwell Creek road and FM 544 should be addressed in future engineering drawings if the project moves forward. A minimum one stacking distance in the center lane was suggested.

Mayor Barna closed the public hearing at 7:33 pm.

Council made some comments regarding the development. The residents need to realize that the property will eventually be developed. The current zoning of SF-20 allows for two story homes as defined in the base zoning. Highest and best use of the property is what everyone wants and desires. The developer's concessions were discussed which included the live screening, the one story height of buildings around the perimeter, the locked gate on Oak Glenn for emergency egress and ingress only. Larger lots seem to be the desired build of the neighbors. Council will not be able to stop SF-20 building if that is what the developer wants to build. A builder might come in and propose SF-15.

Mr. Betz requested the item be withdrawn at this time. Mr. Betz was thanked by Council and staff for his willingness to visit with the neighbors and consider their wishes.

**COUNCIL ACTION (7.B.):****NO ACTION**

**The applicant withdrew his proposal in writing, submitting a handwritten note.**

- C. Consider and take appropriate action, if any, on the authorization to solicit bids for the Betsy Lane Widening and Drainage Improvements project from North Murphy Road to McCreary Road.

City Manager Fisher stated this item is to authorize the City Engineer to prepare the construction bid documents to widen Betsy Lane from North Murphy Road to McCreary Road and widen the bridge.

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

**Deputy Mayor Pro Tem Siddiqui moved to authorize the City Manager to solicit bids for the Betsy Lane Widening and Drainage Improvements project. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.**

- D. Discuss and/or consider implementing community blog(s) and regulations relating thereto for the City of Murphy website blogs and video streaming broadcasts.

This item is a continuation of the December item presented before. Finding the proper balance is crucial on this item as it is between constitutional rights and offensive behavior on social media. This is new territory for all cities using websites, Facebook, twitter, etc. Allowing input from Council on community blog(s) is also new.

IT Manager Medford made a presentation to Council regarding the upcoming projects:

- City of Murphy Mobile Application, (released in February) which includes:
  - News Flash
  - City Calendar
  - Request Tracker
  - Staff Directory
  - City's Website
  - Notify Me
  - My Account
  - Search
  - Facebook
  - Twitter
  - You Tube
- Mindmixer Citizen Engagement Tool (to be released in March 2015)
- Financial Transparency Portal (to be released in March 2015)
- Murphy Community Blog (to be released in March 2015)
- Open Data & Performance Data Portal (to be released in April 2015)
- Video Streaming – Council Meetings (to be released in April 2015)

He mentioned about the recent spam attack that the city's email addresses have been receiving recently and the steps taken to correct the issue. City Manager Fisher publically thanked IT Manager Medford and Council was in total agreement.

- E. Discussion regarding the 2015 City Council Planning Session.

City Manager Fisher led this discussion. Council proposed Friday, March 20, 2015 after 5 pm and all day on Saturday, March 21, 2015. Staff needs to know what is important for Mayor and Council to discuss as soon as possible, so that supporting documentation can be gathered. The event will be held at the MCC, City Manager Fisher will facilitate. Thursday, March 19, 2015 will be an evening meeting to have a meal and be more informal in the discussion.

**8. CITY MANAGER/STAFF REPORTS**

**A. North Murphy Road Construction Update**

City Manager Fisher stated various issues are being addressed.

**B. Boards and Commission Training to be held Saturday, February 7, 2015**

Beginning at 9 am, Andy Messer will be representing the City Attorney's office.

**C. Collin County Days, March 2-3, 2015**

Councilmembers Spraggins and Fincanon are attending. Staff members attending are Bernie Parker, Tina Stelnicki, Kristen Roberts, James Fisher and Susie Quinn.

**D. Timbers Nature Preserve**

Timbers Nature Preserve project is running on schedule.

**F. South Maxwell Creek Parallel Trunk Sewer Line**

This project is also running on time and preconstruction meetings will be scheduled soon.

**G. Safe Routes to school**

Work has been suspended as we have not received the correct paperwork which delays reimbursement payment from the federal government to us and from us to the contractor.

**H. Trout Fishing Round-Up**

The round-up is to be on Saturday, February 21, 2015 from 9:00 am and 11:30 am here at City Hall. As long as you are participating in the fishing during the times posted, a fishing license is not required. However, one is required prior to 9:00 am and after 11:30 am.

**9. ADJOURNMENT**

With no further business, the meeting was adjourned at 8:16 pm.

APPROVED BY:



Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary