

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
SEPTEMBER 15, 2015 AT 6:00 P.M.

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:03 pm.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Barna led 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 Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Rob Thomas

Absent:

Councilmember Ben St. Clair

4. PUBLIC COMMENTS

Ray Shahan, resident, continues to request a full investigation on PD 3-10-590 regarding the zoning/rezoning of the Ranch subdivision. Shahan explained to council the types of fencing allowed throughout the ranch subdivision and expanded on information he distributed to Council.

5. PRESENTATIONS

- A. Presentation of Proclamation recognizing September as Leukemia, Lymphoma & Myeloma Awareness Month.

Bill Carley, his daughter, Taylor, and twins, Brooklyn and William were present to accept the Proclamation.

- B. Presentation of Proclamation recognizing October 4, 2015 as DFW Solar Tour Day.

Robert Litwins, a representative from the DFW Solar Tour Day accepted the Proclamation.

- C. Presentation of financial report and investment report as of August 31, 2015.

Finance Director, Linda Truitt presented on the current financials we have decreased our investment by 1.3 million dollars, largely that is from the interest from our outstanding debt. Sales tax is 3.491 million dollars, which is 11% ahead of last year. Revenues for the general fund

are at a little over 94% the permits and court revenues are lacking, and not anticipated to improve. There were 2 single family building permits issued in August, for a total of 41 for the year. Based on current projections we will be about \$500,000 below budget, for a total of 12.5 million dollars for the total budget. The utility fund has improved due to the dry conditions we are currently experiencing.

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 the September 1, 2015 regular meeting minutes.

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 6 to 0 (Councilmember St. Clair was absent).

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act upon approval of an ordinance adopting the fiscal year 2015-2016 budget and appropriating funds to a sinking fund to pay interest and principal on the City's indebtedness, and appropriating funds to support the City of Murphy, Murphy Municipal Development District and Murphy Community Development Corporation for the fiscal year beginning on October 1, 2015 and ending on September 30, 2016.

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$539,926 OR 5.46%, AND OF THAT AMOUNT \$200,093 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

City Manager James Fisher, explained the adoption of the budget, gave a brief summary of budget items, balances, and revenues. Fisher explained what items are to be funded by MMDD such as the events, sidewalk repair and more. Fisher briefly discussed the Utility Fund revenues, expenditures, operating capital for general fund and utility fund.

COUNCIL ACTION (7.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve Ordinance Number 15-09-999 adopting the budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016 and making the appropriations as reflected in said budget. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember St. Clair was absent).

- B. Consider and/or act upon ratifying the property tax revenue increase reflected in the 2015-2016 fiscal year budget.

City Manager James Fisher explained the adopted tax rate will be .53 cents per \$100 valuation. Fisher also explained the tax rate has been decreasing, while the property values have increased. Fisher showed a breakdown on Wylie ISD and Plano ISD taxes based on where you reside in the city.

COUNCIL ACTION (7.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve ratifying the property tax revenue increase reflected in the 2015-2016 fiscal year budget. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember St. Clair was absent).

- C. Consider and/or act upon approval of an ordinance levying ad valorem taxes for use and support of the municipal government of the City of Murphy for the fiscal year beginning October 1, 2015 and ending September 30, 2016.

City Manager James Fisher explained this is something the city is required to do. There was no further discussion on council.

COUNCIL ACTION (7.C.):

APPROVED

Mayor Pro Tem Bradley move that the property tax rate be increased by the adoption of a tax rate of \$0.530000, which is effectively a 3.57 percent increase in the tax rate and approve Ordinance Number 15-09-1000 establishing and levying municipal ad valorem taxes for the fiscal year beginning October 1, 2015 and ending on September 30, 2016, and for each fiscal year thereafter until otherwise provided. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember St. Clair was absent).

- D. Consider and/or act upon approval of an ordinance amending the zoning classification on approximately 6.51 acres on property located at the southwest corner of Betsy Road and McCreary Road from SF-PH (Single Family Residential Patio Home) to a Planned Development District: Single Family Residential – Patio Home and Townhome with a concept plan.

Director of Economic and Community Development Kristen Roberts explained on September 1st this item was brought before council but it was postponed until this meeting. Skorburg, the developer has submitted an application for townhomes / patio homes for this area. The developer is suggesting building 29 townhomes and 15 patio homes. There are a few considerations they are proposing and after the Planning and Zoning meeting, there were a few changes that occurred such as development regulations which read “detached” but should read “attached” and the language, “for screening the 5 foot berm” verbiage was removed and “the cedar color finish for fencing” was removed as well. There was also a change regarding the western fence height, the developer agreed to replace it with an 8 foot fence. The considerations were presented by a representative from Skorburg. Council asked for clarification on the current zoning. Roberts explained it is currently zoned for patio homes, and to allow for the townhomes the planned development would be required.

Representative from Skorburg described their plan in greater detail. Their hope it to use the townhomes as a “buffer” from the retail/higher density area to the east of this property. The minimum lot sizes would be for patio homes 5,500 square feet with a width of 50 feet, and for the town homes it would be a minimum lot size of 2,700 square feet with a width of 25 feet.

Council asked for clarification if they had thought about doing only patio homes and not including townhomes. The developer explained they have looked into it previously but it hasn't been a viable option. Council raised a question on the brick masonry/three parts stucco. The developer said they would remove the verbiage regarding the stucco. The potential of a brick masonry wall versus tubular steel with masonry columns were discussed at length.

There was one public comment regarding this item.

Greg Burgett, resident, wanted clarification on the board on board fencing.

Council also asked for clarification regarding the 8 foot, board on board fence being installed all at one time. The developer confirmed the fence will all be installed at one time.

Council brought up the parking spaces and the potential for not having enough. Roberts explained this is the concept plan and the parking will be addressed after council's approval when the site plans become developed.

COUNCIL ACTION (7.D.):

APPROVED

Mayor Pro Tem Bradley moved to approve Ordinance Number 15-09-1001 amending the zoning classification on approximately 6.51 acres on property located at the southwest corner of Betsy Road and McCreary Road from SF-PH (Single Family Residential Patio Home) to a Planned Development District: Single Family Residential – Patio Home and Townhome with a concept plan and to make changes as follows to the presented ordinance: In Exhibit B, Section 1.5, Table A, sub note 2, remove the wording '3-Part Stucco' and adding (Stucco is not an allowed masonry material); In Exhibit B, Section 2.06, adding the wording; construction of the fences along the western property line are to be completed as one project as development construction begins; and all references to the fence above that stated six (6) feet are changed to eight (8) feet. Councilmember Thomas seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Councilmember Spraggins and Councilmember Thomas. Against: Deputy Mayor Pro Tem Siddiqui and Councilmember Fincanon. The motion carried by a vote of 4 to 2 (Councilmember St. Clair was absent).

- E. Consider, discuss and/or act on an update to the Southeast Study Project.

Director of Economic & Community development explained to council this is not a public hearing but a public input time. Roberts's updated council there will be a meeting on September 28th with Council and Planning and Zoning on a possible moratorium extension. There will also be a more final concept plan from Freese and Nichols, and have dispersed it to all the contacts they have in regards to this project. There was clarification on the density that is proposed, due to there being “flex” density on the proposed plans, and Roberts explained it was just a place holder until the final density was decided on. Council also asked for clarification on the moratorium deadline and possible extension. City Manager James Fisher clarified the

moratorium was an original 90 days in length, and the meeting on September 28th with Council and P&Z will vote to either extend the moratorium and it is staff's recommendation to consider the extension. Fisher also explained if council wants to approve a variance to individual land owners if they need/want to develop something on their property within the current zoning.

Council discussed taking Cherokee drive off the draft plan due to it being a private road, and requested it to be taken off by Freese and Nichols. Roberts explained the current proposed draft plan. There was also extensive discussion on the connecting of South Maxwell Creek Road to McCreary; Fisher explained if it does connect it will be a concrete road, not asphalt as it is currently.

Public Comments for Agenda Item 7.E.:

Barbra Harless, resident, explained they do not have any sidewalks or gutters. She also expressed her wishes to not connect Ridgeview to McCreary, and wishes to cut off access to Kinney drive to four-wheel vehicles. She also explained her wishes to make the lot sizes larger for continuity of the area.

Daniel Lucas, resident, expressed that he is happier with this plan as opposed to the previous one with regards to the density, and would like Freese and Nichols to take ideas from Dublin road and model this area after it. He also expressed his concerns with safety issues if South Maxwell Creek is connected to McCreary.

Keith Howk, resident, explained the medium density area he would like to have changed to larger sized lots. Also, he expressed his wishes to not connect South Maxwell Creek road to McCreary due to traffic, and potential accidents. He also asked for the east side of the creek to be left untouched.

Chris Muraz, resident, requested Council to wait to go through with this plan until the comp plan is completed. Freese and Nichols has a "top ten" issues list and asked if the city has a top ten list as well. Muraz also asked about the 16 acres the city owns on Kinney Drive, and explained the history of the zoning of "Kinney Park" and asked for this area to be removed from this plan. He is also voiced his concerns on the connection of South Maxwell Creek to McCreary due to increased traffic and safety concerns. He also requested the properties to the east of Maxwell Creek be removed from the Planned Development.

Christine Johnson, resident, expressed her concerns on a loop connecting to McCreary and questioned the location. She explained her appreciation to Freese and Nichols for hearing their concerns, but explained there needs to be better connectivity in a safe manner.

Judy Evans, resident of Rockwall, owns property in this area of Murphy, she explained her concerns for her property being divided into retail and flood zone, and requested to not divide properties for different zoning because it creates the inability to build on her property.

Ryan Betz, resident, voiced his approval of this plan and the development plan as a whole, and requested they continue to work on this vigilantly and quickly.

Mike Prez, resident, implored Council to look at the traffic more closely with regards to the surrounding areas. Prez also expressed his wishes to conduct a traffic study on FM 544 especially with this new potential development. City Manager James Fisher explained they have conducted a traffic study, and PDQ granted two turn lanes onto FM 544, and the traffic study has been sent to TxDOT. Prez also requested Kinney Drive to be on the upgrade list.

Don Kiertscher, resident, requested the map to be cleaned up and ensure all the study area is the correct area, he explained currently there are areas that are included that shouldn't be. He also pointed out to council other areas that need a closer look before anything is set.

Juliane Delosier, resident, has changed her mind on being included with the Ganis property. She is requesting there to be some kind of buffer between their property and the Ganis property, and possibly larger setbacks. She also expressed her wishes to not connect South Maxwell Creek, but if they must to make it as close to the edge of her property as possible as to not interfere with the large animals she wants to have.

Martha Gallian, resident, explained where her property is located. She expressed her wishes to not allow medium density in this area, and also expressed her frustrations on how no one outside the boundaries of this plan has been contacted about this planned development. She also expressed her dislike of pole fences.

Ray Cross, resident, asked for clarification on density in the proposed development.

Pete Ganis, resident, wanted to make clear his property needs to have a road in and out from McCreary.

- F. Consider and/or act upon approval of an ordinance adopting a new Code of Ordinances for the City of Murphy to be effective immediately upon its adoption.

City Manager, James Fisher explained why we needed a complete recodification of our ordinances. Council asked for clarification on the cleanup, and ensuring there is nothing that is missing. A Kirk Franklin, owner of Franklin Legal Services, clarified the company went through every ordinance to make sure everything was organized in a clearer way, and renumbered as well for a smoother flow. Fisher also explained all the ordinances were reviewed by the publishing company, our legal team, members of staff, and himself.

Mayor Pro Tem Bradley moved to approve Ordinance Number 15-09-1002 adopting a new Code of Ordinances for the City of Murphy to be effective immediately upon its adoption. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Councilmember St. Clair was absent).

- G. Discussion with regard to political sign placement.

City Manager James Fisher explained that when we moved the voting location from the Community Room at City Hall to the Community Center, across the street; we do not have any political sign regulations for that area. Fisher asked council to consider waiting until after the

November Presidential election to see what we encounter. Council discussed the options for having signs placed, and by consensus, no signs are to be placed in the fenced-in area of the Community Center.

H. Discussion of water consumption and billing.

City Manager James Fisher explained that the Customer Service staff performed a random water audit to make sure the meters were functioning properly. Out of the 120 meters tested, 5 meters had leaks and were excluded from the audit. In total, 115 were checked, there were 6 more leaks, and all leaks were reported to the homeowners. The American Water Works Association accuracy standards for residential ¾" meter is 98.5% to 101.5%; 105 of the tested meters were within the standards; 10 meters tested below standards; and 1 meter tested above standards. Fisher also explained the gallons used by the residents and gallons the city is required to buy.

There was a resident who asked for clarification on the water bill cycle. Council and Customer Service Manager Candy McQuiston explained the dates on the bills.

I. Discussion on the Murphy Police Department Body Worn Camera Policy.

City Manager James Fisher explained that the police department is ready with the cameras, and the policy will be coming back to council on October 4th for council review at the request of Councilmember St. Clair so he can be in attendance. We are still working on a policy for the amount of time to store the taped date and where to store the data collected from the body cameras.

8. CITY MANAGER/STAFF REPORTS

A. Timbers Nature Preserve

City Manager Fisher gave update and there will be a walk through on October 10th with the residents to voice their concerns.

B. Betsy Lane Road Widening Project

City Manager Fisher said this project is ahead of schedule should be completed by December.

C. South Maxwell Creek Parallel Trunk Sewer Line

This project is going well.

D. North Murphy Road

City Manager Fisher explained we are finishing items but because there is a waitlist for concrete it is slowing the progress down.

E. "Drug Take Back" day in Murphy

City Manager Fisher updated council regarding the event, which is to be held Saturday, September 19th.

He also explained Maize Days is September 26th, with a 5k, 10k and fun run.

Fisher also let council know the Murphy Municipal District approved to fund \$50,000 for the Southeast Study.

9. ADJOURNMENT

With no further business, the meeting was adjourned at 8:52 pm.

APPROVED BY:



Eric Barna, Mayor

ATTEST:



Susie Quinn, City Secretary

