

CITY COUNCIL MINUTES  
NOVEMBER 19, 2013 REGULAR CITY COUNCIL MEETING

**1. CALL TO ORDER**

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

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Barna gave the invocation and led the recitation of the Pledge of Allegiance.

**3. ROLL CALL & CERTIFICATION OF A QUORUM**

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

Mayor Eric Barna  
Mayor Pro Tem Owais Siddiqui  
Deputy Mayor Pro Tem Ben St. Clair  
Councilmember Betty Nichols Spraggins  
Councilmember Bernard Grant  
Councilmember Rob Thomas

Councilmembers absent:  
Councilmember Scott Bradley

**4. PUBLIC COMMENTS –**

*Dennis Koleber, 411 Woodcrest Circle* – Mr. Koleber expressed concerns regarding high pampass grass along Murphy Road.

*Marv Williams, 1201 Cactus Path* – Mr. Williams thanked the Council for allowing the Exchange Club to have a booth at Christmas in the Park to allow visitors to make Christmas cards to be delivered to Veteran's hospitals throughout the state.

*Ruth Murphy, 316 Mimosa Drive* – Ms. Murphy expressed concerns regarding the addition of a pond across from her house. Ms. Murphy stated that the retainer that has been used is currently falling into the culvert.

*Ryan Sullentrup, 416 Woodcrest Circle* – Mr. Sullentrup expressed concerns that the Timbers neighborhood has had lots of challenges. Mr. Sullentrup stated that some of the neighbors have been angry as a result of fear. Mr. Sullentrup stated the fear was in part because of zoning issues, past developments and recent election concerns.

**5. PRESENTATION ITEMS –**

**A. Keep Murphy Beautiful Mascot and Poster Contest Winners:**

Elizabeth Combs, Public Relations Coordinator with Progressive Waste Solutions stated that the Mascot Contest winner and the Poster Contest winner would both be placed on the sides of the trash vehicles used within the City of Murphy.

Mayor Barna presented the Keep Murphy Beautiful Mascot and Poster Contest Winners:

Daphne Durr - 2<sup>nd</sup> Place Murphy Poster Contest

Dawson Durr - 1<sup>st</sup> Place Murphy Poster Contest winner with an award of a \$100 gift card

Hamza Muhammed - 2<sup>nd</sup> Place Murphy Mascot Contest

Cedric Zhou - 1<sup>st</sup> Place Murphy Mascot Contest winner with an award of an iPad mini.

Masters Durr and Zhou will have their artwork displayed on the Progressive Waste Solutions trucks that service Murphy residents.

**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 November 5, 2013 regular meeting minutes.

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

***APPROVED***

Councilmember Grant moved to approve the consent agenda as presented. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

**7. INDIVIDUAL CONSIDERATION**

A. Hold a public hearing and consider and/or act on the application of Elevate Church to re-plate 701 E. FM 544.

Kristen Roberts stated that the purpose of the re-plate was to remove a fire lane easement to accommodate additional parking spaces.

Mayor Barna opened the public hearing at 6:21 pm.

No one was signed in to speak in favor of or in opposition to the re-plate.

Mayor Barna closed the public hearing at 6:22 pm.

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

***APPROVED***

Councilmember Grant moved to approve the application of Elevate Church to re-plate 701 E. FM 544. Councilmember Nichols Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

B. Consider and/or act on the application of Elevate Church to revise the site plan of 701 E. FM 544.

Ms. Roberts stated that the revised site plan to add 23 new parking spaces. Ms. Roberts noted that the site plan also indicated a future expansion that has yet to be approved.

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

***APPROVED***

Councilmember Grant moved to approve the application of Elevate Church to revise the site plan 701 E. FM 544. Councilmember Nichols Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

C. Hold a public hearing and consider and/or act on the application of Ann B Pierce, Gabriel Kiros and Tiruwork Abraha requesting to approve a change in zoning from SF-20 (Single Family 20 Residential) Development to PD (Planned Development) District for a SF-9 (Single Family-9 Residential) Development and PD requirements on approximately 14 acres of property located southwest of FM 544 and east of and adjacent to south Maxwell Creek Road.

Ms. Roberts stated that staff had been working for four years with different developers on the subject property. Ms. Roberts stated the current applicant submitted an application that was considered by the Planning and Zoning Commission in June of this year. The application was denied by the Commission and subsequently withdrawn by the applicant. Ms. Roberts stated the newest submittal addressed concerns brought forth by the neighbors.

Ms. Roberts stated that the property was currently zoned SF-20. Ms. Roberts stated the developer has proposed 37 single family lots. Ms. Roberts stated that the developer has identified interior lots as Type A lots with a 10,000 square foot lot minimum and 2,400 minimum square foot residence. Ms. Roberts stated that the exterior lots have been identified as Type B lots by the developer and reflect the adjacent neighborhoods with a minimum lot depth of 150 feet and a rear building setback of 40 feet.

Ms. Roberts stated that the developer would bear the expense of aligning S. Maxwell Creek Road. Ms. Roberts stated that staff was recommending that Oak Glen Drive remain a dead end drive with the developer dedicating an easement for future road extension at the city's expense.

*Jerry Sylo with JBI Partners, 16301 Quorum* - Mr. Sylo presented the Council with his clients proposed development.

Mayor Barna moved to open the public hearing at 6:57 p.m.

*Tracey Cole, 420 Oak Glen Drive* - Ms. Cole stated that she had lived in Murphy for four years and loved Murphy. Ms. Cole stated that she is opposed to the zoning change request along with many of her neighbors. Ms. Cole stated that her neighbors have also pulled together 20 homeowners in opposition to the request, also requiring a three-fourths majority.

*Max Huffman, 4 Bunny Run* – Mr. Huffman stated he was one of the first chairmen of the Planning and Zoning Commission. Mr. Huffman stated the request was not new. Mr. Huffman asked the Council to stick with the master plan. Mr. Huffman expressed concerns with the increased traffic and asked the Council to deny the request.

*Dennis Koleber, 411 Woodcrest Circle* – Mr. Koleber stated that Murphy has become like another boring town. Mr. Koleber expressed his concerns with smaller lots and two story houses. Mr. Koleber asked the Council to uphold the SF-20 zoning.

*Ryan Sullentrup, 416 Woodcrest Circle* – Mr. Sullentrup expressed concerns with regards to who city staff is working for when they make recommendations. Mr. Sullentrup stated that the developer has not met with any of the neighbors that he is aware of.

*Richie Earle, 129 Ridgestone Drive* – Mr. Earle stated that the city had come up with their rules a long time ago and plan to live out their lives in their house. Mr. Earle stated that he depended on Council to hold the line on sticking to the regulations. Mr. Earle asked Council to deny the request.

*Keith Huyck, 127 S. Maxwell Creek* - Mr. Huyck stated that most of the SF-9 neighborhoods are surrounded by park land or streets, not adjacent to neighbors. Mr. Huyck stated he lived on 0.75 acres and was concerned about losing his privacy.

*Carol Huyck, 127 S. Maxwell Creek* – Ms. Huyck stated that she wanted part of Murphy to remain country.

*Jennifer Berthiaume, 416 Woodcrest Circle* – Ms. Berthiaume stated that she has lived in Murphy for 2.5 years and has seen quick turnover in larger lots in Murphy.

*Celia Saunders, 415 Rocky Glen Circle* – Ms. Saunders asked the Council to deny the request.

Mayor Barna closed the public hearing at 7:31 pm.

The Mayor inquired of the applicant if SF-20 would work on the subject property. Mr. Sylo stated that, with the current street configuration, only 22 lots would fit and Oak Glen Drive would have to be extended. Mr. Sylo stated that the realignment of South Maxwell Creek was determined through working with a traffic engineer.

Mr. Sylo asked that the Council wait to take a vote until the full Council could be present.

Mayor Pro Tem Siddiqui stated that he felt the area was a unique, bucolic piece in Murphy and would not support a change in zoning.

Councilmember Thomas stated that he agreed with Mayor Pro Tem Siddiqui.

Mr. Sylo requested that their application be withdrawn.

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

***WITHDRAWN***

Councilmember Grant moved to approve the applicants request for a withdrawal of the application. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- D. Hold a public hearing and consider and/or act on amending Murphy Code of Ordinances: Chapter 28 Development Standards, Article II Fencing, Walls and Screening; and Chapter 70 Subdivisions, Article II Procedures, Section 70-35 to amend the requirements for final plat approval.

Ms. Roberts stated that staff brought forth two amendments that were approved by the Planning and Zoning Commission. Ms. Roberts stated the amendments related to HOA approval of fences and amendment to the signature block on final plats.

Mayor Barna opened the public hearing at 7:51 pm

No one was signed in to speak in favor of or in opposition to the proposed amendments.

Mayor Barna closed the public hearing at 7:51 pm.

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

**APPROVED**

Mayor Pro Tem Siddiqui moved to amending Murphy Code of Ordinances: Chapter 28 Development Standards, Article II Fencing, Walls and Screening; and Chapter 70 Subdivisions, Article II Procedures, Section 70-35 to amend the requirements for final plat approval. Councilmember Grant seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0. (*Ordinance 13-11-962*)

- E. Consider and/or act on amending Chapter 30, Code of Ordinances, to regulate the sale and possession of e-cigarette products.

City Manager James Fisher stated that the proposed amendment was to provide for a definition of e-cigarette products and prohibits the use by minors.

Councilmember Thomas asked for confirmation that the Council was not addressing the location where e-cigarettes could be utilized. Mr. Fisher confirmed that the only changes were to provide for the definition of e-cigarettes and the usage by minors.

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

**APPROVED**

Councilmember Grant moved to amend Chapter 30, Code of Ordinances, to regulate the sale and possession of e-cigarette products as presented by the City Manager. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0. (*Ordinance 13-11-963*)

- F. Consider and/or act upon a resolution casting votes for the position of Board of Director for the Central Appraisal District of Collin County.

Councilmember Thomas stated he would like more information regarding the candidates.

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

**NO ACTION**

Council took no action on Item 7.F.

- G. Discuss and provide an update on traffic control devices used in the closure of Grant Road at the Murphy city limit.

Mr. Fisher stated that he had received numerous emails regarding Council's next steps.

Fire Chief Lee stated that a gate that was opticom controlled was preferred as mutual aid from Sachse would be hindered if there was a permanent closure. Chief Lee stated that the closest Sachse Fire Department is anticipated to be fully staffed within five years.

Councilmember Thomas stated that he recalled the Council asking for different options on the closure.

Mayor Barna stated that he would like to see options for a gate, as well as a landscaped permanent structure as Councilmember Bradley had brought up in the past.

Mayor Pro Tem Siddiqui asked Staff to consider options that are aesthetically pleasing, interconnected for pedestrians and are cost effective.

Deputy Mayor Pro Tem St. Clair stated he wanted to see maintenance costs associated with the closure.

Discussion was held with regard to having staff bring back options on the January 21, 2014 meeting.

**COUNCIL ACTION (7.G.):**  
Non action item.

**NON ACTION ITEM**

- H. Consider and/or act on an exception to the Alcohol Policy for the Murphy Community Center for the Board and Commission Appreciation Dinner scheduled for Thursday, December 12<sup>th</sup>, 2013.

Mr. Fisher stated that the policy had been adopted some time ago.

*John Daugherty, 738 Rosewood Drive* – Mr. Daugherty stated that, in previous Council discussions, the Saturday declaration was to allow for wedding receptions.

Councilmember Thomas stated he would like to see further discussion to expand the alcohol policy to include additional days.

*Keith Patton, 451 Poindexter* - Mr. Patton stated that one of the concerns was that a lot of children's organizations would be around during potential alcohol service.

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

**APPROVED**

Councilmember Grant moved to approve an exception to the Alcohol Policy for the Murphy Community Center for the Board and Commission Appreciation Dinner scheduled for Thursday, December 12<sup>th</sup>, 2013. Councilmember Nichols Spraggins seconded the motion. For: Barna, Siddiqui, Nichols Spraggins, Grant and Thomas. Against: St. Clair. The motion carried by a vote of 5 to 1.

- I. Consider and take action, if any, on a request for the institution of an Over 65 Tax Freeze.

Councilmember Thomas stated he had a hard time exempting people from taxes and then allowing them to vote for tax increases.

Mayor Barna stated that there was an exemption in place and stated that the Council should consider an increase in the exemption during the next budget session.

**COUNCIL ACTION (7.I.):**  
No action was taken.

**NON ACTION ITEM**

## 8. CITY MANAGER/STAFF REPORTS

Mr. Fisher provided the Council with an update on the following items:

North Murphy Road Construction Update – The batch plant in Parker is not currently operational.

Thanksgiving Holiday – City Hall Closed - November 28<sup>th</sup> & 29<sup>th</sup>

Christmas in the Park – December 5<sup>th</sup>  
Board and Commission Celebration Dinner – December 12<sup>th</sup>  
Employee Luncheon – December 18<sup>th</sup>

**9. ADJOURNMENT**

With no further business, the meeting was adjourned at 8:28 p.m.

APPROVED BY:



Eric Barna, Mayor

ATTEST:

  
Kristi Gilbert, City Secretary