

CITY COUNCIL MINUTES  
REGULAR CITY COUNCIL MEETING  
NOVEMBER 17, 2015 AT 6:00 P.M.

**1. CALL TO ORDER**

Mayor Pro Tem Scott Bradley called the meeting to order at 6:00 pm.

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

Councilmember Spraggins gave the invocation and led the Pledge of Allegiance.

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

Susie Quinn, City Secretary, certified a quorum with the following Councilmembers present:

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

Absent:

Mayor Eric Barna

**4. PUBLIC COMMENTS**

**Ray Shahan**, resident, wished members of Council a Happy Thanksgiving. Shahan addressed Council regarding the meeting advertisement for various public hearings held during 2003 as printed in Murphy Monitor, the city's newspaper of record. He presented Council with documents and a CD. His discussion pertains to the missing advertisements in relation to the Public Hearings held before the passing of Ordinance 03-10-590 (planned development for the Ranch and Gables).

**Marcia Jowers**, Murphy Messenger, announced to Council she has sold the Murphy Messenger. Issues will come out every other week and will be run by two Murphy residents. She thanked the advertisers for allowing the citizens to receive the free publication.

**5. PRESENTATIONS**

**A. Proclamation recognizing November as American Diabetes Month**

This proclamation was accepted by Mary McLennan on behalf of the American Diabetes Association.

**B. Presentation of financial report and investment report as of September 30, 2015.**

Finance Director Linda Truitt, explained to Council the numbers projected as of September 30, 2015. Truitt reminded Council these are unaudited numbers and are subject to change. There is about a 10.9 % increase from the previous year for sales tax dollars received. Truitt gave a detailed overview of the General and Utility Funds regarding being over and under budget. Truitt explained most of the General Fund Departments and Utility Fund Departments that are under budget are due to vacant positions, contract renegotiations and projects that have been postponed. The potential fund balance is approximately four million dollars by the end of the

year. The investment report shows the City at \$17.8 million at the end of September versus \$19.9 million from the end of June. It is lower due to interest payments, capital projects, and no Tax income during this time.

#### 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 on the October 13, 2015 worksession minutes.
- B. Consider and/or act on the October 20, 2015 regular meeting minutes.
- C. Consider and/or act on the November 3, 2015 regular meeting minutes.
- D. Consider and/ or act on the application Stacy McVey, Double Eagle Properties, LLC requesting approval of a site plan, landscape plan and building elevations for a single story retail center on property zoned PD (Planned Development) District No. 09-12-823 on property located at the southwest corner of FM 544 and Brand Road.
- E. Consider and/or act on the 2016 City of Murphy Holiday schedule.

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

**APPROVED**

Deputy Mayor Pro Tem Siddiqui moved to approve the consent agenda as presented. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Mayor Barna was absent).

#### 7. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing and consider and/or act on the application of Homeyer Engineering, Inc. requesting an amendment to PD (Planned Development) District Ordinance No. 09-07-803 to amend the Permitted Uses to allow for a swim school on property located on Betsy Lane, west of Murphy Road; located directly east of the Fort Montessori School.

Director of Economic and Community Development, Kristen Roberts described to Council where the location is on the map and explained a swim school is an allowed use for this space. There was discussion between Council and staff if it would be an indoor or outdoor pool and it was clarified and decided an indoor pool would be allowed. Roberts let Council know it was approved by the Planning and Zoning Commission with 1 nay vote (Commissioner Johnson), there was no clarification of the reasons for the nay vote.

Public Hearing opened at 6:34 pm.

Public Hearing closed at 6:34 pm.

There were no public hearing comments.

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

**APPROVED**

Deputy Mayor Pro Tem Siddiqui moved to approve the application of Homeyer Engineering, Inc. requesting an amendment to PD (Planned Development) District Ordinance No. 09-07-803 to amend the Permitted Uses to allow for an indoor swim school. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Mayor Barna was absent).

- B. Hold a public hearing and consider and/or act on the application of Dennis Lorch of Inwood Bancshares, Inc, requesting approval of a SUP (Specific Use Permit) to allow a drive-thru window for a Schlotzsky's restaurant on property zoned PD (Planned Development) District No. 09-12-823 on property located on the southeast corner of FM 544 and Brand Road; located directly west of Ishine Car Wash.

Director of Economic and Community Development, Kristen Roberts described where this would be located if approved, and it is an allowed use per the SUP. Council confirmed that Schlotzkey's will be the only restaurant in the development.

Public Hearing opened at 6:37 pm.

Public Hearing closed at 6:37 pm.

There were no public hearing comments.

Council asked applicant to clarify the drive-thru, if that is becoming the norm for Schlotzsky's. The applicant verified this is the normal now, because it brings in 45% to 55% more revenue to each location. Council asked for names of the other potential businesses for the business park but the applicant could not release that information at this time, since they are still in negotiations, but clarified that it would be retail type businesses or professional service type places.

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

**APPROVED**

Deputy Mayor Pro Tem Siddiqui moved to approve the application of Dennis Lorch of Inwood Bancshares, Inc, requesting approval of a SUP (Specific Use Permit) to allow a drive-thru window for a Schlotzsky's restaurant on property zoned PD (Planned Development) District No. 09-12-823. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Mayor Barna was absent).

- C. Consider and/or act on the application of Dennis Lorch of Inwood Bancshares, Inc, requesting approval of a site plan, landscape plan, building elevations and construction plat for a Schlotzsky's and retail space on property zoned PD (Planned Development) District No. 09-12-823 on property located on the southeast corner of FM 544 and Brand Road; located directly west of Ishine Car Wash.

Director of Economic and Community Development, Kristen Roberts explained to Council the applicant had to reduce the landscape buffer from 25 feet to 16 to accommodate the number of required number of parking spaces. Traffic and entrance/exit was discussed at length between Council and staff.

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

**APPROVED**

Deputy Mayor Pro Tem Siddiqui moved to approve the application of Dennis Lorch of Inwood Bancshares, Inc, requesting approval of a site plan, landscape plan, building elevations and construction plat for a Schlotzsky's and retail space on property zoned PD (Planned Development) District No. 09-12-823. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Mayor Barna was absent).

- D. Consider and/or act on Resolution No. 15-R-823 approving the ballot for the Board of Director positions for the Collin County Appraisal District.

City Manager, James Fisher explained this is an annual item and the various options for casting the City's twenty-five (25) votes. Council discussed the candidates and agreed to cast all 25 votes to John Politz of Farmersville.

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

**APPROVED**

Deputy Mayor Pro Tem Siddiqui moved to approve Resolution Number 15-R-823 granting all twenty-five votes to John Politz of Farmersville. Councilmember Fincanon seconded the motion. For: Motion passed. The motion carried by a vote of 5 to 1 Councilmember Spraggins opposed (Mayor Barna was absent).

- E. Discuss, consider and/or act with regard to appointments of a Community Improvement Projects Advisory Committee and a Charter Review Commission.

City Manager, James Fisher gave an overview of the background of this item. Fisher explained these two boards will meet more often in the beginning (weekly or every other week) and the same near the completion of their term and less while the projects are being compiled. The Charter Review Commission is limited to meeting for six months only and must be named every six years. The Community Improvement Projects Advisory Committee is designed to look at Capital Projects that could require a bond election for citizens to approve. Fisher advised not to have both boards start meeting at the same time because of all the hours that are involved for the members and staff attendance. There was much discussion on the timing of the bond election in conjunction with the May and November 2016 elections and it was decided to begin advertising for the committee and the commission in January.

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

**APPROVED**

Deputy Mayor Pro Tem Siddiqui moved to approve advertising for the seating of the Charter Review Commission in January, and work with the City Attorney to be looking at legislative changes which might affect the current charter. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Mayor Barna was absent).

- F. Discuss, consider and/or act on the installation of a 90' communication tower at Murphy Police Department for the purpose of the Emergency Services Internet Protocol (IP) Network (ESInet) and Next Generation 9-1-1 (NG9-1-1) voice and data services.

Information Technology Manager, Wendle Medford gave an overview of the background of this item. Medford confirmed this tower would be 90' from the ground, not from the top of the police building. The span of this network will be across Texas from far East Texas to West Texas. Council asked for clarification on why an existing water tower would not be used for this. Medford explained they already have many antennas on them and are very saturated. Medford explained there would be minimal cost to the city for this tower and the life for the tower is expected to be 30+ years.

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

**APPROVED**

**Deputy Mayor Pro Tem Siddiqui moved to approve the installation of a 90' communication tower at Murphy Police Department for the purpose of the Emergency Services Internet Protocol (IP) Network (ESInet) and Next Generation 9-1-1 (NG9-1-1) voice and data services. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Mayor Barna was absent).**

G. Discussion on possible amendments to the Tree Preservation Ordinance.

City Manager James Fisher explained the background of the current Tree Preservation Ordinance. It was discussed to have a strongly worded ordinance with the option for a variance. The tree caliper replacement process was touched on and decided to be discussed at a later meeting.

H. Discussion on update of Community Survey and schedule worksession.

City Manager James Fisher explained the final draft will be coming to staff and Council soon and he would like to sit down and discuss this at length. It was decided to discuss at the December 1<sup>st</sup>, 2015 meeting and Council would receive the data prior to the meeting.

**8. CITY MANAGER/STAFF REPORTS**

A. Timbers Nature Preserve

The Final Walkthrough is this week and this project will be starting to wrap up shortly.

B. Betsy Lane Road Widening Project

This project is 78% complete and going well.

C. South Maxwell Creek Parallel Trunk Sewer Line

This project is 30% complete, and Fisher explained the issues that are being corrected.

D. North Murphy Road

This project is moving forward.

Other announcements included the upcoming Boards and Commission Appreciation Dinner on Thursday, December 10, 2015; the Christmas in the Park, mini-parade and to be at the Fire Department by 4:30 p.m. on Thursday, December 3, 2015.

Council asked for clarification regarding various turn lanes, Fisher confirmed the traffic study was sent to TxDOT last year and we are still waiting for the action plan.

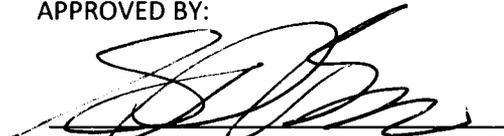
**9. ADJOURNMENT**

With no further business, the meeting was adjourned at 7:40 pm.

ATTEST:  
  
Susie Quinn, City Secretary



APPROVED BY:

  
Scott Bradley, Mayor Pro Tem