

CITY COUNCIL MINUTES  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 2, 2016 AT 6:00 PM

**1. CALL TO ORDER**

Mayor Eric Barna called the meeting to order at 6:00 PM.

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

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

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

City Secretary Susie Quinn 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* presented his thoughts on PD 10-5-390 and the concept plan for this PD.

*Evelyn Gorman, owner of GNS electric*, explained her frustrations regarding payments not being received for the work she has done with 3I Construction on the Safe Routes to School project. Her request is for the City to investigate the payments not being paid to the sub-contractors for this project.

Attorney Andy Messer confirmed the City is working on investigating this and other claims.

*Gustavo Calvo, owner of Calvo Construction Corporation*, explained he has not been paid by 3I Construction. His company worked on sidewalks, provided dump trucks, and labor. He has placed calls to 3I and been told each time to call back next week. He is requesting the city to look into this.

Attorney Andy Messer explained the City has paid all outstanding payments to 3I and we will attempt to follow up with 3I as to why payments have not been paid to the sub-contractors.

**5. 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 January 19, 2016 regular meeting minutes.

**COUNCIL ACTION (5.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.

**6. INDIVIDUAL CONSIDERATION**

- A. Hold a public hearing and consider and/or act on the application of LCD Capital Investments, LLC., to re-plat Lot 4R, Block B – Murphy Village Addition (The Learning Experience). This property is located at the SWC of Village Drive and Brand Road.

Director of Economic and Community Development, Kristen Roberts explained this item has gone before the Planning and Zoning Commission and passed with a unanimous vote. It meets all submittal and approval requirements as a final plat. Staff is recommending approval on this item.

Council asked for clarification why this lot was not originally platted individually. Roberts clarified Lot 4 was plotted as one lot but has been sold in segments which now require the replat approval.

Public Hearing opened: 6:13 PM

Public Hearing closed: 6:14 PM

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

**APPROVED**

Mayor Pro Tem Bradley moved to approve the replat of Lot 4R Block B of Murphy Village Addition as presented. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Hold a public hearing and consider and/or act on the application of Clark Knippers / PBK Murphy Propco LLC, to re-plat Lot 1R, Block 1 – McCraw Corner (PDQ). This property is located 104 E. FM 544 at the southeast corner of FM 544 and South Murphy Road.

Director of Economic and Community Development, Kristen Roberts explained this replat is a replat of a final plat and meets all requirements. The Planning and Zoning Commission approved this unanimously.

Public Hearing opened: 6:15 PM

Public Hearing closed: 6:15 PM

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

**APPROVED**

Mayor Pro Tem Bradley moved to approve the replat of lot 1R Block 1 McCraw Corner (PDQ). Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- C. Hold a public hearing and consider and/or act on the application of Wal-Mart Real Estate Business Trust requesting Ordinance No. 16-02-1007 to amend PD (Planned Development) District No. 12-02-905 to allow for a Professional Service (primarily limited to massages and facials and excluding nail services) as a permitted use on property located on the eastern outparcel of Walmart on N. Murphy Road.

Director of Economic and Community Development, Kristen Roberts explained to Council the eastern site parcel, where there is a proposed site plan in the development review que, but all are wanting an amendment to allow for specific spa services and not to include nail services. Per the Planned Development (PD) this is not an allowed use. At the January 25, 2016 Planning and Zoning meeting, a detailed discussion to consider a change in the PD to allow for massages and facials but exclude nail services, and staff's recommendation is to approve with the specific language to allow massages, facials and exclude nail services.

Council asked for clarification regarding the location, style of buildings and the plan for potential tenants for these buildings such as food establishments. Roberts explained the style and construction for the omni buildings will complement the Walmart building. There was discussion regarding building/masonry materials. Council asked for clarification from the City attorney if the masonry requirements can be expanded, and Messer confirmed that this is the proper time for those changes. The applicant spoke to these items, and requested council at this time address the permitted use only and to address the masonry requirements at a later date. Mitch with the Retail Connection also spoke as an applicant; he explained he works with the tenants getting retailers and restaurants lined up for leases. He also mentioned Hand and Stone is a retail client that would be a good anchor to take 3,300 square feet of one of the proposed 7,000 square foot omni buildings. City Manager James Fisher requested for changes to the masonry limitations and percentages to be done at this time, as to avoid issues down the road with clients planning on other masonry restrictions.

Public Hearing opened: 6:40 PM

Public Hearing closed: 6:40 PM

City Manager James Fisher explained he would like clarification in the motion the exclusion of nail service areas for the east parcels.

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

***APPROVED***

**Mayor Pro Tem Bradley moved to approve Ordinance No. 16-02-1007 to amend PD (Planned Development) District No. 12-02-905 to allow for a Professional Service (primarily limited to massages and facials and excluding nail services) as a permitted use on property located on the eastern outparcel of Walmart on N. Murphy Road. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.**

- D. Consider and/or act upon Resolution Number 16-R-826 authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing James Fisher, City Manager or Linda Truitt, Finance Director or Jay Doegey, Executive Director of Texas Coalition for Affordable Power (TCAP) to execute an electric supply agreement for deliveries of electricity effective

January 1, 2018 and committing to budget for energy purchases in 2018 through 2022 and to honor the city's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP.

Item 6.D. was skipped until the end of the meeting following Executive Session.

City Manager James Fisher requested in the motion to clarify our selected option number 1 (one).

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

**APPROVED**

Mayor Pro Tem Bradley moved to approve Resolution Number 16-R-826 authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing James Fisher, City Manager or Linda Truitt, Finance Director or Jay Doegey, Executive Director of Texas Coalition for Affordable Power (TCAP) to execute an electric supply agreement for deliveries of electricity effective January 1, 2018 and committing to budget for energy purchases in 2018 through 2022 and to honor the city's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP. The city selects option 1 (one) as stated in the Resolution. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- E. Consider and/or act upon approval of Ordinance Number 16-02-1008 ordering a General Election to be held on May 7, 2016, for the purpose of electing Council Members for Place 1, Place 2, Place 4, and Place 6 to a three (3) year term of office.

No discussion.

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

**APPROVED**

Mayor Pro Tem Bradley moved to approve Ordinance Number 16-02-1008 ordering a General Election to be held on May 7, 2016, for the purpose of electing Council Members for Place 1, Place 2, Place 4, and Place 6 to a three (3) year term of office. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- F. Discussion on the City's Water Utility System.

City Manager James Fisher explained we did an internal audit and our meters were functioning correctly. There are multiple ways we can address this, another internal water meter audit, hire an external company to do a meter audit, and to wait and see what the spring/summer looks like as far as water consumption.

Council asked if the City has a warranty on the meters, Fisher confirmed that the city does and the company works well with staff when questions and/or concerns arise. There was lengthy discussion by all of Council regarding the water usage increased, how other cities handle water meter audits, and what Council may want to do in the future with a potential audit. Council and staff reached consensus to bring this back before Council at the March 1<sup>st</sup> meeting to discuss

and take action. Staff explained the costs involved for a random water utility system as well as addressing the increased water uses this past summer.

**COUNCIL DISCUSSION ONLY (6.F.):**

**NO ACTION**

- G. Consider and/or act upon the recommendations from the Council Interview Panel regarding appointing board members to the Murphy Municipal Development District.

Item 6.G. was skipped until the end of the meeting following Executive Session.

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

**APPROVED**

**Mayor Pro Tem Bradley moved to appoint John Daugherty to Place 1, Alex Acuna to Place 3 and Michael Loftis to Place 5. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.**

## **7. CITY MANAGER/STAFF REPORTS**

### **A. Timbers Nature Preserve**

This project is moving forward, and prior to the final walkthrough Mayor Pro Tem Bradley will be notified so he can attend. All of Council is welcome to participate.

### **B. Betsy Lane Road Widening Project**

The grass needs to be planted in various locations of the project, but since it is still winter, the grass installation may have to wait until March. Also, the speed limit signs will be coming before council in the second February meeting or the first meeting in March; currently there are multiple different speed limit signs on Betsy.

### **C. South Maxwell Creek Parallel Trunk Sewer Line**

No updates at this time.

### **D. North Murphy Road**

We continue to work on this road, and there is now a left hand turn, two straight lanes, and a right hand turn lane.

The Third Annual Rainbow Trout Roundup will be held February 20, 2016. People can register now.

The Mayor requested some kind of event for the "Battle of Murphy" where Plano East Senior High and Wylie East High School will play each other now that they are in the same district.

## **8. EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 7:21 p.m. to discuss the following:

- A. §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 Profession Conduct of the State Bar of Texas clearly conflicts with this chapter re: Safe Routes to School issues.

- B. §551.087 Deliberation regarding Economic Development Negotiations: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Murphy Municipal Development District Members.

**9. RECONVENE INTO REGULAR SESSION**

The City Council reconvened into Regular Session at 8:37 PM, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

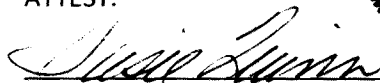
- A. §551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Profession Conduct of the State Bar of Texas clearly conflicts with this chapter re: Safe Routes to School issues.
- B. §551.087 Deliberation regarding Economic Development Negotiations: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. Take Action on any Executive Session Items.

Action was taken following Executive Session on items 6.D. and 6.G.

**10. ADJOURNMENT**


With no further business, the regular council meeting was adjourned at 8:41 PM.

ATTEST:

  
Susie Quinn, City Secretary



APPROVED BY:

  
Eric Barna, Mayor