

CITY COUNCIL MINUTES  
REGULAR CITY COUNCIL MEETING  
AUGUST 16, 2016 AT 6:00 PM

**1. CALL TO ORDER**

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

**2. INVOCATION AND PLEDGE OF ALLEGIANCE**

Reverend Matt Gaston 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 Jennifer Berthiaume  
Councilmember Betty Nichols Spraggins  
Councilmember Sarah Fincanon  
Councilmember Don Reilly

**4. PRESENTATIONS**

A. Recognize the City of Murphy Police Explorers and their Sponsors.

The Youth Citizen Police Academy Program was founded in 2009 by former Police Officer Kyle Kucauskas. In 2010, Officer Kris Riebschlager assumed the duties of the program, has held ten (10) classes since that time with over two hundred plus (200+) cadets graduating including the Explorers recognized today. Once a cadet reaches the age of fourteen (14) years or ninth (9<sup>th</sup>) grade, then they can join the Police Explorers post. The program offers youth with an interest in law enforcement, the chance to learn what it is like to be a police officer. The Explorers recently competed nationally in July and won three (3) 2<sup>nd</sup> place awards throughout the state. Council congratulated the Explorers and sponsors on the awards and all of the hard work.

B. Recognize the Recreation Department for their recent awards.

Caitlyn Mullins and Kayla McFarland shared recent awards presented to staff at the Texas Festival and Events Conference.

1. Zenith Award in recognition for Tunes, Tails & Ales
2. 1<sup>st</sup> place Award for Best Ad Series for Tunes, Tails & Ales
3. 2<sup>nd</sup> place Award for Best Event Website for Tunes, Tails & Ales
4. 3<sup>rd</sup> place Award for Best Miscellaneous for printed materials for Tunes, Tails & Ales and Murphy Maize Days.
5. 3<sup>rd</sup> place Award for Best Ad Series for Rainbow Trout Round-Up

Council thanked staff on the awards and for their continued success of the events.

C. Recognize the Animal Shelter for its recent success in its participation of Clear the Animal Shelter day.

Chief Cotten thanked Council for all of the support in helping make the Clear the Animal Shelter Day a huge success. The event draws local citizens from several surrounding cities because so many cities

- D. Consider and/or act upon the issuance of a special permit to allow a fireworks display during the Murphy Maize Days celebration on September 24, 2016.

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

**APPROVED**

**Mayor Pro Tem Bradley moved to approve the consent agenda items 6.A. through 6.D. as presented. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.**

## **7. INDIVIDUAL CONSIDERATION**

- A. Consider and/or act upon Resolution Number 16-R-837 establishing two dates, September 6, 2016 and September 13, 2016, at 6 pm, to conduct Public Hearings on the City of Murphy proposed tax rate of \$.5100 per \$100 valuation and the proposed 2016-2017 municipal budget.

Interim City Manager Bill Shipp addressed Council that at the August 9, 2016 Special Council Meeting, an error was made on the date for the second Public Hearing. To comply with the Truth in Taxation laws, it has to be held on September 13, 2016 instead of September 20, 2016 as listed in the previously approved Resolution Number 16-R-835. Council will consider the adoption of FY 2017 tax rate and budget City Council meeting on September 20, 2016 at 6:00 pm.

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

**APPROVED**

**Mayor Pro Tem Bradley moved to approve Resolution Number 16-R-837 establishing two dates, September 6, 2016 and September 13, 2016, at 6 pm to conduct Public Hearings on the City of Murphy proposed tax rate of \$.5100 per \$100 valuation and the proposed 2016-2017 municipal budget. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.**

- B. Consider and/or act upon Resolution Number 16-R-838 establishing the proposed tax rate of \$0.5100 per \$100 valuation to be considered for adoption on September 20, 2016, and take a record vote.

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

**APPROVED**

**Mayor Pro Tem Bradley moved to approve Resolution Number 16-R-838 establishing the proposed tax rate of \$0.5100 per \$100 valuation to be considered for adoption on September 20, 2016 at 6 pm, and take a record vote. Councilmember Spraggins seconded the motion.**

**Roll call vote is as follows:**

Mayor Erica Barna	Yes
Mayor Pro Tem Scott Bradley	Yes
Deputy Mayor Pro Tem Owais Siddiqui	Yes
Councilmember Jennifer Berthiaume	Yes
Councilmember Betty Nichols Spraggins	Yes
Councilmember Sarah Fincanon	Yes

**Councilmember Don Reilly** **Yes**  
**For: Unanimous. The motion carried by a vote of 7-0.**

- C. Hold a public hearing and consider and/or act on the application of Thorpe Family Trust - Charles R. Thorpe, Trustee to request approval of Ordinance Number 16-08-1013 for a Variance for a fence height amendment. Located on 1.9567 acres, having the legal description of Abstract A0588, C A McMillan Tract 17.

Interim Director for Economic and Community Development Kelly Carpenter addressed Council that the Thorpe Family Trust – Charles R. Thorpe, Trustee is requesting a variance in fence height from 4 feet allowed to 4 feet 8 inches to be added to the front yard of the property. The fence is allowed at 4 feet because of the size of the property being larger than one and one-half acres and applicant is proposing an open metal fence. Kelly presented to Council photographs of the property with exact location of where the fence would be installed and a drawing of the open metal fence structure drawing. Planning and Zoning Commission recommended approval of this variance from 4 feet allowed front fence height to 4 feet 8 inches fence height at its July 25<sup>th</sup> meeting with no one opposing the fence variance.

Applicant Charles Thorpe, resident addressed Council stating that due to changing environment surrounding the property have decided to add a fence across the front yard for security purposes. The proposed fence will be attractive and will fit in well with the location.

**PUBLIC HEARING OPENS at 6:37pm**

**Charlotte Thorpe**, resident of Dallas, addressed Council requesting to allow the variance of 8 inches so the applicant can protect their property and maintain privacy.

**PUBLIC HEARING CLOSES at 6:39pm**

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

***APPROVED***

**Mayor Pro Tem Bradley moved to approve the application of Thorpe Family Trust – Charles R. Thorpe, Trustee to request approval of Ordinance Number 16-08-1013 for a Variance for a fence height amendment. Located on 1.9567 acres, having the legal description of Abstract A0588, C A McMillan Tract 17. Councilmember Fincancon seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.**

- D. Consider and/or act on the application of property owner and applicant, Sri Muralidharan Holdings, LLC; Meyyappan Arunachalam, requesting approval of a site plan, building elevations, landscape plan, and construction plat for Fort Child Activity Center on property located on 1.19 acres on Betsy Lane, west of Murphy Road.

Interim Director for Economic and Community Development Kelly Carpenter addressed Council that applicant submitted a site plan, building elevation plans, landscape plans and construction plat for approval that would allow for development of a single story building. The proposed site plan, building elevations, landscape plan and construction plat have been reviewed by staff and meets the requirements as set forth by the Planned Development District and the Code of Ordinances. The project will develop a 10,000 square foot activity center building with an indoor swimming pool. The following changes have been reviewed by staff and have been completed by the applicant: move the fence gate that was located on the north (front) elevation to the west (side) elevation; redesign the fence from being all wood to ornamental iron with stone columns at the northwest and southwest corner and by the two gate posts; ensure that the Betsy Lane (front of building) (north) elevation includes landscape screening and redesign the sidewalk as applicable to accommodate the west (side) facing fence. Staff recommends approval and the Planning and Zoning Commission recommended the approval as well. Applicant addressed Council that the pool will be 5,000 square feet and the remaining 5,000 square feet will be a future gymnastics school for children ages two (2) to nine (9) years of age.

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

***APPROVED***

**Mayor Pro Tem Bradley moved to approve the application of property owner and applicant, Sri Muralidharan Holdings, LLC; Meyyappan Arunachalam, requesting approval of a site plan, building elevations, landscape plan, and construction plat for Fort Child Activity Center on property located on 1.19 acres on Betsy Lane, west of Murphy Rd. Councilmember Fincancon or Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.**

- E. Consider and/or act on the application of property owner and applicant, Three Murphy Retail, requesting approval of a site plan, landscape plan, building elevations and construction plat for Murphy Village Phase 3 on property zoned Retail located adjacent to W. FM544 to build a 36,855 square foot building to be leased to multi-use tenants.

Interim Director for Economic and Community Development Kelly Carpenter addressed Council that a site plan, building elevations, landscape plans and construction plat all meet the requirements of the code of ordinances. Easement approval will be required to be secured prior to the Pre-Construction meeting being scheduled. The Planning & Zoning Commission did approve this item, with the following improvements added: in regards to west facing elevation of the building to include a variety of building materials: stone, brick and glass and ensure that a gate is installed to the dumpster enclosure. Council inquired what happens if applicant is unable to secure the easement approval.

Applicant, Randy Thompson with Stonewood Investments addressed Council on the question if the easement is not approved by the property owner. If the property owner does not approve the easement, then the project would be a redesign. Currently, the ground floor will be store front retail and the second (2<sup>nd</sup>) floor will be office space.

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

**APPROVED**

Mayor Pro Tem Bradley moved to approve the application of property owner and applicant, Three Murphy Retail, requesting approval of a site plan, landscape plat, building elevations and construction plat for Murphy Village Phase 3 on property zoned Retail located adjacent to W. FM544 to build a 36,855 square foot building to be leased to multi-use tenants. Councilmember Berthiaume seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- F. Consider and/or act upon approval of Ordinance Number 16-08-1014 ordering a Special Election to be held on November 8, 2016 to amend the City Charter.

Mayor offered some background about the need for updating the City Charter and the need to take the amendments to the citizens for their approval.

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

**APPROVED**

Mayor Pro Tem Bradley moved to approve Ordinance 16-08-1014 ordering a Special Election to be held on November 8, 2016 to amend the City Charter. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7-0.

- G. Consider and/or act upon approval of Ordinance Number 16-08-1015 to approve, repeal, rename and/or add various sections to Chapter 4, entitled "Animal Control", and Appendix A – Fee Schedule in the Code of Ordinances of the City of Murphy, Texas.

Chief Cotten inquired if Staff was able to address Council's questions or issues at hand and if additional questions needed resolution. Council and Staff discussed more in depth the following three (3) items: leash length, invisible fence and the number of animals. Council agreed that leash length will be amended to fifteen (15) feet, invisible fence will not be the primary fence and number of animals will be limited to a number of four (4) of one species.

**PUBLIC COMMENTS**

**Laurel Clement, resident** addressed Council with two other facets of the Animal Control ordinance. The litter of puppies is a concern as she does not want the city to create a puppy mill situation. Second item is the fostering of animals in a home, currently the city ordinance does not specify the fostering of animals that are owned by a 501(c)(3) organization and she would like to see that change.

**Don Kiertscher, resident** expressed concerns to Council regarding the number of animals and invisible fence. If all animal owners were conscientious of their animals, there would be no issues but unfortunately that is not always the case. There has to be some rules and four (4) dogs are more than enough. No invisible fence as the primary fence.

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

**APPROVED**

Mayor Pro Tem Bradley moved to approve ordinance 16-08-1015 to approve, repeal, rename and/or add various sections to Chapter 4, entitled "Animal Control, and Appendix A – fee schedule in the Code of Ordinances of the City of Murphy, Texas with the following changes: 1) Section 4.01.001 change "Running-at-Large, run-at-large, or at large" *at large off premises* any dog which is not restrained by means of a leash or chain of not more than six (6) feet in length and such leash or chain is of sufficient strength to control the actions of such animal while off premises change from six (6) feet to fifteen (15) feet. 2) Section 4.01.004 (b) change it shall be unlawful of any person to keep within the city, in any residential district, more than four (4) adult domesticated animals of the same species on a residential lot (dogs, cats, or ferrets). The residence shall be permitted to keep one (1) litter only at any given time. 3) 4.01.007 (f) it shall be unlawful for any person to utilize an invisible fence, wireless containment device or other similar device to restrain an animal as the primary means. Councilmember Berthiaume seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmember Berthiaume, Councilmember Fincancon, Councilmember Reilly. Against: Councilmember Spraggins. The motion carried by a vote of 6-1.

Council requests that Staff present language to Foster animals at a future meeting. Discussion regarding possible temporary registration for fostered animals.

H. Update regarding Timbers Nature Preserve.

Parks Superintendent Matt Foster presented to Council a brief overview on the Timbers Nature Preserve, to include the timeline schedule, factors contributing to delays, current status of the project currently in the warranty phase and the next steps. Staff shared with Council before and after photographs of the condition of the trails and infield areas.

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

**NO ACTION (DISCUSSION ONLY)**

**8. CITY MANAGER / STAFF REPORTS**

A. Radio Systems

Seven (7) police vehicles still need radios to be installed, they should be installed by Thursday. Next phase of the project is the relocation of dispatch to a temporary room (old briefing room), installed temporary power and moving all of the equipment so COG can move the 911 lines to ensure that there will be no interruption of service. Tear down of dispatch will begin September 1st, 2016 with reconstruction to be completed in about three (3) weeks. Once completed, all equipment and furniture that have been built will be moved back to the newly reconstructed dispatch room.

B. Food Truck Court

All the concrete work is complete, now is the clean-up of the area and revegetation. Lamp posts are ordered. The Project to be completed by Maize Days.

C. Sidewalk Rehabilitation Program

Glen Ridge is complete and the crews are moving this week with a lot of work to do in the Timbers but it will be dependent on the weather.

D. South Maxwell Creek Sewer Line

The contractor has made great progress, they laid about 1,000 feet last week or so and two (2) manholes. North of FM 544, left to bore (under Racetrac driveway and across at North Maxwell Road). Remediation to clean-up damages is in progress for the residents that were impacted by the flooding. The contractor has not presented an amended schedule, originally had early October as completion date but could go beyond the November timeframe.

E. North Murphy Road

Received \$62,000 reimbursement from TxDOT and have met with all of the HOA's.

F. Betsy Lane

Finishing up punch list items, working with contractor to install two fences on the south side. Also meeting with the Ranch HOA to discuss their punch list items.

G. Safe Routes to School

Relocation of the crosswalk buttons. The Monuments are at a standstill, no one is happy with the capping, and the lettering and plaques have been ordered.

H. Regulatory Update

1. Agreed Order put forth before the Texas Commission on Environmental Quality, signed August 24, 2016 once signed the clock begins at that time. Three (3) items on the agreed order to be completed: submit plans, reporting and ready to be submitted, and training. Check payment is ready for distribution in the amount of six thousand six hundred dollars (\$6,600) for the Supplement Environment Project (SEP) in regards to the monitoring of ground water levels which is statewide with a preference for Collin County.
2. SSO (Sanitary Sewer Overflow Initiative) invited by the Texas Commission on Environmental Quality and required to have plan in place by August 19, 2016. It was submitted by certified mail. The Initiative Plan was received at the Texas Commission Environmental Quality. The City is awaiting for approval from the Texas Commission Environmental Quality that will include a five (5) year multi-level plan. In year one (1) the city has already spent \$92,000 in various engineering monitoring and preliminary work. Monies for the initiative do increase in subsequent years. If the city does not participate in this initiative, the city would incur fines for future overflow issues.
3. Last year, the city was put on notice with the Texas Commission Environmental Quality in regards to late reporting for lead and copper monitoring, the last two samples were sent to the lab today. As soon as the final two reports are received by Texas Commission

Environmental Quality, all requirements will be met and the City will be in compliance by end of September 2016.

**9. EXECUTIVE SESSION**

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 8:19pm to discuss the following:

- A. § 551.071 Consultation with City's Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding construction of North Murphy Road.
- B. § 551.072 Deliberation regarding the purchase, exchange, lease, or value of real property.
- C. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Municipal Judge.

**10. RECONVENE INTO REGULAR SESSION**

The City Council reconvened into Regular Session at 9:06 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.071 Consultation with City's Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act regarding construction of North Murphy Road.
- B. § 551.072 Deliberation regarding the purchase, exchange, lease, or value of real property.
- C. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Municipal Judge.
- D. Take Action on any Executive Session Items.

**COUNCIL ACTION (9.A – 9.C.):**

**NO ACTION**

**E. ADJOURNMENT**

With no further business, the Council meeting adjourned at 9:07 pm.



ATTEST:

A handwritten signature in blue ink, appearing to read "Susie Quinn", is written over a horizontal line.

Susie Quinn, City Secretary

APPROVED BY:

A handwritten signature in black ink, appearing to read "Eric Barna", is written over a horizontal line.

Eric Barna, Mayor