

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
MAY 2, 2017 AT 6:00 PM

1. CALL TO ORDER

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Bradley gave the invocation and 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 Pro Tem Scott Bradley
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Jennifer Berthiaume
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Don Reilly

Absent:

Mayor Eric Barna

Mayor Pro Tem Bradley recognized and wished Councilmember Reilly a Happy Birthday.

4. PUBLIC COMMENTS

Bobby Tillman representing the Sachse Historical Society is honored to host "The Vietnam Combat Veterans Wall Memorial" on display for Memorial Day weekend at the Sachse City Hall Complex continuously May 26 – 29, 2017. There will be a motorcycle escort for the Vietnam Moving Wall Memorial on Thursday, May 25 at 9:00am. Everyone was asked to meet at the Comfort Suites, 2301 Bush Freeway at 8:30am to line up and Kick Stands at 9:00am. Escort will take the Memorial to Sachse City Hall, 3815 Road where it will be on display for four (4) days. A special Memorial Day ceremony will be presented on Monday, May 29, 2017 beginning at 11:30 at Sachse Municipal Complex.

5. CITY MANAGER/STAFF REPORTS

A. South Maxwell Creek Sewer Line – Public Services Director Tim Rogers stated that the contractor has relocated all of the storm sewer that was in the way, have excavated down to the bore across the road and begin to lay pipe to the north. Due to sporadic rains, progress is slow. Tomorrow, the plan is to set the manhole north of FM 544, tie in and complete pressure testing under the roadway.

B. Upcoming Events

- Election Day Voting on Saturday, May 6, 2017 from 7:00 am to 7:00 pm, Murphy Community Center at 205 North Murphy Road, Murphy, Texas 75094
- Moonlight Movies – **Secret Life of Pets** on Friday, May 12, 2017 from 7:30 pm to 10:00 pm, Central Park Amphitheater at 550 N. Murphy Road – Murphy, Texas 75094

- Moonlight Movies – **Finding Dory** on Friday, May 19, 2017 from 7:30 pm to 10:00 pm, Central Park Amphitheater at 550 N. Murphy Road – Murphy, Texas 75094
- Moonlight Movies – **Zootopia** on Friday, May 26, 2017 from 7:30 pm to 10:00 pm, Central Park Amphitheater at 550 N. Murphy Road – Murphy, Texas 75094

Mayor Pro Tem Bradley congratulated staff on an outstanding job with the Tunes, Tails and Ales event. City Manager Castro will ensure that the appropriate staff is made aware of the compliment. Councilmember Fincanon also wished to thank Chief Cotten and the Officers on their quick response in finding her lost child.

6. INDIVIDUAL CONSIDERATION

- A. Consider and/or act to approve the April 18, 2017 Regular Council meeting minutes. *Susie Quinn, City Secretary*

COUNCIL ACTION (6.A)

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve the April 18, 2017 Regular Council meeting minutes. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0. (Mayor Barna was absent).

- B. Consider and/or act upon accepting the Revised Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2016 (FY16). *Karen Montgomery, Finance Director*

PUBLIC COMMENT:

Bob Mortonson, resident cannot assess tax rate in report without the units. Response was \$0.51 tax rate per \$100 valuation on property.

Finance Director Karen Montgomery stated that the annual independent audit was conducted by Pattillo, Brown & Hill, L.L.P., certified public accounts. The FY16 CAFR was presented to City Council on March 21, 2017. The auditors subsequently discovered that a footnote about a prior period adjustment had been omitted. The footnote was added, and the auditors provided Revised CAFR documents. The footnote is on page 61 of the Revised CAFR and reads as follows: The City discovered that the prior period reports for capital assets had some items that had been completed in the CIP and had some items that were not capital assets to the City in the reports. The net effect of these report issues were a decrease of \$2,468,820 to the beginning net position in the governmental activities and an increase in the net position of the business-type activities of \$258,347. The changes described in the footnote were necessary because staff had used a different format when running the capital asset schedules at year end. The auditors adjusted to the current schedules from staff, and had to modify the beginning balances (i.e. a prior period adjustment). The changes had already been reflected in the previous CAFR, so there were no changes to the financials or any schedules in the Revised FY16 CAFR – only the addition of the footnote itself. The numbers and balances on all schedules in the entire CAFR remained the same.

Finance Director Karen Montgomery introduced representative, Bryan Rebel with Pattillo, Brown & Hill, L.L.P. if Council had further questions in regards to the Revised Comprehensive Annual Financial Report. Representative, Bryan Rebel is to provide Council a worksheet detailing FY15 numbers as reported through the current fiscal year.

COUNCIL ACTION (6.B.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to accept the Revised Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2016. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0. (Mayor Barna was absent).

- C. Consider and/or act on the application of Capital Sign Associates LLC for a variance to Section 26.02.024 of the Murphy Code of Ordinances to allow three attached signs for property located at 119 North Murphy Road #600, having the legal description of Lot 4, Block A of Walmart Addition. *Jared Mayfield, Community & Economic Development Director*

Community & Economic Development Director Jared Mayfield presented to Council that Capital Sign Associates on behalf of Jersey Mike's Subs requested a variance to allow three attached wall signs to remain in place. At the time of permitting, the Murphy City Code did not clearly address how many attached signs were allowed per tenant. This resulted in different interpretations of the code by city staff in recent years. This ambiguity is further complicated by the addition of individual Planned Development requirements that must be reviewed prior to permitting. City Council recently amended this section of the Sign Ordinance on April 18, 2017 to allow up to two attached signs per tenant; however, the applicant has three attached signs and must obtain a variance to maintain the additional sign. Staff's desires Council to consider the sign variance request. On April 24, 2017 the Planning & Zoning Commission unanimously recommended approval of the sign variance request. Until recently the city contracted with a third party company to provide plan review, building inspections and other building official duties. A mistake was made by the city's contractor and sign permits were issued for Jersey Mike's signage in error on December 21, 2016. This error was subsequently discovered by city staff in February 2017 after the signage was installed. Staff notified the applicant of the error, revoked the rear facing sign permit and refunded the permit fee. The sign is still installed at this time.

PUBLIC COMMENTS

Bob Mortonson, resident – in favor

Keith Huyck, resident – in favor

COUNCIL ACTION (6.C.):

APPROVED

Councilmember Berthiaume moved to approve the application of Capital Sign Associates LLC for a variance to Section 26.02.024 of the Murphy Code of Ordinances to allow three attached signs for property located at 119 North Murphy Road #600, having the legal description of Lot 4, Block A of Walmart Addition. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0. (Mayor Barna was absent).

- D. Hold a public hearing and consider and/or act on a city initiated zoning change by Ordinance Number 17-05-1038 for a Planned Development (PD) on real property legally described as Lots 1, 2, 3, 4 and 5 of Murphy Crossing Addition, and Lot 1R, Block 1, McCraw Corner. This property is located on the southeast corner of FM 544 and South Murphy Road. *Jared Mayfield, Community & Economic Development Director*

Community & Economic Development Director Jared Mayfield presented to Council a city-initiated proposed zoning change from Retail (R) to Retail with a Planned Development (PD) District overlay in response to the Moratorium that City Council enacted on March 8, 2017. The proposed PD retains all of the underlying Retail zoning requirements; however, it reduces the number of allowable land uses within the district. The land use chart shows all of the uses currently permitted and/or permitted with a Specific Use Permit (SUP) within the Retail category. There are no other changes to the Development Standards proposed as part of this PD. All Development Standards will continue to follow the requirements for a Retail Zoning district as outlined in the City of Murphy Code of Ordinances. All the proper notifications were completed. Two public reply forms have been received, both opposed. Also received was a twenty percent (20%) rule protest so a unanimous recommendation was required. City Council adopted the Ordinance Number 17-03-1034 enacting a Moratorium on all permitting for the subject property on March 8, 2017. The Moratorium is in effect for ninety (90) days. On April 24, 2017 the Planning and Zoning Commission unanimously recommended approval of this item with changes that added SUP's to Offices (Medical Office), Convenience Store without gas sales, and Clinic (Medical) uses.

PUBLIC HEARING OPENED at 6:30pm

David Hardin, representative with Albertson's and property owner - not opposed to the planned development, his concerns were that some of the planned development could be arbitrary which might hurt property value and he provided modifications that he requested Council to consider.

Myron Dornic on behalf of Albertson's – Accessory Uses: Beauty Shop, Therapeutic Massage (Sports rehab clinic), and the ability to cash checks in a store. Primary Uses: Medical office, medical clinic, antique shops, consignments stores, pet shops (especially if a national chain only with supplies and merchandise), handicraft stores and used furniture stores.

Bob Mortonson, resident – opposed

PUBLIC HEARING CLOSES at 6:38pm

COUNCIL ACTION (6.D.):

APPROVED

Councilmember Berthiaume moved to approve Ordinance No. 17-05-1038 for a Planned Development (PD) on real property legally described as Lots 1, 2, 3, 4 and 5 of Murphy Crossing Addition, and Lot 1R, Block 1, McCraw Corner. This property is located on the southeast corner of FM 544 and South Murphy Road. Exhibit "B" of the PD is accepted with the following changes:

Medical Office is changed from SUP to primary use

Clinic Medical is changed from SUP to primary use

Tool Rental (indoor storage only) is added to the list as an SUP

Convenience store without gas sales is changed from SUP to primary use
Pet Shop supplies is changed to a primary use from an SUP with the condition without cat and dog sales

Laundry/Dry cleaning as is, in addition to drop off/pick up (no on-site chemical processing)

Golf Course (Miniature) is added to the list as a primary use

Remove from the current list and renumber accordingly:

#81 – Gas Transmission Line (regulating station) (SUP)

#90 – Phone Exchange / switching station (SUP)

#92 – Sewage Pumping Station

#93 – Utility Distribution Line

#94 – Water Supply Facility (Elevation Water Storage)

#95 – Water/Wastewater Treatment Plan (public)

Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 6-0. (Mayor Barna was absent).

- E. Consider and/or act on the approval of an Economic Development Incentive Agreement with Chef Touch Beechwood, LLC d/b/a RJ Mexican Cuisine for a new restaurant at 119 N. Murphy Road. *Jared Mayfield, Community & Economic Development Director*

COUNCIL ACTION (6.E.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve an Economic Development Incentive Agreement with Chef Touch Beechwood, LLC d/b/a RJ Mexican Cuisine for a new restaurant at 119 N. Murphy Road with the following changes: lender lien releases required before disbursement of city fund, contingent on chamber of commerce membership, includes verbiage about a five percent (5%) default interest rate and also changing the requirement for employment agreement and report. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 4-2 (For the motion: Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmember Spraggins and Councilmember Fincanon. Against the motion: Councilmember Berthiaume and Councilmember Reilly) (Mayor Barna was absent).

7. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 7:09 pm to discuss the following:

- A. § 551.087: To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Murphy and with which the City is conducting economic development negotiations; and/or to deliberate the offer of a financial or other incentive to the business prospect.

No action taken.

8. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 7:32 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding, and he read

the following into the record:

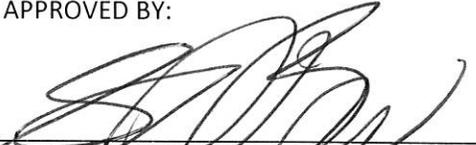
- A. § 551.087: To discuss or deliberate regarding commercial or financial information that the City has received from a business prospect that the City seeks to have locate, stay, or expand in or near the territory of the City of Murphy and with which the City is conducting economic development negotiations; and/or to deliberate the offer of a financial or other incentive to the business prospect.

See action on 6E.

9. ADJOURNMENT

With no further business, a motion was entertained by the Mayor Pro Tem Bradley and the Council meeting adjourned at 7:34 pm.

APPROVED BY:



Scott Bradley, Mayor Pro Tem

ATTEST:



Susie Quinn, City Secretary