

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

1. CALL TO ORDER

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor 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 Scott Bradley
Councilmember Jennifer Berthiaume
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Don Reilly

Absent: Deputy Mayor Pro Tem Owais Siddiqui

4. PUBLIC COMMENTS

Wayne Rich, resident of Wylie explained to Council that in 2014, he signed a sewer easement across the southern area of his property to the City of Murphy for the South Maxwell Creek Trunk Sewer project. During the two and half years (2½) of the construction of the project, his animals have not had access to the stock tank and he bought city water for the livestock. During the construction phase of the project, there has been open access to the construction road that runs across the property, this allowed unobserved access to the property resulting in individuals using it as a four wheeler park and unauthorized fishing in his tank which creates a security issue for himself and his neighbors. He requested a date of completion for the project and would like compensation in the form of a new fence being built on the site. Council stated that staff is to contact Mr. Rich to determine the best course of action as Council cannot make any determinations on his issue since it was not posted on the agenda.

5. PRESENTATIONS

A. Presentation of the 2017 Sergeant Kyle Kucauskas Foundation Scholarship to Annabel Brandon and Mackenzie Richlark. *John Daugherty, Marcia Jowers and Lt. Adana Barber.*

The Kyle Kucauskas foundation was established three (3) years ago in memory of Sergeant Kyle Kucauskas who was a Sergeant with the City of Murphy Police Department for many years. Each year, the foundation awards scholarships to students who are pursuing a degree in criminal justice or related field of study. Joining foundation board members John Daugherty, Lt. Adana Barber, and Marcia Jowers who was unable to attend, were Kyle's parents, Clint and Vicki Averitte and his aunt, Pat Averitte in presenting to Ms. Annabel Brandon and Mr. Mackenzie Richlark each \$1,000 scholarship check.

6. CITY MANAGER/STAFF REPORTS

A. South Maxwell Creek Sewer Line – Public Services Director Tim Rogers stated that the contractor is within about twenty (20) feet of connecting all of the lines across North Maxwell Creek, working on the last joint but some delays in completing due to the rain. Today contractor began preparing the south bound lanes so they can excavate the north bound lanes. The next step in the process is the testing of the lines and the plan next week is to begin the mandrel test (or deflection test ensures lines are round, not damaged or deflected) and then begin pressure testing, use cameras and cleaning of the lines prior to selecting manholes to open up the line for service. The challenge will be the south end going into Wylie in the floodways, if the rains continue every three to four (3 to 4) days it is difficult to work in floodways. Weather permitting, the contractor still needs to install vents on the manholes, have access to the manholes after testing is complete and then the line will go live. Per change order No. seven (7), staff installed fences so that staff could have access, closed other areas off and gave the properties back to the residents. The resident's gates were installed several months ago, with the exception of Mr. Rich, his gate was installed a little over a month or two months ago. One item with the fencing, several of the residents have approached staff about fencing. The requests are above and beyond what staff had originally removed, staff is constrained by the limits of what is in the contract. Therefore, staff cannot go beyond what is stated in the contract and install more fencing. If the contractor did damage fencing that was existing, the contractor will take care of that item. In the next two to three weeks, testing will be conducted but it will be dependent on the weather. A best guess completion of all the testing is possibly July before the lines are opened up and are active. Staff and contractor are aware that cleanup has to be completed but if the location stays wet, it is very difficult to work in those conditions in the floodways. A final walk thru on foot will be scheduled with contractor from the beginning point of the new sewer line to the end of the project. Discussion to include any issues that have been reported from the residents as well as items that the contractor is responsible to repair within the contract, addressing cleanup of areas, and any excavations that need to be repaired. Any best management practices are not allowed to be removed until 100% vegetation is in place. Staff will create a substantial punch list for contractor to work from and then create a final punch list. Once contractor is in compliance on all repairs; then the City will signoff for the retainage of the project. Best guess on when all of the erosion is taken care of could be before fall (weather permitting) but it could be next spring as well.

B. Upcoming Events

Early Voting for the Runoff Election is at the Murphy Community Center – 205 North Murphy Road – Murphy, Texas 75094

- Tuesday, June 6, 2017 at 7:00 am to 7:00 pm at the Murphy Community Center 205 North Murphy Road 75094

Election Day Voting for the Runoff Election will be at the Murphy Community Center 205 North Murphy Road 75094

- Saturday, June 10, 2017 at 7:00 am to 7:00 pm at the Murphy Community Center 205 North Murphy Road 75094

Sounds at Sundown Summer Concert Series – Fridays in June from 8:00 pm to 10:00 pm. Food trucks open at 7:00 pm. Central Park Amphitheater at 550 N. Murphy Road – Murphy, Texas 75094.

- **Texas Flood; Stevie Ray Vaughn Tribute** – Friday, June 9, 2017 from 8:00 pm to 10:00 pm Central Park Amphitheater at 550 N. Murphy Road – Murphy, Texas 75094.

- **Powell Brothers** – Friday, June 16, 2017 from 8:00 pm to 10:00 pm Central Park Amphitheater at 550 N. Murphy Road – Murphy, Texas 75094.
- **M80's** – Friday, June 23, 2017 from 8:00 pm to 10:00 pm. Central Park Amphitheater at 550 N. Murphy Road – Murphy, Texas 75094.
- **Emerald City Band** – Friday, June 30, 2017 from 8:00 pm to 10:00 pm Central Park Amphitheater at 550 N. Murphy Road – Murphy, Texas 75094.

7. 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 to approve the May 15, 2017 Budget Work Session meeting minutes. *Susie Quinn, City Secretary*

The "Invocation and Pledge" should not be included in the minutes since the item was not listed on the agenda.

COUNCIL ACTION (7.A.)

APPROVED

Councilmember Berthiaume moved to approve the May 15, 2017 Budget Work Session meeting minutes with the change to remove Item 2. Invocation and Pledge of Allegiance. Councilmember Reilly seconded the motion. For: Unanimous. The motion carried by a vote of 5-0. (Deputy Mayor Pro Tem Siddiqui was absent).

- B. Consider and/or act to approve the May 16, 2017 Regular Council meeting minutes. *Susie Quinn, City Secretary*

Councilmembers intent was to approve an SUP for a drive-thru restaurant. The specificity of stating "Jason's Deli" for the record was not necessary although it was included in the motion as that is the type of drive-thru restaurant the citizens want built.

COUNCIL ACTION (7.B.)

APPROVED

Councilmember Reilly moved to approve the May 16, 2017 Regular Council meeting minutes by striking the words "Jason's Deli" from the Council action on 7.B. Councilmember Berthiaume seconded the motion. For: Unanimous. The motion carried by a vote of 5-0. (Deputy Mayor Pro Tem Siddiqui was absent).

8. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing and consider and/or act on Ordinance Number 17-06-1044 approving the application of First Crescent Enterprises LLC for a Planned Development located on 3.22 acres having the legal description of Abstract A0588, C.A. McMillian Survey, Tract 15 & 16. This property is located at the southeast corner of Betsy Lane and North Murphy Road. *Jared Mayfield, Community & Economic Development Director*

It was suggested to combine item 8A with Item 8B. Two separate motions were made regarding Items 8A and 8B. The public hearing times are listed under 8B as well as both motions. The minutes have been prepared in order to more accurately follow the events of the meeting and the video recording.

- B. Consider and/or act on the application of First Crescent Enterprises LLC for approval of a final plat of Oasis Plaza. The property is located on 3.22 acres, having the legal description of Abstract A0588, C.A. McMillian Survey, and Tract 15 & 16. *Jared Mayfield, Director of Community & Economic Development*

Community & Economic Development Director Mayfield presented to Council an application for a proposed Planned Development (PD) for two tracts of land located on the southeast corner of Betsy Lane and North Murphy Road. Existing single-family residential homes are located on each of the properties. The two tracts of land were separately rezoned from SF-20 to Neighborhood Services (NS) in June 2016 (1000 N. Murphy Road) and November 2016 (1010 N. Murphy Road). The applicants are now requesting to rezone to Neighborhood Services with a Planned Development (PD) Overlay District. The proposed Concept Plan for the PD shows a four lot development with two phases. The first phase of development includes two commercial buildings with shared access and parking on the two lots fronting North Murphy Road. An amended Concept Plan will be necessary to develop the remaining lots in the future. The concessions requested by the applicant are generally in line with other approved Planned Developments that have been developed and are necessary to allow the property to be developed as four separate lots. The applicant had originally requested to remove the SUP requirement for Assisted Living, Day Care, Hospital and Private School, K-12 as permitted land uses. However, the Planning & Zoning Commission recommended leaving the SUP requirement in place for each of those uses. Proper notifications were completed. Five public reply forms were received, all in favor. Action requested is to consider the proposed Planned Development and Concept Plan. On May 22, 2017 the Planning & Zoning Commission unanimously recommended approval of this item.

Community & Economic Development Director Mayfield presented to Council the applicant is proposing to create four (4) lots that encompass the associated Oasis Plaza Planned Development rezoning application. Oasis Plaza is located on the southeast corner of North Murphy Road and Betsy Lane. Two existing single-family residential homes are located on the property. Staff recommends approval of the final plat as submitted.

Summary of changes that the applicant is requesting in the PD versus what is required by Murphy City Code are:

- a. Lot width – one hundred twenty (120) feet city code. **Applicant is requesting one hundred (100) feet).**
- b. Side yard setbacks adjacent to residential zoning district – one hundred (100) feet city code. **Applicant is requesting fifty (50) feet for a single story building and sixty-five (65) feet for a two story building.**

- c. Height regulations – two stories or thirty-five (35) feet city code. **Applicant is requesting for up to thirty (30%) of one facade on each primary building to be up to forty-five (45) feet, the remainder would be thirty-five (35) feet.**
- d. Landscape buffer – buffer along Betsy Road and Murphy Road required is twenty-five (25) feet city code. **Applicant is requesting buffer to be reduced to ten (10) feet for Betsy Road and Murphy Road.**
- e. Residential landscape buffer against zoning district (south and east side).
 - i. South side is currently zoned SF-20. **Applicant request ten (10) feet.**
 - ii. East side is the Oasis Springs Manor subdivision. **Applicant request seven (7) feet.**
- f. Exterior Construction Standards - requires 90% masonry city code. **Applicant request is twenty percent (20%) stucco and fifteen percent (15%) cast stone.**

PUBLIC HEARING OPENED AT 6:25pm

PUBLIC HEARING CLOSED AT 6:26pm

Two public comment forms were in presented in favor of item 8.A. by Mary Pat Elledge and Bowen Baugh.

Syed Hussain with First Crescent Enterprises LLC, applicant explained in further detail to Council the question reducing the lot width to one hundred (100) feet on the proposed four (4) lots.

COUNCIL ACTION (8.A.)

APPROVED

Councilmember Reilly moved on the matter of the application of First Crescent Enterprise LLC for a Planned Development located on 3.22 acres having the legal description of Abstract A0588, C.A. McMillian Survey, Tract 15 & 16 located at the southeast corner of Betsy Lane and North Murphy Road that the matter be referred back to Planning and Zoning Commission for further consideration. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 5-0. (Deputy Mayor Pro Tem Siddiqui was absent).

COUNCIL ACTION (8.B.):

APPROVED

Councilmember Reilly moved on the matter of the application of First Crescent Enterprises LLC for approval of a final plat of Oasis Plaza located on 3.22 acres, having the legal description of Abstract A0588, C.A. McMillian Survey, Tract 15 & 16 that the matter be referred back to Planning and Zoning for further consideration. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 5-0. (Deputy Mayor Pro Tem Siddiqui was absent).

- C. Hold a public hearing and consider and/or act on Ordinance Number 17-06-1045 approving the rezoning application of Engineering Concepts for a Planned Development, known as Bluff Creek Estates, located on a 52.153 acre parcel having the legal description of Tract 87 in the Henry Maxwell Survey, Abstract A0579, and in the Daniel Herring Survey, Abstract A0402. *Jared Mayfield, Community & Economic Development Director*

Community & Economic Development Director Mayfield presented to Council that the property is

52.153 acres located on the west side of McCreary Road, south of FM 544. The applicant proposes to rezone the property from Single Family Residential-20 (SF-20) to Single Family Residential-11 (SF-11) with a Planned Development District overlay. The Concept Plan for the subdivision shows a mix of one hundred fourteen (114) residents' lots ranging from SF-20 to SF-11. SF-20 lots are proposed along the west side, adjacent to Travis Estates as well as along the northern property line. The SF-15 lots proposed provide a buffer along Streets "D" and "E" as the lots transition to SF-11 toward McCreary Road. Lots in the adjoining City of Sachse range from SF-10 in Sachse Farms (on the south side) and SF-8 in Woodbridge Addition (east side). The Future Land Use Plan identifies this area as low-density residential and this Concept Plan conforms to that standard. The 100-year floodplain encroaches upon the southern section of this property, which is proposed as the subdivision's open space area. The subdivision will have two points of access via McCreary Road as well as a gated, emergency-only access to Ridgeview Drive. The plans also call for a twenty (20) foot wide landscape buffer along McCreary Road. Applicant has agreed to several public improvements that include constructing: western two lanes of McCreary Road; eight (8) foot sidewalk/trail along the McCreary Road frontage; eight (8) foot sidewalk/trail connecting Travis Park to McCreary Road; and Emergency Access Fire Lane to Ridgeview Drive with an automatic gate equipped with both a Knox-Box key access and Opticom system. Additionally, the developer will relocate the sanitary sewer line along McCreary Road and extend off-site water lines in Ridgeview and McCreary Road to provide a looped water circulation system. Proper notifications were completed. Three reply forms were received, two opposed and one in favor. Also received were two (2) emails sent to Council but it was not indicated if the emails were in favor or opposed. Action requested is to consider the Planned Development and Concept Plan. On May 22, 2017 the Planning and Zoning Commission unanimously recommended approval of this item.

Agreements will need to be approved with the City of Sachse for relocation of a lift station, and to clear up some inconsistent city limit boundary lines between Murphy and Sachse.

PUBLIC HEARING OPENED at 6:51pm (a five minute limit was requested of each speaker)

Pat Atkins, applicant for Mr. Pete Ganis (seller) and K Hovnanian Homes (buyer/developer /builder) presented to Council an aerial video and update of the plan for Bluff Creek Estates. Specifics for the subdivision reviewed included property location, property descriptions, proposed development, detailed development plans, building architectural standards, property development standards, perimeter screening and existing conditions.

Bob Mortonson, resident is opposed

Barbara Harless, resident is opposed

Mark Hanson, resident is opposed

Don Kiertscher, resident in favor

Mary Radosz, resident is opposed

Larry Lee, resident in favor

Lisa James, resident in favor

Robert Sandiffer, resident is opposed

Mark Reed, resident is opposed

PUBLIC HEARING CLOSED at 7:31pm

Pat Atkins, applicant addressed Council on question from the resident in regards to the one hundred (100) year flood plain concern. Flood plain resolve or resolution is specific in the City ordinance. From a design standpoint prior to any construction, hydraulic plans and studies will be submitted to your staff and consultant for review to specifically identify the ultimate one hundred (100) year conditions of the property line and the boundary of the green area for the proposed development. Board on board fencing was discussed and the responsibility of maintaining the fences was also explained. No double fencing will exist. There will be no cost to the property owner for the new fences. Each individual owner will be responsible for fence maintenance that is on their property line. Fencing in common areas will be the Home Owners Association responsibility.

COUNCIL ACTION (8.C.):

APPROVED

Councilmember Berthiaume moved to approve Ordinance Number 17-06-1045 approving the rezoning application of Engineering Concepts for a Planned Development, known as Bluff Creek Estates, located on a 52.153 acre parcel having the legal description of Tract 87 in the Henry Maxwell Survey, Abstract A0579, and in the Daniel Herring Survey, Abstract A0402. Councilmember Reilly seconded the motion. For: Unanimous. The motion carried by a vote of 5-0. (Deputy Mayor Pro Tem Siddiqui was absent).

- D. Consider and/or act on an amended Site Plan and Landscape Plan for Baylor Medical Center on property zoned Neighborhood Services. *Jared Mayfield, AICP, Community & Economic Development Director*

Community and Economic Development Director Mayfield presented to Council that Baylor Medical Center is located at 511 E. FM 544, on the northeast corner of FM 544 and Heritage Parkway. The applicant is proposing to create forty-two (42) additional parking spaces on the northeast side of the property. This expansion requires the relocation of the dumpster pad and the replacement of numerous existing trees on the site. The original Site Plan was approved on October 16, 2012. Action required is to consider the Site Plan and Landscape Plan Amendment. On May 22, 2017 the Planning and Zoning Commission unanimously recommended approval of this item.

COUNCIL ACTION (8.D.):

APPROVED

Councilmember Berthiaume moved to approve the amended Site Plan and Landscape Plan for Baylor Medical Center on property zoned Neighborhood Services with a request for Staff to go back to Baylor Medical Center to ask if there is a chance they are willing to reduce the number of planted trees in lieu of a donation to the City. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6-0. (Deputy Mayor Pro Tem Siddiqui was absent).

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 7:56 pm to discuss the following:

A. § 551.071 Consultation with City Attorney regarding settlement offer involving P.C. Contractors, LLC relating to the South Maxwell Creek Trunk Sewer Line project.
Item 9.A. was pulled from discussion.

B. § 551.087 Deliberation regarding economic development.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 8:14 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

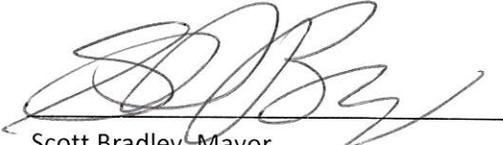
B. § 551.087 Deliberation regarding economic development.
No action taken.

11. ADJOURNMENT

With no further business, a motion was entertained by the Mayor Bradley and the Council meeting adjourned at 8:14 pm.



APPROVED BY:


Scott Bradley, Mayor

ATTEST:


Susie Quinn, City Secretary