



**MURPHY CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 15, 2017 AT 6:00 PM
COUNCIL CHAMBERS
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094**

1. CALL TO ORDER

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bradley led the invocation and Pledge of Allegiance.

3. ROLL CALL AND CERTIFICATION OF A QUORUM

COUNCIL PRESENT:

Mayor Scott Bradley
Mayor Pro Tem Jennifer Berthiaume
Deputy Mayor Pro Tem Sarah Fincanon
Councilmember Owais Siddiqui
Councilmember Chris George
Councilmember Betty Nichols Spraggins
Councilmember Don Reilly

COUNCIL ABSENT:

4. PUBLIC COMMENTS

No Public Comments were presented.

5. PRESENTATIONS

- A. Proclamation for Leukemia and Lymphoma Society.

Mayor Pro Tem Berthiaume read and presented the Proclamation for Leukemia and Lymphoma Society to Kit Hendricks. Mrs. Hendricks gave thanks to the Leukemia and Lymphoma Society for all they do and for their research. She was diagnosed with Multiple Myeloma, had a stem cell transplant in January 2016 and is currently in remission.

6. CITY MANAGER/STAFF REPORTS

- A. South Maxwell Creek Sewer Line

Public Services Director Tim Rogers stated that the contractor was making progress, successful mandrel testing was being completed and they had added additional crew. Due to recent rain, the crew was only able to work half days during the week in the

bottom (flood plain) area. Council asked if the contractor had increased work productivity since they had been put on notice, and Staff's response was yes.

B. Animal Control Time Schedules

Police Chief Trey Cotten stated beginning Monday, August 21, the hours of operation for the Animal Shelter will change. The new hours will be from 10:00 am until 5:00 pm. During the hours of 8:00 - 10:00 am, staff will be able to provide the necessary animal care (water, food and attention to the animals) and provide maintenance of the shelter. Current Shelter hours created a challenge for staff as time could not be devoted to the care of the animals and assistance to citizens at the same time. A survey of other cities (Little Elm closes 8:00-10:00 am; Sachse closes 8:00-9:00 am and Allen closes 8:00-10:00 am) animal shelters revealed that most have a similar policy of staff time devoted to the animals before the public is allowed to enter.

C. Upcoming Events

Hand Only CPR Classes - Saturday, August 19, 2017 from 8:00 AM till NOON at Murphy Fire Station Training Room - 206 N. Murphy Road - Murphy, Texas 75094 (Classes held every 20 minutes)

School Zone Alert - Monday, August 21, 2017 first day of School for students attending Wylie ISD and Plano ISD (school zone speed is 30 miles during school hours)

Maize Days - Saturday, September 30, 2017 from 10:00 AM till 8:30 PM at Central Park - 550 N. Murphy Road - Murphy, Texas 75094 (Parking at the Kimbrough Stadium)

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 June 30, 2017 City Council Work Session Meeting Minutes. *Susie Quinn, City Secretary*

COUNCIL ACTION: (Item 7.A.)

APPROVED

Item 7.A. was approved on consent.

- B. Consider and/or act to approve the July 11, 2017 Regular City Council Meeting Minutes. *Susie Quinn, City Secretary*

COUNCIL ACTION: (Item 7.B.)

APPROVED

Item 7.B. was approved on consent.

- C. Consider and/or act to approve the July 12, 2017 Special City Council Meeting Minutes. *Susie Quinn, City Secretary*

COUNCIL ACTION: (Item 7.C.)

APPROVED

Item 7.C. was approved on consent.

- D. Consider and/or act to approve the July 18, 2017 Regular City Council Meeting Minutes. *Susie Quinn, City Secretary*

COUNCIL ACTION: (Item 7.D.)

APPROVED

Item 7.D. was approved on consent.

- E. Consider and/or act to approve the August 1, 2017 Regular City Council Meeting Minutes. *Susie Quinn, City Secretary*

**COUNCIL ACTION: (Item 7.A., 7.B., 7.C.,
7.D. and 7.E.)**

APPROVED

Mayor Pro Tem Berthiame made a motion to approve the Consent Agenda as presented. Deputy Mayor Pro Tem Fincanon seconded the motion. The motion passed unanimously 7-0.

8. INDIVIDUAL CONSIDERATION

- A. Consider and/or act to approve Resolution Number 17-R-855 to designate a location for the Murphy Veterans' Tribute. *Matt Foster, Parks Superintendent*

NOTE: Councilmember Reilly signed a Conflict of Interest before the meeting was called to order. It is filed with the City Secretary. He left the room during all discussion and the vote.

Parks Superintendent Matt Foster presented the idea that was brought to the City by the Murphy Historical Society about constructing a Murphy Veterans' Tribute memorial in the City. At the Tuesday, June 13, 2017 Parks Board meeting, the Murphy Veterans' Tribute Committee presented site location preferences and criteria. A walk through of possible site locations with the Parks Board and the Murphy Veterans' Tribute Committee took place on Tuesday, July 11, 2017. The Parks Board voted to approve site #1, an area north of the Food Truck Court in Murphy Central Park. The Murphy Historical Society is requesting a portion of land not to exceed more than one-half of an acre located north of the Murphy Central Park Food Truck Court. The land does not interfere with the eight (8) acres of dedicated natural open space required by the Texas Parks and Wildlife Grant for Murphy Central Park construction. Location is not in a FEMA floodplain but the area may have some drainage issues that would need to be addressed prior to the construction. Site #2 was west between the employee parking lot and the pond. The Parks department will maintain the grounds and the irrigation of the tribute once constructed. The design of the tribute will be completed by the committee and presented to Council for final approval at a later date.

Mary Pat Elledge representing the Murphy Historical Society and Chairman of the

Veterans' Tribute Committee provided a brief background that the Veterans' Tribute Committee and several interested citizens desire to build a tribute to honor all the Veterans who have served, and those who are currently serving. It will serve as a Thank You to veterans for their service.

Introduced and recognized the following team leads:

Strategic Team: Mary Pat Elledge, Maria Reilly and Mike Hendrix

Site Selection Team: Brian Epstein

Design Team: Lou Diamond

Fundraising Team: Tod Lyons

Murphy Historical Society: Donna Jenkins

The goal of the Committee is to have the dedication of the tribute on November 11, 2018 which will be the 100th year anniversary of the end of World War I.

COUNCIL ACTION: (Item 8.A.)

APPROVED

Councilmember George moved to approve Resolution Number 17-R-855 to designate the location for the Murphy Veterans' Tribute. Councilmember Siddiqui seconded the motion. The motion passed unanimously 6-0. (Councilmember Reilly had recused himself).

- B. Consider and/or act upon approval of Ordinance No. 17-08-1052 ordering a bond election to be held in the City of Murphy, Texas, on November 7, 2017, making provisions for the conduct of the election and resolving other matters incident and related to such election.

City Manager Mike Castro provided that the purpose of the ordinance is to call a bond election on November 7th, for the purpose of issuing \$22,965,000 in new General Obligation (GO) bonds. Staff made revisions to the final CPAC Project List since the last meeting on July 12, 2017 with City Council. The overall bond proposal will have four (4) ballot items: Roads, Drainage and Infrastructure; Public Safety; Municipal Building Improvements; Parks & Recreation. Revisions to the list include removing the Technology ballot group, added tax note category, added some project management costs, moved five (5) minor projects to General Fund and rounded everything to the nearest \$5,000. There will be no action taken on the tax notes or the certificates of obligation.

- The Technology category options are lease versus buy: lease three (3) severs for four (4) years and purchasing network equipment moved to the tax note category.
- Tax Notes projects include the following network equipment; CCTV; AV upgrades; Incode upgrade, carpet/paint/flooring items; and lobby renovations at Recreation Center with term to be seven (7) years to be approved at a later date.
- Certificates of Obligation: no changes and will be utility items to be approved at a later date.

After much discussion on item 85.23 Concrete Hike/Bike Multi-Use Trail (Near N. Maxwell Creek Road), the \$300,000 will be reallocated from Parks and Recreation \$4,400,000 proposition and added to Roads, Drainage and Infrastructure \$15,510,000 proposition. The Ordinance will reflect the change of moving project item 85.23 from Proposition D to Proposition A.

COUNCIL ACTION: (Item 8.B.)

APPROVED

Mayor Pro Tem Berthiaume moved to approve Ordinance No. 17-08-1052 ordering a bond election to be held in the City of Murphy, Texas, on November 7, 2017, making provisions for the conduct of the election and resolving other matters incident and related to such election with one modification of moving project 85.23 from Parks & Recreation ballot to Roads, Drainage & Infrastructure ballot. Deputy Mayor Pro Tem Fincanon seconded the motion. The motion passed unanimously 7-0.

- C. Consider and/or act upon approval of the Joint Election Contract for Election Services for the November 7, 2017, Special Election between the City Council of the City of Murphy, and the Elections Administrator of Collin County, Texas and authorize the Mayor to execute the same.

City Secretary Susie Quinn provided a brief explanation that the contract is a standard contract. The only difference is that this is a November election instead of a May election and held during state constitution matters therefore the dollar amount is lower since multiple cities are joining.

COUNCIL ACTION: (Item 8.C.)

APPROVED

Mayor Pro Tem Berthiaume moved to approve the Joint Election Contract for Election Services for the November 7, 2017, Special Election between the City Council of the City of Murphy, and the Elections Administrator of Collin County, Texas and authorize the Mayor to execute the same. Councilmember Reilly seconded the motion. The motion passed unanimously 7-0.

- D. Hold a public hearing and consider and/or act on Ordinance Number 17-08-1053 amending Chapter 30, Sections 30.03.033, 30.03.063, 30.03.093, 30.03.123, 30.03.153, 30.03.183, 30.03.213, 30.03.253, 30.03.313, 30.07.032, 30.07.71 through 30.07.73, Appendix A-1 and Illustration #4, Requirements for Accessory Buildings, of the Murphy Code of Ordinances.

Director of Community & Economic Development Jared Mayfield stated that staff proposes a set of revisions that would consolidate the accessory building requirements under Article 30.07 Development Standards, Division 3, Accessory Building and Use Regulations. The revisions would move height regulations for accessory building from the individual zoning districts to Article 30.07. Setback requirements are modified based on building size. Detached garage and carport requirements have been updated adding flexibility and uniformity with adjoining residential construction. Consider the proposed code amendments. At the August 7, 2017 Special Planning & Zoning

Commission meeting, the board unanimously recommended approval of the changes.

Summary of revisions to the ordinance include:

- Chapter 30. Zoning, Article 30.03 Zoning Districts: remove "maximum height regulations of accessory buildings" and add to Section 30.07.02 Area regulations for residential districts.
- Section 30.07.032 Residential districts; special off-street parking provisions: remove "detached garages" and add "attached to garages and carports".
- Division 3. Accessory Building and Use Regulations, Sec. 30.07.071 General Requirements:
 - Subsection (b) states accessory buildings "should wherever possible" be located toward the rear portion of the property" and will be changed to "accessory buildings shall be located toward the rear portion of the property".
 - Subsection (c) (6) accessory dwellings (mother-in-law, garage apartment) allowed in agriculture and SF-E zoning districts to ensure that dwelling is not leased or sublet. Removing "electrical service" but keeping water and sewer services as the main structure.
 - Subsection (d) removing completely and adding to a new subsection (7).
- Section 30.07.072 Area regulations for residential districts - Accessory Buildings. Created three new categories based on the size of the accessory building and set back requirements. New definition of what is the rear portion of the property? The ordinance states located behind the home, new definition is two-thirds distance back.
- Updating the pages reference Appendix A-1. Area Regulations and illustration #4 to be consist in the Code.
- The remaining changes to Section 30.07.072 reference accessory buildings require main structure, floor area of accessory buildings and number of accessory buildings.
- These changes are for base changes does not change HOA requirements or an existing Planned Development (PD).

PUBLIC HEARING OPENED at 7:58pm

Don Kiertscher, resident provided information to Council on accessory buildings. A request to Staff to add the detached garage example drawing to the code.

Bob Mortonson, resident addressed Council on open air buildings.

PUBLIC HEARING CLOSED at 7:58pm

PUBLIC HEARING REOPENED at 8:04pm

After much discussion on the summary of revisions to the ordinance between Staff and Council, the public hearing will remain open and continue to the next regular City Council meeting.

- E. Hold a public hearing and consider and/or act on Ordinance Number 17-08-1054 amending Chapter 28, Section 28.02.005, Procedures and Submission Requirements for Final Plat Approval, of the Murphy Code of Ordinances.

Director of Community & Economic Development Jared Mayfield presented the proposed amendments to Section 28.02.005(i) of the Murphy Code of Ordinances address filing requirements for final plats. Currently the code requires the City Secretary to personally file all plats at the County Clerk's office. This amendment will provide flexibility enabling the Community Development Department staff to file plats on behalf of the city. The two other proposed changes in this section remove the mention of 'mylar' copies for filing a plat with the County Clerk and the requirement that fees be submitted to the City Secretary. Consider the proposed code amendment. On July 24, 2017 the Planning and Zoning Commission unanimously recommended approval of this amendment.

OPENED PUBLIC HEARING at 8:06 pm

Keith Patton, resident - Opposed

CLOSED PUBLIC HEARING at 8:07 pm

COUNCIL ACTION: (Item 8.E.)

APPROVED

Mayor Pro Tem Berthiaume moved to approve Ordinance Number 17-08-1054 amending Chapter 28, Section 28.02.005, Procedures and Submission Requirements for Final Plat Approval, of the Murphy Code of Ordinances with the amendment of changing "computer disk" to "electronic media". Deputy Mayor Pro Tem Fincanon seconded the motion. The motion passed unanimously 7-0.

- F. Hold a public hearing and consider and/or act on Ordinance Number 17-08-1055 amending Chapter 30, Section 30.02.157, Amendments to Zoning Ordinance and Districts, City Council Consideration, of the Murphy Code of Ordinances.

Director of Community and Economic Development Jared Mayfield presented the proposed amendment to Section 30.02.157(d) of the Murphy Code of Ordinances will establish procedures for filing a zoning protest. Twenty (20) percent of the property owners within the two hundred (200) foot notification area of a proposed zoning request may file a written protest petition with the City Secretary to cause a favorable vote of three-fourths majority of the full City Council in order to grant approval of the zoning request. Presently, such a petition could be delivered at the last minute prior to a City Council vote, leaving the City Secretary with no time to verify the validity of such petition. One page form will be available on the website. The proposed procedures would require a protest petition to be delivered to the City Secretary by 5:00pm five (5) working days before the City Council public hearing. For example, a written protest must be received by 5:00pm on the Tuesday prior to a regularly scheduled Tuesday council meeting. Consider the proposed code amendment. On July 24, 2017 the Planning and Zoning Commission unanimously recommended approval of this amendment.

PUBLIC HEARING OPENED at 8:15 pm

Keith Huyck, resident - Opposed

PUBLIC HEARING CLOSED at 8:22 pm

Further discussion continued among Council and Staff in regards to written protest petition, steps needed to verify the validity of such petition, the five (5) working days, two hundred foot notification and the twenty (20) percent of property owners.

COUNCIL ACTION: (Item 8.F.)

APPROVED

Mayor Pro Tem Berthiaume moved to approve Ordinance Number 17-08-1055 amending Chapter 30, Section 30.02.157, Amendments to Zoning Ordinance and Districts, City Council Consideration, of the Murphy Code of Ordinances. Deputy Mayor Pro Tem Fincanon seconded the motion. The motion passed unanimously 6-0. (Councilmember Spraggins stepped out of the chambers).

- G. Consider and/or act on the application of Sizat Mustafa, requesting approval of a site plan and landscape plan for Auto Drive for property located on Lot 1, Block A of the Kimbrell Addition.

Director of Community & Economic Development Jared Mayfield presented that the subject property is located at 355 W. FM 544, east of the DART railroad line and north of the Brand Road intersection. The 1.253 acre lot is zoned LC-Light Commercial. The applicant proposes a 9,500 square foot expansion of the concrete parking and display area for the Auto Drive used car lot. The site plan and landscape plan have been reviewed by staff and meet the requirements set forth by the Code of Ordinances. Consider approval of the site plan and landscape plan. On July 24, 2017 the Planning and Zoning Commission unanimously recommended approval of the plans.

COUNCIL ACTION: (Item 8.G.)

APPROVED

Mayor Pro Tem Berthiaume moved to approve the application of Sizat Mustafa, requesting approval of a site plan and landscape plan for Auto Drive for property located on Lot 1, Block A of the Kimbrell Addition. Deputy Mayor Pro Tem Fincanon seconded the motion. The motion passed unanimously 7-0.

- H. Consider and/or act on the application of Helmberger Associates, Inc., requesting approval of a site plan, landscape plan, building elevations and construction replat for Allergy & Asthma Center of Murphy for property located on Lot 1, Block 1 of the Murphy Medical Center Addition.

Director of Community & Economic Development Jared Mayfield presented that the subject property is located at 623 W. FM 544 on the north side of FM 544 and west of Beacon Hill and Heritage Parkway. The 0.476 acre lot is zoned Office with a Planned Development (PD) 08-11-771 overlay. The applicant proposes to construct a 5,012 square foot building on the property for medical use. The site plan, landscape plan, building elevations and construction replat have been reviewed by staff and meet the requirements set forth by the Code of Ordinances and the Planned Development guidelines. Consider approval of the site plan, landscape plan, building elevations and construction replat. On July 24, 2017 the Planning and Zoning Commission unanimously recommended approval of the plans.

COUNCIL ACTION: (Item 8.H.)

APPROVED

Mayor Pro Tem Berthiaume moved to approve the application of Helmberger Associates, Inc., requesting approval of a site plan, landscape plan, building elevations and construction replat for Allergy & Asthma Center of Murphy for property located on Lot 1, Block 1 of the Murphy Medical Center Addition. Councilmember Siddiqui seconded the motion. The motion passed unanimously 7-0.

- I. Consider and/or act on the application of Homeyer Engineering, Inc., requesting approval of a site plan, landscape plan, building elevations and construction replat for Three Murphy Village for property located on Lot 4, Block D of the Murphy Village Addition.

Director of Community & Economic Development Jared Mayfield presented that the subject property is located at 200 W. FM 544 directly behind Chase Bank and east of Lynridge Assisted Living. The 2.883 acre lot is zoned R-Retail. The applicant proposes to construct a 35,677 square foot two-story building on the property for retail and restaurant use. The building height of the shopping center is 35 feet at the top of the highest parapet wall. The site plan, landscape plan, building elevations and construction replat have been reviewed by staff and meet the requirements set forth by the Code of Ordinances. Consider the approval of the site plan, landscape plan, building elevations and construction replat. On July 24, 2017 the Planning & Zoning Commission unanimously recommended approval of the plans.

COUNCIL ACTION: (Item 8.I.)

APPROVED

Mayor Pro Tem Berthiaume moved to approve the application of Homeyer Engineering, Inc., requesting approval of a site plan, landscape plan, building elevations and construction replat for Three Murphy Village for property located on Lot 4, Block D of the Murphy Village Addition. Deputy Mayor Pro Tem Fincanon seconded the motion. The motion passed unanimously 7-0.

- J. Consider and/or act on approval of an Economic Development Incentive Agreement with Murphy Mixed Use Partners, LLC for site improvements for a new 35,677 square foot retail building at 200 W. FM 544.

Director of Community & Economic Development Jared Mayfield stated that according to the grant application, the requested funds would assist the developer with site improvements related to piping and covering the exiting open drainage ditch at the rear of the property. Covering the open drainage ditch will allow for adequate off-street parking for the proposed building. 189 parking spaces are required per code, 28 spaces are proposed over the covered drainage ditch area. Consider the grant request. On July 31, 2017, the MMDD board unanimously recommended full funding of this request.

COUNCIL ACTION: (Item 8.J.)

APPROVED

Councilmember Siddiqui moved to approve the Economic Development Incentive Agreement in the amount of \$150,000 with Murphy Mixed Use Partners, LLC for site

improvements for a new 35,677 square foot retail building at 200 W. FM 544. Councilmember George seconded the motion. For: Mayor Bradley, Deputy Mayor Pro Tem Fincanon, Councilmember Siddiqui, and Councilmember George. Against: Mayor Pro Tem Berthiaume, Councilmember Spraggins and Councilmember Reilly. The motion passed 4-3.

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will now recess into Executive Session (closed meeting) at 8:32 pm to discuss the following:

- A. §551.071(1): Consultation with Attorney regarding pending litigation: City of Murphy v Johnson, Cause No. 219-02729-2017 and City of Murphy v Parker.
- B. §551.071(2): Consultation with 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 this chapter re: legal advice regarding specific use permits, zoning, rezoning land and related issues.
- C. §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.

10. RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Regular Session at 9:45 pm, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

Following Executive Session, No Action Taken.

- A. §551.071(1): Consultation with Attorney regarding pending litigation: City of Murphy v Johnson, Cause No. 219-02729-2017 and City of Murphy v Parker.

Mayor Pro Tem Berthiaume made a motion to direct the City Attorney to begin an enforcement action of the agreed permanent injunction and final judgement against George Parker doing business as Parker Tree Services. Deputy Mayor Pro Tem Fincanon seconded the motion. The motion passed unanimously 7-0.

Mayor Pro Tem Berthiaume moved to approve terms of the agreed permanent injunction and final judgement as discussed in executive session and authorize the Mayor to sign the final document. Councilmember Siddiqui seconded the motion. The motion passed unanimously 7-0.

- B. §551.071(2): Consultation with 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 this chapter re: legal advice regarding specific use permits, zoning, rezoning land and related issues.

- C. §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.

11. ADJOURNMENT

With no further business, a motion was entertained by the Mayor and the Council meeting adjourned at 9:49 pm.

APPROVED BY:



A handwritten signature in cursive script, appearing to read "S. Bradley", is written over a horizontal line.

Scott Bradley, Mayor

ATTEST:

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

Susie Quinn, City Secretary