

CITY COUNCIL MINUTES
JULY 16, 2013 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

Mayor Pro Tem Siddiqui called the meeting to order at 6:00 p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Siddiqui gave the invocation and led the recitation of the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

Mayor Pro Tem Owais Siddiqui
Deputy Mayor Pro Tem Ben St. Clair
Councilmember Scott Bradley
Councilmember Betty Nichols Spraggins
Councilmember Bernard Grant
Councilmember Rob Thomas

Councilmembers absent: Mayor Eric Barna

4. PUBLIC COMMENTS – None

5. PRESENTATION ITEMS – None

6. 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 upon meeting minutes:

1. July 1, 2013 Special Meeting Minutes;
2. July 2, 2013 Regular Meeting Minutes;
3. July 8, 2013 Special Meeting Minutes; and,
4. July 9, 2013 Special Meeting Minutes;

B. Consider and/or act upon the issuance of a special permit to allow a fireworks display during the Murphy Maize Days celebration on September 28, 2013.

COUNCIL ACTION (6.A. & 6.B.):

APPROVED

Councilmember Grant moved to approve the consent agenda as presented. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Continue a public hearing and consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, to re-plat Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell

Creek Road. **PLEASE NOTE: THE APPLICANT HAS REQUESTED THEIR APPLICATION FOR THIS CONSIDERATION ITEM BE CONTINUED TO THE AUGUST 6, 2013 MEETING.**

- B. Continue a public hearing and consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, for an ordinance approving a Specific Use Permit for a drive thru on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road. **PLEASE NOTE: THE APPLICANT HAS REQUESTED THEIR APPLICATION FOR THIS CONSIDERATION ITEM BE CONTINUED TO THE AUGUST 6, 2013 MEETING.**
- C. Consider and/or act on the application of Dunkin Donuts, on behalf of the property owner, Champion Langford Partners, for approval of a site plan, including building elevations and landscape plan, on Lot 3 - Block C – Murphy Marketplace East Addition on property zoned PD (Planned Development) District No. 12-10-923 Retail Uses. This property is located at the northwest corner of FM 544 and North Maxwell Creek Road. **PLEASE NOTE: THE APPLICANT HAS REQUESTED THEIR APPLICATION FOR THIS CONSIDERATION ITEM BE CONTINUED TO THE AUGUST 6, 2013 MEETING.**

Mayor Pro Tem Siddiqui stated that the applicant for Items 7A, 7B and 7C had requested that their application be continued at the August 6, 2013 meeting.

COUNCIL ACTION (7.A., 7.B. and 7.C.):

CONTINUED

Councilmember Bradley moved to continue Items 7A, 7B and 7C until the August 6, 2013. Councilmember Nichols Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- D. Hold a public hearing and consider and/or act on the application of Allen Tari requesting a variance to sign requirements as stated in the Code of Ordinances Section 28-22, Monument Signs-Business Districts, for a sign at the business known as Tari Car Lot, located at 729 W. FM 544.

Kristen Roberts stated that the Planning and Zoning Commission did not discuss the electronic sign as it is prohibited by ordinance and not subject to the request of a variance. Ms. Roberts stated that the Commission denied the variance to the sign height 6 to 0. Ms. Roberts stated that staff is recommending denial of the variance, however, to allow a 7' sign with a 6" masonry cap on the top of the sign.

Assistant City Attorney Brenda McDonald advised that any variance would require six affirmative votes since the Planning and Zoning Commission denied the request.

Aron Fryberg, Mr. Fryberg spoke on behalf of the applicant, Mr. Tari, and stated that the applicant had a hardship due to the fact that the base is two feet below the elevation of the parking lot and the cars he is selling blocks his signage.

Council held discussion with regard to the elevation of the sign, the masonry base that was constructed without benefit of a permit and the denied permit application.

Mayor Pro Tem Siddiqui opened the public hearing for public comment at 6:16 p.m.

No one signed in to speak in favor of or in opposition to the variance request.

Councilmember Thomas reminded Council that two residents living behind the property had submitted written notice of opposition to the variance.

Mayor Pro Tem Siddiqui closed the public hearing to public comment at 6:16 p.m.

COUNCIL ACTION (7.D.):

DENIED

Councilmember Bradley moved to deny the request for a 10' sign and approve a 7' sign with the addition of a 6" cap. Councilmember Nichols Spraggins seconded the motion. For: Bradley and Nichols Spraggins. Against: St. Clair, Siddiqui, Grant and Thomas. The motion failed 2 to 4.

Councilmember Grant moved to deny the application of Alan Tari requesting a variance to sign requirements as stated in the Code of Ordinances Section 28-22, Monument Signs-Business Districts, for a sign at the business known as Tari Car Lot, located at 729 W. FM 544 Councilmember Bradley second the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- E. Consider and/or act on a proposed resolution authorizing the City Manager to execute a contract with Blue Cross Blue Shield for group medical insurance and Ameritas for group dental insurance with an effective date of September 1, 2013.

Councilmember Bradley recused himself due to conflict of interest and left the dias (affidavit attached to these minutes as Exhibit "A").

Human Resources Director Stacey Buckley presented the Council with the proposed group medical insurance policy effective September 1st. Ms. Buckley stated that there was a 19% increase from the current carrier, Blue Cross Blue Shield mainly due to the health care reforms. Staff and Brinson Benefits was able to negotiate a decrease. Ms. Buckley stated that the proposed plan changes would move from coinsurance rates of 80/20 to 70/30 with a 9% increase.

Council held discussions with regard to the effect on employees and proposed budget impact.

COUNCIL ACTION (7.E.):

APPROVED

Deputy Mayor Pro Tem St. Clair moved to execute a contract with Blue Cross Blue Shield for group medical insurance and Ameritas for group dental insurance with an effective date of September 1, 2013. Councilmember Grant seconded the motion. For: Unanimous. Against: None. Abstained due to conflict of interest: Bradley The motion carried by a vote of 5-0-1. (Assigned Resolution No. 13-R-773 and CLA No. 201307002)

Councilmember Bradley assumed his seat on the dias.

- F. Consider and/or act upon an Interlocal Agreement between the City of Murphy and Plano Independent School District for the School Liaison and Campus Protection Programs beginning August 1, 2013 continuing through September 31, 2014.

Chief Cox provided the Council with a briefing on the Interlocal Agreement and presented a change that would provide that the school district be responsible for the actual cost of the officer which may vary according to salary tiers.

Ms. McDonald suggested that Section 3 of the contract be amended to read as follows:

Payments will be for 50% of the then present cost of the two (2) certified peace offers.

COUNCIL ACTION (7.F.):

APPROVED

Deputy Mayor Pro Tem St. Clair moved to approve an Interlocal Agreement between the City of Murphy and Plano Independent School District for the School Liaison and Campus Protection Programs beginning August 1, 2013 continuing through September 31, 2014 with amendments to Section 3 as stated by the City Attorney. Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0. *(Assigned CLA No. 201307003)*

G. Consider and/or act upon Ethics Review Commission recommendations:

1. A proposed resolution establishing the Rules and Procedures for the City of Murphy Ethics Commission
2. A proposed ordinance amending Chapter 2, Article IX of the Code of Ordinances entitled Code of Ethics.

Councilmember Grant suggested that the Council hold discussions on Item 7.G., but postpone voting on the item until August 6th.

Assistant City Attorney Roxann Pais-Cotroneo presented the purpose of having a Code of Ethics and an Ethics Review Commission.

COUNCIL ACTION (7.G):

CONTINUED

Councilmember Grant moved to table consideration of Item 7 G until the August 6, 2013 meeting. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

8. CITY MANAGER/STAFF REPORTS

Chief Cox provided the Council with an update on the following items:

- North Murphy Road Construction Update
- Murphy Central Park Construction Update

9. EXECUTIVE SESSION

The City Council convened into Executive Session at 7:07p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§ 551.071 Consultation with City 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 zoning and subdivision regulation issues involving the Ranch/ Gables subdivisions.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Open Session at 7:52 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§ 551.071, consultation with City 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: to receive legal advice regarding the Texas Open Meetings Act.

No action was taken as a result of the executive session.

Mayor Pro Tem Siddiqui stated that the City Attorney has been directed to pursue a resolution to the subject issue.

11. ADJOURNMENT

With no further business, the meeting was adjourned at 7:53 p.m.

APPROVED BY:



Eric Barna, Mayor

ATTEST:



Kristi Gilbert, City Secretary

