

CITY COUNCIL MINUTES
AUGUST 6, 2013 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Barna 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 Eric Barna
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: None

4. PUBLIC COMMENTS –

Robert Montgomery, 213 Crepe Myrtle Lane – Mr. Montgomery spoke to Council regarding his concerns related to the electronic message sign regulations.

5. PRESENTATION ITEMS –

- A. Parks Intern Stephanie Killam reviewed the Get Geocaching Challenge program to the Council. Ms. Killam presented the awards to the Get Geocaching Challenger Runner-Up the Heston Family and the Grand Prize winner the Bottlinger Family.
- B. Finance Director Linda Truitt presented the Council with FY 2013-2014 Budget. The presentation included the certified values, average single family home value, the effective rate and the rollback rate.

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 the July 16, 2013 Regular Meeting minutes.
- B. Consider and/or act on the Final Plat Application for **Murphy Medical Center Addition** on property zoned PD (Planned Development) District No. 08-11-771 for Office Uses. This property is located at 615 W. FM 544.

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

APPROVED

Mayor Pro Tem Siddiqui moved to approve the consent agenda as presented. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing and consider and/or act on the application of the Wendy's Corporation, to re-plat Lot 2 - Block A – Walmart Addition on property zoned PD (Planned Development) District No. 12-02-905. This property is located at the northwest corner of FM 544 and Murphy Road.

Ms. Roberts presented staff comments.

Mayor Barna opened the public hearing at 6:26 p.m.

There were no public comments.

Mayor Barna closed the public hearing at 6:26 p.m.

COUNCIL ACTION (7.A.):

APPROVED

Mayor Pro Tem Siddiqui moved to approve the replat as submitted. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Hold a public hearing and consider and/or act on the application of the Walmart Real Estate Business Trust, to re-plat Lot 1 - Block A – Walmart Addition on property zoned PD (Planned Development) District No. 12-02-905. This property is located at the northwest corner of FM 544 and Murphy Road.

Ms. Roberts presented staff comments.

Mayor Barna opened the public hearing at 6:27 p.m.

There were no public comments.

Mayor Barna closed the public hearing at 6:27p.m.

COUNCIL ACTION (7.B.):

APPROVED

Councilmember Bradley moved to approve the replat as submitted. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- C. Consider and/or act on the application of **Masoud E. Najari and Jacquie Nguyen** requesting approval of a Site Plan, Landscape Plan and Building Elevations for Beacon Hill on property zoned NS (Neighborhood Services) located at the northwest corner of FM 544 and Heritage Parkway.

Ms. Roberts stated that the application had been submitted in February 2013 and stated that the Planning and Zoning Commission recommended approval with conditions to be read into the minutes. Ms. Roberts stated that off-street parking deficiencies could potentially limit the owner's ability to lease building space to uses other than office or small retail. Ms. Roberts

stated that staff has communicated with the applicant that the City would oppose any applications for a median cut on FM 544. Ms. Roberts stated that staff would recommend approval with the following language being read into the minutes:

THE CITY OF MURPHY WILL HAVE NO RESPONSIBILITY TO MAINTAIN, REPAIR OR REPLACE THE PRIVATE SANITARY SEWER LINE WITHIN THE LIMITS OF THE APPLICANT'S PROPERTY. FURTHER, THE CITY OF MURPHY WILL NOT ENTER ONTO THE APPLICANT'S PROPERTY TO MAINTAIN, REPAIR OR REPLACE THE PRIVATE SANITARY SEWER LINE.

Councilmember Thomas expressed concerns regarding median cuts. Councilmember Nichols-Spraggins inquired as to what tenant would be occupying the space.

Bret Flory, Cross Architects, spoke on behalf of the applicants and stated that there were no current tenants

COUNCIL ACTION (7.C.):

APPROVED

Councilmember Bradley moved to approve the site plan, landscape plan and building elevations as proposed with the following contingencies: 1) Off-street parking deficiencies may limit the property owner's ability to lease space within the proposed development absent of a shared parking agreement or the provision of additional off-street parking; 2) The City of Murphy will continue to oppose any TXDOT submittal for a median cut and left turn lane to serve only this property; and, 3) In regards to the sanitary sewer easement: THE CITY OF MURPHY WILL HAVE NO RESPONSIBILITY TO MAINTAIN, REPAIR OR REPLACE THE PRIVATE SANITARY SEWER LINE WITHIN THE LIMITS OF THE APPLICANT'S PROPERTY. FURTHER, THE CITY OF MURPHY WILL NOT ENTER ONTO THE APPLICANT'S PROPERTY TO MAINTAIN, REPAIR OR REPLACE THE PRIVATE SANITARY SEWER LINE. Mayor Pro Tem Siddiqui seconded the motion. For: Barna, Siddiqui, St. Clair, Bradley, Nichols-Spraggins and Grant. Opposed: Thomas. The motion carried by a vote of 6 to 1.

- D. Consider and/or act on the application of **Masoud E. Najari and Jacquie Nguyen** requesting approval of a Construction Plat for Beacon Hill on property zoned NS (Neighborhood Services) located at the northwest corner of FM 544 and Heritage Parkway.

COUNCIL ACTION (7.D.):

APPROVED

Councilmember Bradley moved to approve the construction plat and associated documents with the following contingencies: 1) Off-street parking deficiencies may limit the property owner's ability to lease space within the proposed development absent of a shared parking agreement or the provision of additional off-street parking; 2) The City of Murphy will continue to oppose any TXDOT submittal for a median cut and left turn lane to serve only this property; and, 3) In regards to the sanitary sewer easement: THE CITY OF MURPHY WILL HAVE NO RESPONSIBILITY TO MAINTAIN, REPAIR OR REPLACE THE PRIVATE SANITARY SEWER LINE WITHIN THE LIMITS OF THE APPLICANT'S PROPERTY. FURTHER, THE CITY OF MURPHY WILL NOT ENTER ONTO THE APPLICANT'S PROPERTY TO MAINTAIN, REPAIR OR REPLACE THE PRIVATE SANITARY SEWER LINE. Mayor Pro Tem Siddiqui seconded the motion. For: Barna, Siddiqui, St. Clair, Bradley, Nichols-Spraggins and Grant. Opposed: Thomas. The motion carried by a vote of 6 to 1.

- E. Consider and/or act upon Resolution approving the 2013 appraisal roll with a taxable value of \$1,614,305,560 as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of \$24,392,305 under review by the Appraisal Review Board.

COUNCIL ACTION (7.E.):

APPROVED

Councilmember Bradley moved to a Resolution approving the 2013 appraisal roll with a taxable value of \$1,614,305,560 as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of \$24,392,305 under review by the Appraisal Review Board. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. *(Assigned Resolution No. 13-R-774)*

- F. Consider and/or act upon a resolution establishing two dates, August 20, 2013 and September 3, 2013, at 6 pm, to conduct a Public Hearing on the City of Murphy proposed tax rate of \$0.5700 per \$100 valuation and establishing two dates, August 20, 2013 and September 3, 2013 at 6 pm, for a Public Hearing on for the proposed 2013-2014 municipal budget.

COUNCIL ACTION (7.F.):

APPROVED

Mayor Pro Tem Siddiqui moved to establish two dates, August 20, 2013 and September 3, 2013, at 6 pm, to conduct a Public Hearing on the City of Murphy proposed tax rate of \$0.5700 per \$100 valuation and establishing two dates, August 20, 2013 and September 3, 2013 at 6 pm, for a Public Hearing on for the proposed 2013-2014 municipal budget. Deputy Mayor Pro Tem St. Clair seconded the motion.

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| Mayor Barna: | Aye |
| Mayor Pro Tem Siddiqui: | Aye |
| Deputy Mayor Pro Tem Ct. Clair | Aye |
| Councilmember Bradley | Aye |
| Councilmember Nichols-Spraggins | Aye |
| Councilmember Grant | Aye |
| Councilmember Thomas | Aye |

For: Unanimous. The motion carried by a vote of 7 to 0. *(Assigned Resolution No. 13-R-775)*

- G. Discuss and take action, if any, on the proposed Animal Shelter Project, to include approving the Bid Spec Documents and Architectural/Building Plans and authorize staff to put the project out for bid.

Beverly Mueller, 1030 Westminster Ave – Ms. Mueller stated that she was speaking on a personal basis and encouraged Council to approve the building design and authorize going out for bids. Ms. Mueller encouraged one of the Councilmembers to sit on the Animal Shelter Committee.

COUNCIL ACTION (7.G.):

APPROVED

Councilmember Grant moved to accept the Bid Spec Documents and Architectural/Building Plans for the Animal Shelter and authorize staff to put the project out for bid. Councilmember Nichols-Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- H. 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.

COUNCIL ACTION (7.H.):

POSTPONE

Mayor Barna asked that the item be postponed until the August 20, 2013 meeting.

Councilmember Bradley moved to table Item 7H until the August 20, 2013 meeting. Councilmember Nichols-Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

EXECUTIVE SESSION

The City Council convened into Executive Session at 6:53 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 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:
 1. Zoning and subdivision regulation issues involving the Ranch/ Gables subdivisions;
 2. Traffic calming policies and measures; and,
 3. Personnel matters involving the City Manager.
- B. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- D. §551.074 Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager or to hear a complaint or charge against the City Manager.

RECONVENE INTO REGULAR SESSION

The City Council reconvened into Open Session at 7:50 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 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:
 - 1. Zoning and subdivision regulation issues involving the Ranch/ Gables subdivisions;
 - 2. Traffic calming policies and measures; and,
 - 3. Personnel matters involving the City Manager.
- B. § 551.087. Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. § 551.072. Deliberation regarding the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- D. §551.074 Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager or to hear a complaint or charge against the City Manager.
- E. Consider and or act upon any executive session items.

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

- I. Discuss and take action, if any, on implementing traffic calming measures, including the possible closure, of Moonlight Drive and/or Grant Road.

Linda Martin, 142 Moonlight Drive – Ms. Martin stated that she was also speaking on behalf of Greg and Julie Matocha. Ms. Martin expressed her concerns regarding the speed and volume issues on Moonlight Drive.

Don Kirschner, 416 Skyline Drive – Mr. Kirschner stated that the Moonlight issue was not created by current Council or staff. Mr. Kirschner stated he had no problem

COUNCIL ACTION (7.1.):

APPROVED

Councilmember Thomas moved that the City Council direct the City Attorney to prepare an ordinance to close Grant Drive and the City boundary and to work with the City Engineer to prepare a plan to achieve closure. Councilmember Grant seconded the motion. For: Barna, Siddiqui, St. Clair, Bradley, Grant and Thomas. Opposed: Nichols-Spraggins. The motion carried by a vote of 6 to 1.

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
Maize Days – September 28, 2013

9. ADJOURNMENT

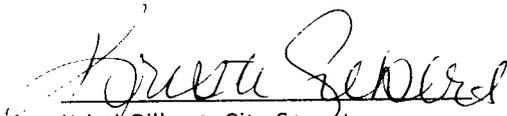
With no further business, the meeting was adjourned at 8:01 p.m.

APPROVED BY:



Eric Barna, Mayor

ATTEST:



Kristi Gilbert, City Secretary

