

CITY COUNCIL MINUTES  
JANUARY 7, 2014 REGULAR CITY COUNCIL MEETING

**1. CALL TO ORDER**

Mayor Barna called the meeting to order at 6:01 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 –**

No comments on non-agenda items.

**5. PRESENTATION ITEMS –**

A. Finance Director Linda Truitt presented the Council with the unaudited finance and investment report as of September 30, 2013. Ms. Truitt stated that FY 2012 sales tax revenues had increased by 19% over FY 2011.

**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 minutes:

1. December 10, 2013 regular meeting minutes; and,
2. December 16, 2013 special meeting minutes.

***COUNCIL ACTION (6.A.):***

***APPROVED***

Mayor Pro Tem Siddiqui moved to approve the consent agenda, as corrected. 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. Consider and/or act upon approval of an ordinance amending the FY 2012-2013 revenue and expenditure budgets for the General Fund, Utility Fund, Community Development Corporation, Murphy Municipal Development District and the Capital Construction Fund.

City Manager James Fisher presented the Council with the proposed amendments to the FY 2012-2013 budget including the General Fund, Utility Fund, Community Development Corporation, Murphy Municipal Development District and Capital Construction Fund.

Councilmember Grant inquired about the \$195,000 for building and plan inspection fees and asked if there had been anymore consideration to bringing the services in house.

Mayor Barna asked Mr. Fisher to price out both in-house and contract building inspections for the FY 15 budget.

**COUNCIL ACTION (7.A.):**

**APPROVED**

Deputy Mayor Pro Tem St. Clair moved to approve an ordinance amending the FY 2012-2013 revenue and expenditure budgets for the General Fund, Utility Fund, Community Development Corporation, Murphy Municipal Development District and Capital Construction Fund. Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (*Ordinance 14-01-966*)

- B. Hold a public hearing and consider and/or act on amending Murphy Code of Ordinances Chapter 28, Development Standards, Article 1. Signs.

Mr. Fisher stated that the Planning and Zoning Commission had recommended approval contingent upon regulating the timing of signs.

Councilmember Bradley noted that the City would have to change the current usage of the City Complex sign to meet the requirements. Councilmember Bradley inquired as to the reasoning behind stricter rules on the changeable messages.

Director of Community and Economic Development Kristen Roberts stated staff did not recommend regulating the timing of messages; however, the Planning and Zoning Commission recommended a 12 second timing regulation. Ms. Roberts stated that, after the Planning and Zoning Commission meeting, staff performed further review and determined that TxDOT's regulations specify that message cycle time should be for a minimum of two seconds and a maximum of eight seconds. Ms. Roberts noted that the current sign at City Hall changed messages approximately every two to five seconds.

Mayor Barna opened the public hearing at 6:21 pm.

*Robert Montgomery, 213 Crepe Myrtle* – Mr. Montgomery stated that he was for the ordinance change so the Murphy Road Baptist Church could update their sign with a changeable message sign. Mr. Montgomery asked for clarification regarding the 150 foot distance requirement.

Mayor Barna closed the public hearing at 6:23 pm.

Council held discussions with regards to changing the timing of the messages, as well as sign animation.

**COUNCIL ACTION (7.B.):**

**APPROVED**

Councilmember Bradley moved to approve the proposed amendments to Chapter 28, Development Standards, Article 1. Signs with the following changes:

Section 28-21.a. remove "No sign or part of any sign shall flash, change its illumination or copy, rotate, move or create an illusion of movement";

Change Section 28-21.d.5 to read "Sign illumination will comply with TxDOT standards"; and,

Change Section 28-21.d.6 to remove everything after the word "messages".

Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (*Ordinance 14-01-967*)

- C. Consider and/or act on the application of **Murphy Equity Management, Ltd.** Requesting approval of a site plan, landscape plan and building elevations for Maxwell Creek Pavilion on property zoned PD (Planned Development) District No. 11-01-871 for Retail and Office Uses on property located Lot 1, Block A, on the 600 block of East FM 544, west of McCreary Road.

Ms. Roberts stated that the proposed site plan was for a commercial strip center. Ms. Roberts stated the site plan, landscape plan and building elevations met ordinance requirements. Ms. Roberts stated staff recommended approval.

The Council held discussions with regard to access to the land behind the subject property, the surrounding flood plain, trees on the property and future surrounding development. Ms. Roberts stated that access could be provided from surrounding properties and a Letter of Map Amendment (LOMA) had been approved in 2011 addressing flood plain issues.

Council discussed postponing the item until there is clarification as to what trees will be removed from the site.

**COUNCIL ACTION (7.C.):**

**POSTPONED**

Item 7.C. was postponed until the January 21, 2014 Council meeting.

- D. Consider and/or act on the application of **Murphy Equity Management, Ltd.** Requesting approval of a construction plat for Maxwell Creek Pavilion on property zoned PD (Planned Development) District No. 11-01-871 for Retail and Office Uses on property located Lot 1, Block A, on the 600 block of East FM 544, west of McCreary Road.

**COUNCIL ACTION (7.D.):**

**POSTPONED**

Item 7.D. was postponed until the January 21, 2014 Council meeting.

- E. Consider and/or act upon Timbers Nature Preserve Park and Trail project items:
1. Authorizing staff to prepare bid documents and put the project out to bid;
  2. Authorizing the expenditure of funds for construction administration and project management fees; and,
  3. Authorizing the payment of US Army Corp of Engineer mitigation fees.

Mr. Fisher reviewed the project costs and future maintenance costs with the Council. Mr. Fisher suggested that staff bring back the bid documents with three clear phases.

**COUNCIL ACTION (7.E.):**

**APPROVED**

Councilmember Bradley moved to authorize staff to prepare bid documents for three phases, as well as a turn-key project, and bring the documents back to Council for approval; further authorize contract administration and professional service fees to finish the project through the post-construction FEMA survey in an amount not to exceed \$60,000; and, authorize the payment of USACE mitigation fees to a maximum amount of \$50,000. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- F. Consider and/or act upon Murphy Central Park:
1. Operations policy, rentals and application for the amphitheater; and,
  2. Amended fee schedule for deposits and miscellaneous fees.

City Manager James Fisher stated that the background information for Item 7.F. was not included in the Council packet. As such, he was recommending Items 7.F. and 7.G be postponed until the January 21, 2014 meeting.

**COUNCIL ACTION (7.F.):**

**POSTPONED**

Item 7.F. was postponed until the January 21, 2014 Council meeting.

- G. Consider and/or act on revising the Alcohol Policy for the Murphy Community Center (MCC) and Murphy Activity Center (MAC).

**COUNCIL ACTION (7.G.):**

**POSTPONED**

Item 7.G. was postponed until the January 21, 2014 Council meeting.

- H. Consider and/or act upon conducting a citizen survey for the City of Murphy.

Mr. Fisher stated that he and Ms. Gilbert had researched several cities survey projects and were looking for Council input on methodologies. Mr. Fisher recommended a team comprised of himself, the City Secretary and two councilmembers meet with a few survey companies.

Council discussed having the City Manager reach out to various companies to determine what their suggestions would be for survey methods for the City.

*Jennifer Berthiaume, 416 Woodcrest Circle* – Ms. Berthiaume stated that she was excited about the prospect of a citizen survey and encouraged the Council to use a variety of technologies to reach out to the residents. Ms. Berthiaume stated that she liked the sample surveys provided in the packet. Ms. Berthiaume encouraged the Council to do a geographic analysis of the responses.

**COUNCIL ACTION (7.H.):**

**NO ACTION**

**8. CITY MANAGER/STAFF REPORTS**

Mr. Fisher provided the Council with an update on the following items:

- North Murphy Road Construction Update
- Board and Commission Training – February 1<sup>st</sup>, 9am to 1pm
- CLC Meeting – January 16<sup>th</sup> 7:30 am
- Chamber of Commerce Annual Banquet – January 17<sup>th</sup>

City Hall Closed – January 20<sup>th</sup>

**9. EXECUTIVE SESSION**

The City Council convened into closed Executive Session at 7:36 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 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.
- 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).

**10. RECONVENE INTO REGULAR SESSION**

The City Council reconvened into Regular Session at 8:05 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 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.
- 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. Take Action on any Executive Session Item  
No action was taken as a result of executive session items.

**11. ADJOURNMENT**

With no further business, the meeting was adjourned at 8:06 p.m.

APPROVED BY:



Eric Barna, Mayor

ATTEST:

  
Kristi Gilbert, City Secretary

