

CITY COUNCIL MINUTES  
MARCH 4, 2014 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**

Executive Administrative Assistant, Kim McCranie, 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 – 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 minutes  
1. February 18, 2014 regular meeting minutes

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

***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. Consider and/or act on the application of BV Murphy TFG, LLC requesting approval of a site plan, landscape plan, building elevations and construction plat for Raising Cane's on property zoned (R) Retail at 120 W FM 544.

Director of Economic and Community Development Kristen Roberts presented the application of BV Murphy TFG, LLC for Raising Cane's with the requested variances for flag signs, parking and landscaping.

Councilmembers Bradley and Siddiqui expressed concerns regarding the cross access to the subject project and the Jack in the Box property. Kristen Roberts stated that the City is working with the Jack in the Box and Hobby Lobby on cross access.

Council expressed concerns regarding the flags located on the buildings exterior.

Robert Montgomery, 213 Crepe Myrtle, Murphy, Texas - Mr. Montgomery thanked Kristen Roberts and Lori Knight for all of their assistance through the application process. He stated that the flags were included to help the council get an image as to who Raising Cane's is. He said that Raising Cane's is very involved in the community so if they were in a college town they would put the school flags up in support. He said they have no problems taking the flags out of the design. He said they have upgraded the materials of the building to include real brick and stone. He said they feel they have added more landscaping that is all drought friendly with the added buffers.

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

***APPROVED***

Councilmember Grant moved to approve the application of BV Murphy TFG, LLC requesting approval of a site plan, landscape plan, building elevations and construction plat for Raising Cane's on property zoned (R) Retail at 120 W FM 544 removing any flags on the site. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Barna, St. Clair, Spraggins, Grant and Thomas. Opposed: Bradley and Siddiqui. The motion carried by a vote of 5 to 2.

- B. Discuss and/or act on Planned Development District Ordinance No. 03-10-590 (Gables and Ranch).

City Attorney, Andy Messer presented to the Council the background of Ordinance 03-10-590 regarding the maintenance of the wooden fence along McWhirter road and by the "Covenants, Conditions & Restrictions (CCR) for the Ranch/Gables Subdivision. He said the City has reached out to DR Horton in September 2013 requesting they build a fence and then each homeowner would be notified of the responsibility of maintenance of the portion on their property, unfortunately they were not responsive to this compromise.

Ray Shahan, 405 Sagebrush – Mr. Shahan said the CCR states that the HOA is responsible for all of the screening along the thoroughfare; it doesn't define what type of screening. He said this ordinance singles out and affects only approximately 30 homeowners out of approximately 600 which is not fair. He requested Council to amend Ordinance 03-10-590 by removing the exception from the ordinance making the Homeowners Association responsible for all screening.

Charles Hall, 411 Sagebrush – Mr. Hall stated that as closing he did not receive his CCR paperwork and were lied to. They were told that the HOA was responsible for the screening wall.

Patrick Miller, 329 Texas Trail – Mr. Miller stated that the CCR stated that the HOA is responsible for the screening wall.

The Council discussed what if any options the City has with the language of the Ordinance that could resolve the issue of responsibility of the screening wall and maintain the health and safety of the City.

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

**APPROVED**

Councilmember Bradley moved to confirm the language in Ordinance 03-10-590 specific to fencing and living screen wall along McCreary Road. Deputy Mayor Pro Tem St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- C. Consider and/or act on the Murphy Municipal Development District contracting with retail consulting firm.

City Manager, James Fisher presented to the Council the proposed contract between MMD and the retail consulting firm, Retail Coach.

John Daugherty, 738 Rosewood Drive - Mr. Daugherty, President of the MDD approached the Council to a brief summary of the details of the contract and request approval for the MDD to enter into a contract with Retail Coach.

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

**APPROVED**

Councilmember Grant moved to approve the Murphy Municipal Development District contracting with Retail Coach as presented. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- D. Discussion regarding the City of Murphy Trail System.

City Manager, James Fisher presented and update to the Council regarding the trail system. He said the discussion began this past summer with the Parks and Recreation Board for trail naming opportunities, assessing and prioritizing what was needed to connect trail to outside of the City.

Mr. Fisher said he feels our first priority should be the ability to connect our parks and neighborhoods together by identifiable trails that help people understand where they are and introduce them to other parks. He said this is also important to help promote the ability for residents to determine distances for their own wellness routine and emergency response purposes. He said the Park Board will begin these discussions at their March meeting.

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

**NON-ACTION ITEM**

No action was taken on this item.

- E. Consider and /or act on a Resolution adopting an Inter Local Agreement (ILA) between Collin County and the City of Murphy regarding the allocation of funds for culvert extensions on North Murphy Road.

City Manager, James Fisher presented the ILA between Collin County and the City of Murphy for the culvert extensions on North Murphy Road. He said the cost of the project will be split between the State, Collin County and the City of Murphy.

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

**APPROVED**

Councilmember Bradley moved to approve a Resolution authorizing the City Manager adopting an Inter Local Agreement (ILA) between Collin County and the City of Murphy regarding the allocation of funds for culver extensions on North Murphy Road. Deputy Mayor Pro Tem seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

**8. CITY MANAGER/STAFF REPORTS**

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

North Murphy Road Construction Update – Begin work on NMR/Betsy intersection, road will be down to 1 lane during spring break week.

Water Restrictions – Mailed post cards out with watering schedule; winter watering schedule will continue thru April; Texhoma connection will be around the June timeframe; City drought education through you tube videos, social media and signs; Drought Ordinance amendments at the March 18<sup>th</sup> City Council meeting

Murphy Central Park Grand Opening – April 5<sup>th</sup>

May Election – 1 contested race. Early voting will begin April 28<sup>th</sup>.

**9. EXECUTIVE SESSION**

The City Council held a closed Executive Session at 7:54 p.m., pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.

**10. RECONVENE INTO REGULAR SESSION**

The City Council reconvened into Regular Session at 8:21 p.m., pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. §551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the City Secretary.
- B. Take Action on any Executive Session Item:

Councilmember Bradley moved to authorize the Mayor to act on behalf of the City Council to appoint an Acting City Secretary. Mayor Pro Tem Siddiqui seconded the motion. Motion passed 7-0.

**11. ADJOURNMENT**

With no further business, the meeting was adjourned at 8:21 p.m.

APPROVED BY:

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Eric Barna, Mayor

ATTEST:

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Kim McCranie, Executive Administrative Assistant