

MURPHY CITY COUNCIL AGENDA  
REGULAR CITY COUNCIL MEETING  
MARCH 3, 2015 AT 6:00 P.M.  
206 NORTH MURPHY ROAD  
MURPHY, TEXAS 75094



Eric Barna  
Mayor

Scott Bradley  
Mayor Pro Tem

Owais Siddiqui  
Deputy Mayor Pro Tem

Ben St. Clair  
Councilmember

Betty Spraggins  
Councilmember

Sarah Fincanon  
Councilmember

Rob Thomas  
Councilmember

James Fisher  
City Manager

Susie Quinn  
City Secretary

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on March 3, 2015 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

**1. CALL TO ORDER**

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

**3. ROLL CALL & CERTIFICATION OF A QUORUM**

**4. PUBLIC COMMENTS**

**5. PRESENTATIONS**

- A. Proclamation for North Texas Poison Center

**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 February 3, 2015 regular meeting minutes.  
B. Consider and/or act upon the February 17, 2015 regular meeting minutes.

**7. INDIVIDUAL CONSIDERATION**

- A. Consider and/or take action, if any, on the approval of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2014.  
B. Consider and/or take action, if any, on City of Murphy side walk repair program.  
C. Discussion of proposed Calloway's Nursery site development.  
D. Discussion regarding the 2015 Council Planning Session.

**8. CITY MANAGER/STAFF REPORTS**

- A. North Murphy Road Construction Update
- B. Timbers Nature Preserve
- C. South Maxwell Creek Parallel Trunk Sewer Line

**9. EXECUTIVE SESSION**

The City Council will hold a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. §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).
- B. §551.072 To deliberate the purchase, exchange, lease, or value of real property.
- C. §551.071 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 in regard to Safe Routes to School.

**10. RECONVENTE INTO REGULAR SESSION**

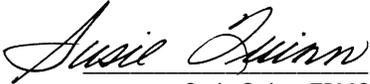
The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. §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).
- B. §551.072 To deliberate the purchase, exchange, lease, or value of real property.
- C. §551.071 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 in regard to Safe Routes to School.

D. Take Action on any Executive Session Items.

**11. ADJOURNMENT**

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on February 27, 2015 by 4:30 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

  
Susie Quinn, TRMC  
City Secretary

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 972.468.4011 or squinn@murphytx.org.

Notice of Possible Quorum: There may be a quorum of the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Ethics Review Commission, the Murphy Community Development Corporation, the Murphy Municipal Development District Board, the Park and Recreation Board and/or the Planning and Zoning Commission members who may be present at the meeting, but they will not deliberate on any city or board business.

**City Council Meeting  
March 3, 2015**

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**Issue**

Proclamation for the North Texas Poison Center.

**Staff Resource/Department**

Susie Quinn, City Secretary

**Summary**

Mike Yudzky, Public Health Education Manager, of the North Texas Poison Center requested this Proclamation.

**Background/History**

March 15 -21, 2015 marks the 53<sup>rd</sup> annual observance of Poison Prevention Week. This time is used to encourage citizens to learn more about the dangers of accidental poisonings and to take more preventive measures.

**Action**

None

**Attachments**

Copy of the Proclamation.

# *Proclamation*

*City of Murphy, Texas*

**Whereas**, our society has become increasingly dependent on household chemicals to perform labor-saving, time-saving miracles; and on medicine to provide health-giving, life-sustaining benefits;

**Whereas**, these products, when not used as intended or directed, may be hazardous, particularly if children gain access to them;

**Whereas**, over the past 53 years, the nation has been observing Poison Prevention Week to call attention to these hazards and how proper handling and disposal of these substances and proper use of safety packaging can help eliminate them;

**Whereas**, the efforts of our community organizations, complemented by the efforts of the North Texas Poison Center have reduced childhood poisonings in Murphy Texas.

**Whereas**, the North Texas Poison Center, a regional poison center, located at Parkland Health & Hospital System, provides the ultimate in human service programming, immediate, accessible emergency information to save lives of victims of poison-related emergencies, and;

**Whereas**, these programs must continue as long as even one child swallows a household product or medicine by mistake.

**Now, Therefore**, I, Eric Barna, Mayor of the City of Murphy, do hereby proclaim the week of March 15-21, 2015, as Poison Prevention Week in this city. Further, I direct the appropriate agencies in our local government to continue their cooperation with concerned citizens and community organizations, including our schools, to develop programs which will alert our people to the continued danger of misusing medicines and household products and to promote effective safeguards against accidental poisonings among young children.

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Eric Barna, Mayor  
City of Murphy

**COUNCIL MINUTES**  
**FEBRUARY 3, 2015 AT 6:00 P.M.**

**1. CALL TO ORDER**

Mayor Barna called the meeting to order at 6:00 pm. Mayor Barna commented on the number of guests in attendance.

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Barna gave the invocation and led the Pledge of Allegiance to the United States flag.

**3. ROLL CALL & CERTIFICATION OF A QUORUM**

Kim McCranie, Deputy City Secretary, certified a quorum with the following Councilmembers present:

Mayor Eric Barna

Mayor Pro Tem Scott Bradley

Deputy Mayor Pro Tem Owais Siddiqui

Councilmember Ben St. Clair

Councilmember Betty Nichols Spraggins

Councilmember Sarah Fincanon

Councilmember Rob Thomas

**4. PUBLIC COMMENTS**

Mark Williams, resident, representing the Exchange Club and the Murphy Chamber of Commerce, stated the American Flags will be flown on President's Day, February 16, 2015. They are to be flown in the area by the Fire Department. He requested volunteers to assist with placement of the flags between 7:00 am until 7:30 am and remove the flags between 5:00 pm and 5:30 pm. Channel 11 interviewed Mark Williams about the Crime Watch program. He thanked the police department for nominating him for the interview.

**5. PRESENTATIONS**

- A. Presentation of the Annual Traffic Contact Report for 2014 for the Murphy Police Department (also known as the Racial Profiling Report).

Chief Cox was not available for the meeting.

- B. Presentation of financial report and investment report as of December 31, 2014.

Finance Director Truitt stated the funds balance reflect over 23 million dollars due to the collection of property taxes and the 3 million dollars we received for the Certificates of Obligation for the Maxwell Creek Sewer line project. The interest rate continue at .10% holding steady for the last 12 to 18 months; the Sales tax is increasing slightly. She mentioned that revenues are at 25% for the budget year. Franchise fees will be received in February-March time frame; permits and licenses have slow because building has slowed down. Park revenue is slightly down. Expenditures are less than 25% but the bigger items have not been purchased as departments are waiting to make certain property taxes have been received. Utility funds are down due to less water usage. Sewer fund revenues are right on schedule. Expenditures for Utility funds are right at 20%. The formal quarterly investment report compared to last quarter reflects an increase in the cash balance of about 6.8 million dollars due to property taxes and the Certificates of Obligation.

Council asked about an updated last fiscal year actual report. Council will receive a draft audit at the February 17, 2015 meeting and then the auditors will be present March 3, 2015 to present the audit report.

## 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 approval and/or corrections to the minutes of the January 20, 2015 Regular City Council Meeting.

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

***APPROVED***

**Mayor Pro Tem Bradley moved to approve the consent agenda as presented. Deputy Mayor Pro Tem Siddiqui 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 City of Murphy to replat the existing subdivision known as Windy Hill Farms – Phase 1, generally located west of Heritage Parkway and north of FM 544; to remove platted building lines and establish the front building setback in accordance with the City's Ordinance No. 14-10-988, adopted by the City of Murphy on October 7, 2014.

In addition, as a part of the replat, the City is requesting a waiver of Section 70-132(a) of the Murphy Code of Ordinances requiring that monuments be set at the corner of each block within the Windy Hill Farms subdivision.

Deputy Mayor Pro Tem Siddiqui recused himself for this item. A conflict of interest was filed before the beginning of the meeting.

In October, 2014, Council approved Ordinance No. 14-10-988 to zone the subdivision which corrected zoning errors in Windy Hill Farms, Phase I. The zoning errors occurred back as far as 2000. The zoning now reflects what is on the ground (built) in the neighborhood. Extensive engineering was done. Now the city is the applicant and the property owners are the ones who need to sign in front of a notary to complete the final phase of this project.

City Engineer Gary Hendricks addressed the Council regarding the waiver of Section 70-132(a) of the Murphy Code of Ordinances. The original monuments were set in compliance with the Ordinance; however, if those original monuments were located now, there would be discrepancies that would create hardship for the owners.

Public hearing was opened at 6:18 pm. Since no one wished to be recognized to speak, the public hearing closed at 6:18 pm.

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

**APPROVED**

**Mayor Pro Tem Bradley moved to approve the application of the City of Murphy to replat the existing subdivision known as Windy Hill Farms – Phase 1 and the waiver of Section 70-132(a) as submitted. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0. (Deputy Mayor Pro Tem Siddiqui was recused from this item.)**

- B. Hold a public hearing and consider and/or act on the application of Ryan Betz requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek. 18:49

Community Development Director Roberts briefed Council with the background on the property. For about six years the prior as well as the current owner has presented several proposals for the property. Numerous meetings have been held to try to determine the best use for the property. Adjustments have been made since the preliminary meeting with Council in October, 2014. Planning and Zoning Commission met and following a lengthy meeting, the Commission denied the request with a 4-2-1 vote. The applicant has visited with the residents on several occasions. Based on resident's comments, no retail, no 24-hour business will be allowed. Sidewalks are being proposed based upon citizens' feedback. Solid living screening would be used and would be irrigated. No parking headlights would breach any home owner's homes. Overhead lighting will be downward lighting only.

Ryan Betz, land owner/developer made a presentation to Council regarding the proposal. The property was purchased in January, 2014. The original plan was single family lay-outs to conform to the SF-20 zoning. The majority of the neighbors do not want the Oak Glenn Road to extend. He explained that some of the support has come from neighbors that do not want two story or two and half story homes built in the area. He took that into consideration and made those concessions. More sidewalks are now proposed. He explained that no retail higher than one-story will be built as a concession to the neighbors. A gate at Oak Glenn entrance with emergency access only is to be built in Tract 1. Continuing Care Residential Community is the type of residency he is proposing. The site plan will determine the location of the various units. The eight acres would allow for all stages of care for people 55 and above. He described the living screen areas. The two story building would be constructed on the interior with complete privacy for occupants as well as the neighbors. Growing demand for this type of style, lock and leave, will continue. Full amenities are provided. He discussed the concessions that he is making to the neighbors in the area.

Council asked several questions. Mr. Betz stated that SF-20 proposals have been prepared. He explained that they will include opening of Oak Glenn to through traffic, it will have two-story homes on the perimeter as well as interior. Internal sidewalks will be built but not connected to established trails as proposed above. Proposed improvements to Maxwell Creek Road will not occur if 18 lots are developed for homes to be built. Council reflected to Mr. Betz that the property is currently zoned SF-20 as it was when he purchased the property. Nothing has been presented to Planning and Zoning displaying a SF-20 format.

Mr. Betz introduced Kevin Spraggins, Engineer and Bob Ingram with Mohr Partners, both have Assisted Living backgrounds. The aging population numbers for this area were discussed with a

graph showing citizens fifty-five and above, additionally predicting the demographics for this age group in five years for a five mile radius.

Mayor Barna opened the public hearing at 7:00 pm. He explained that each person will be allowed 3 minutes and will only be recognized once during the evening.

Renee Collins, resident – opposed  
John Daugherty, resident – opposed  
John Doyle, resident – opposed  
Mark Hanson, resident – opposed  
Chris Koleber, resident – opposed  
Celia Saunders, resident – opposed  
Larry Saunders, resident – opposed

David Smith, resident – opposed  
Diane Waller, resident – opposed  
Diane Weyandt, resident – opposed  
Keith Huyck, resident – on the fence  
Don Kiertscher, resident – on the fence  
Jennifer Berthiaume, resident – in favor  
Richie Earle, resident – in favor

Summary of comments from the citizens opposing the development:

Too small an area for commercial; no walk-through in yards; wants housing only; demographics; large housing lots are preferable-nothing commercial; no crime due to current traffic lay-outs; quality of life has changed due to traffic and retail; driving concerns on Maxwell Creek and FM 544; disturbing the quietness of the neighborhood; no apartment living; don't open Pandora's box; increased traffic in and out of the proposed facilities; decreasing property values; children at play in danger due to increased traffic; and not enough information received.

Summary of comments from the citizens in favor of the development:

Happy with the developer and his communication style; Mr. Betz has tried to meet the needs of the neighbors and in explaining that Oak Glenn will be open if houses are built rather than a locked gated area accessible by police and fire only.

Mayor Barna closed the public hearing at 7:33 pm.

Council made some comments regarding the development. The residents need to realize that the property will eventually be developed. The current zoning of SF-20 allows for two story homes as defined in the base zoning. Highest and best use of the property is what everyone wants and desires. The developer's concessions were discussed which included the live screening, the one story height of buildings around the perimeter, the locked gate on Oak Glenn for emergency egress and ingress only. Larger lots seem to be the desired build of the neighbors. Council will not be able to stop SF-20 building if that is what the developer wants to build. A builder might come in and propose SF-15.

Mr. Betz requested the item be withdrawn at this time. Mr. Betz was thanked for his willingness to visit with the neighbors and consider their wishes.

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

**NO ACTION**

**The applicant withdrew his proposal in writing, submitting a handwritten note.**

- C. Consider and take appropriate action, if any, on the authorization to solicit bids for the Betsy Lane Widening and Drainage Improvements project from North Murphy Road to McCreary Road.

City Manager Fisher stated this item is to authorize the City Engineer to prepare the construction bid documents to widen Betsy Lane from North Murphy Road to McCreary Road and widen the bridge.

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

**APPROVED**

**Deputy Mayor Pro Tem Siddiqui moved to authorize the City Manager to solicit bids for the Betsy Lane Widening and Drainage Improvements project. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.**

- D. Discuss and/or consider implementing community blog(s) and regulations relating thereto for the City of Murphy website blogs and video streaming broadcasts.

This item is a continuation of the December item presented before. Finding the proper balance is crucial on this item as it is between constitutional rights and offensive behavior on social media. This is new territory for all cities using websites, facebook, twitter, etc. Allowing input from Council on community blog(s) is also new.

IT Manager Medford made a presentation to Council regarding the upcoming projects:

- City of Murphy Mobile Application, (released in February) which includes:
  - News Flash
  - City Calendar
  - Request Tracker
  - Staff Directory
  - City's Website
  - Notify Me
  - My Account
  - Search
  - Facebook
  - Twitter
  - You Tube
- Mindmixer Citizen Engagement Tool (to be released in March 2015)
- Financial Transparency Portal (to be released in March 2015)
- Murphy Community Blog (to be released in March 2015)
- Open Data & Performance Data Portal (to be released in April 2015)
- Video Streaming – Council Meetings (to be released in April 2015)

He mentioned about the recent spam attack that the city's email addresses have been receiving recently and the steps taken to correct the issue. City Manager Fisher publically thanked IT Manager Medford and Council was in total agreement.

- E. Discussion regarding the 2015 City Council Planning Session.

City Manager Fisher led this discussion. Council proposed Friday, March 20, 2015 after 5 pm and all day on Saturday, March 21, 2015. Staff needs to know what is important for Mayor and Council to discuss as soon as possible, so that supporting documentation can be gathered. The event will be held at the MCC, City Manager Fisher will facilitate. Thursday, March 19, 2015 will be an evening meeting to have a meal and be more informal in the discussion.

**8. CITY MANAGER/STAFF REPORTS**

- A. North Murphy Road Construction Update  
City Manager Fisher stated various issues are being addressed.
  
- B. Boards and Commission Training to be held Saturday, February 7, 2015  
Beginning at 9 am, Andy Messer will be representing the City Attorney's office.
  
- C. Collin County Days, March 2-3, 2015  
Councilmembers Spraggins and Fincanon are attending. Staff members attending are Bernie Parker, Tina Stelnicki, Kristen Roberts, James Fisher and Susie Quinn.
  
- D. Timbers Nature Preserve  
Timbers Nature Preserve project is running on schedule.
  
- F. South Maxwell Creek Parallel Trunk Sewer Line  
This project is also running on time and preconstruction meetings will be scheduled soon.
  
- G. Safe Routes to school  
Work has been suspended as we have not received the correct paperwork which delays reimbursement payment from the federal government to us and from us to the contractor.
  
- H. Trout Fishing Round-Up  
The round-up is to be on Saturday, February 21, 2015 from 9:00 am and 11:30 am here at City Hall. As long as you are participating in the fishing during the times posted, a fishing license is not required. However, one is required prior to 9:00 am and after 11:30 am.

**9. ADJOURNMENT**

With no further business, the meeting was adjourned at 8:16 pm.

APPROVED BY:

\_\_\_\_\_  
Eric Barna, Mayor

ATTEST:

\_\_\_\_\_  
Susie Quinn, City Secretary

CITY COUNCIL MINUTES  
FEBRUARY 17, 2015

**1. CALL TO ORDER**

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

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Bradly gave the invocation and led the Pledge of Allegiance to the United States flag.

**3. ROLL CALL & CERTIFICATION OF A QUORUM**

Susie Quinn, City Secretary, certified a quorum with the following Councilmembers present:

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

Absent:  
Mayor Eric Barna

**4. PUBLIC COMMENTS**

Catherine McBride, resident, made an appealing invitation to the Council to participate as judges for the National Christian Forensics and Communication Association's (NCFCA) Regional Qualifying Speech and Debate Tournament. The tournament will be held March 12-14, 2015 at the First Baptist Church of Frisco, Texas and April 9-11, 2015 at the First Baptist Church in Wylie, Texas. She stressed the need for participants to come and listen to the speeches and the debates. Anyone 18 and older and is a high school graduate is qualified to be a judge.

**5. PRESENTATIONS**

- A. Presentation of the Annual Traffic Contact Report for 2014 for the Murphy Police Department (also known as the Racial Profiling Report).

Lt. Adana Barber presented the report on behalf of Police Chief Cox. She stated the Police Department contracts with Dr. Ales del Carman who develops the mandatory annual report. Questions and comments from Council included no real changes in this report as compared to prior reports and how the ethnicity of a person is derived.

- B. Presentation of financial report as of January 31, 2014.

Finance Director Truitt stated the investment report has an increase due to the property tax payments. The interest rate is still .10%, sales tax has increased above last year, and the revenues and expenditures are on track to meet the approved budget numbers. Permits and

licenses are down since building in the area has slowed due in part to the fewer number of available lots.

Council requested the number of lots which are available for building. Animal Shelter expenditures were discussed.

## **6. INDIVIDUAL CONSIDERATION**

### **A. Discussion of the Draft FY 2014 Comprehensive Financial Report.**

Finance Director Truitt requested Council to have their questions and/or concerns sent to her by 8:00 am Monday, February 23, 2015. Staff continues to review the CAFR and would like to address changes with the auditors prior to the next meeting.

Council discussed the varying percentages and how they change through the year and would like more clarification as to why the numbers change.

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

***NO ACTION***

### **B. Discussion of FY 2015 Budget.**

City Manager Fisher stated that staff has reached the 95% to 98% managing the budget. The numbers move because of the constant change in revenues and expenditures received and spent. Staff wants to continue to provide Council with accurate reporting. An up-to-date picture of some unplanned unbudgeted items which are occurring will also be explained at the Planning Session.

Council discussed the need to perhaps discuss at the 2015 Council Planning Session how to fine tune certain items. Also requested is the calculation of the percentage of actual funds to budgeted funds for the last five years which might be helpful to have at Planning Session.

#### ***COUNCIL ACTION (6.B.):***

***NO ACTION***

### **C. Discussion regarding 2015 Spring Events.**

Recreation Manager Caitlyn Mullins updated the Council regarding the discussion that was held with Park and Recreation board on February 9, 2015. A PowerPoint was presented covering the Rainbow Trout Roundup (February 21, 2015), Experience Murphy (April 11, 2015), Keep Murphy Beautiful Trash Off and Recycling Event (April 18, 2015), Moonlight Movies (Fridays in May) and Sounds at Sundown Summer Concert Series (Fridays in June).

Following the presentation, Council and staff discussed the various events and the growth each one has seen as they continue. The Rainbow Trout Roundup already has over 200 people preregistered. Experience Murphy began last year. Challenges regarding food vendors, the need for rebranding the event has the Park's Board as well as staff looking at the possibility of postponing the event until 2016. Questions regarding the type of event as to whether it should be a cultural event or a talent show were asked. The event should have continuity year after year, which is one reason to postpone and revamp Experience Murphy this year. Central Park needs some adjustments to be better utilized. The new Farmers Market was discussed as well

as the Chamber of Commerce new Spring Fling Event happening around the same time period. Consensus by Council was to postpone the event and to engage the Park's Board and others to make this event better.

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

**NO ACTION**

D. Discussion regarding the 2015 Council Planning Session.

City Manager Fisher wanted to remind Council of the dates and to encourage Council to be prepared to discuss the challenges. City Council was requested to come up with one to three critical questions that can be discussed at the Planning Sessions. These questions will serve to determine what type of city we want to be, what it will take to get there, how we will get there, what we will look like and what are the costs involved to develop and maintain this vision. Other nearby cities have recently completed strategic planning exercises. At the March 17, 2015 Council meeting an in-depth financial overview of the 2015 budget is to be presented. The 2014 Comprehensive Financial Report is to be presented at the March 3, 2015 Council meeting so hopefully some of the financial concerns will be addressed. On March 19, 2015 will be a dinner, then on Friday, March 20, 2015 should begin the real discussions and tentatively is set from 3 pm to 8 pm and then Saturday, March 21, 2015 from 9 am until about 1 pm. This will take place at the Activity Center.

Council does think having examples from other cities as well as the previous plan would be useful. Some discussion items have been received and will be presented. Themes were the focus of the last strategic plan and then each one was discussed as to how to be successful in those items but the financial ramifications were not discussed as in-depth as they should have been. Staff's input was also requested as to what may be needed that Council may not be aware. The citizen's survey was mentioned again. Principles should be reviewed and discussed. The question was asked if the Leadership Team should attend all of the discussions. The Mayor's input is needed to address this question. The restaurant has not been determined.

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

**NO ACTION**

E. Consider and take action, if any, on a Resolution opposing Senate Bill 343.

City Manager Fisher explained the challenge of Senate Bill 343 as it will deeply erode the authority of cities. The people of Murphy voted for the City to be a Home Rule city.

The bill will probably be challenged in the courts if it passes. In other states, funding is provided to the city level but Texas was not founded that way and to change our way of governing will be challenging. Zoning and Development Codes are just two areas that would be negatively affected by the passage of this bill. Council's voice regarding this bill will be heard during Collin County Days at Austin in March.

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

**APPROVED**

**Deputy Mayor Pro Tem Siddiqui moved to approve Resolution Number 15-R-812 opposing Senate Bill 343. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0 (Mayor Eric Barna was absent).**

**7. CITY MANAGER/STAFF REPORTS**

A. North Murphy Road Construction Update

Storm drains and other issues are being worked on presently as they are hoping for more good weather days in order to complete the pours. Other issues are being addressed and resolved.

B. Collin County Days, March 2-3, 2015

Councilmembers Spraggins and Fincanon as well as city staff; Bernie Parker, James Fisher, Kristen Roberts, Tina Stelnicki and Susie Quinn all plan to attend.

C. Timbers Nature Preserve

Timbers Nature Preserve is on schedule with a couple of concerns as one resident thinks the restrooms may be constructed to close to their property line. The soft trail will be looked at this week. The drainage cleaning is about to begin using the Core of Engineers permit but it was emphasized that it is strictly a scoop and pull out. It cannot be landscaped in the process or made to look pretty during the scoop and pull out.

D. South Maxwell Creek Parallel Trunk Sewer Line

The contract documents have arrived and will be reviewed and once they are signed the preconstruction meetings will begin.

E. Trout Fishing Round-Up to be held February 21, 2015

The Trout Fishing Round-up will be on Saturday. City Manager Fisher thanked Councilmember St. Clair in assisting with the Park and Wildlife Game Warden's attendance to be present to set up a booth to encourage and promote fishing and visiting State Parks. He also recognized the good job done by Caitlin Mullins, Kayla McCord and all the staff at the recreation department to make this a very successful event.

**8. EXECUTIVE SESSION**

The City Council convened into close Executive Session at 7:25 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. §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).

- B. §551.072 To deliberate the purchase, exchange, lease, or value of real property.

- C. §551.071 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 in regard to Safe Routes to School.

**9. RECONVENTE INTO REGULAR SESSION**

The City Council reconvened into open session at 8:13 pm with the Mayor's announcement that no action was taken in Executive Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. §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).
- B. §551.072 To deliberate the purchase, exchange, lease, or value of real property.
- C. §551.071 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 in regard to Safe Routes to School.
- D. Take Action on any Executive Session Items.

***COUNCIL ACTION (9.A., 9.B., 9.C.)***

***NO ACTION***

**10. ADJOURNMENT**

With no further business, the meeting was adjourned at 8:14 pm.

APPROVED BY:

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Scott Bradley, Mayor Pro Tem

ATTEST:

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Susie Quinn, City Secretary

**City Council**  
**March 3, 2015**

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**Issue**

Consider and take action, if any, on the approval of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2014.

**Background/History**

Section 7.18 of the City Charter requires the City Council to call for an independent audit of all accounts by a certified public accountant at the close of each fiscal year.

The certified public accounting firm of Pattillo, Brown & Hill, L.L.P. conducted the independent annual financial audit for the 2013-2014 fiscal year. Pattillo, Brown & Hill, L.L.P. was selected to perform the annual independent audit through the Request for Proposals process for audit services during 2013. This is an independent auditor's report and analysis of the City's major funds and business type activities with accompanying financial statements. The audit report, with the auditor's recommendations, will be presented to the City Council. John Manning of Pattillo, Brown & Hill, L.L.P. and Linda Truitt, Finance Director will present the comprehensive annual financial report and answer questions during the presentation prior to Council officially approving the audit.

**Financial Considerations**

At the end of the fiscal year, the unassigned fund balance for the General Fund is \$3,635,402 an increase of \$397,399 from the projected FY 2014 Fund Balance included in the FY 2015 Budget. Approximately 71% of this increase is due to the various vacancies during year. This fund balance represents 30% of total general fund expenditures for the fiscal year. Revenues were greater than budgeted, primarily in the areas of franchise fees, charges for services and licenses and permit revenues. Total General Fund expenditures were within 93.3% of budgeted amounts.

Unrestricted net assets of the Utility Fund at year end are \$3,463,786, a decrease of \$19,115 from prior year.

**Action Requested**

Approval of the comprehensive annual financial report for the fiscal year ended September 30, 2014 as conducted by Pattillo, Brown & Hill, L.L.P.

**Attachments**

Comprehensive Annual Financial Report (CAFR) – will send under separate email

**City Council Meeting  
March 3, 2015**

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**Issue**

Consider and/or take action, if any, on City of Murphy side walk repair program.

**Staff Resource/Department**

Bernie Parker, Director of Public Services

**Summary**

Reporting on field verification data as it relates to the sidewalk repair program.

**Background/History**

At the October 14, 2014, meeting, Council approved Ordinance 14-10-990 amending Chapter 66, Article V Sidewalks, and Section 66-82 of the City of Murphy Code of Ordinances.

At the City Council meeting on December 2, Public Works Department presented that staff had estimated through windshield surveys, repair requests and onsite visits, there are approximately 554 locations in residential developments that are in need of repair, replacement and/or reconstruction. These locations equate to about 1863 sections. A section equals approximately 24 square feet. Staff is proposing utilizing the approved criteria in order to identify the integrity of sidewalks in Murphy's residential subdivisions. The approved criteria will enable staff to prioritize repairs, replacement and/or reconstruction of the sidewalks listed in the report generated by public works staff.

**Action**

Staff is recommending selecting a group of sidewalks within one area to maximize the budgeted money for this project. Once this selection process is completed staff recommends seeking proposals from three different construction agencies to perform the work.

Staff is recommending spending forty to forty five thousand dollars on repairs and reconstruction of the allocated fifty thousand dollars for sidewalk repairs in the 2015 budget.

**Attachments**

Staff is preparing a PowerPoint presentation.

**City Council**  
**March 3, 2015**

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**Issue**

Discussion of proposed Calloway's Nursery site development.

**Summary**

Calloway's Nursery began in 1987 with the opening of four Calloway's Nursery stores. Today the company operates 18 stores and continues to grow throughout North Texas. Calloway's intends to develop in Murphy on a site fronting FM 544, west of Brand Road and directly west of the railroad tracks.

While no development application has been submitted to date, staff is working closely with John Cosby, Calloway's Vice President of Real Estate, to assist with due diligence on the site and pre-submittal details. Additionally, the Murphy Municipal Development District and City Council approved an incentive application to fund infrastructure construction (water line under FM544) to the site.

**Considerations**

Given the dense brush and trees on the site and in order to begin site surveying, the city allowed the survey crew to clear underbrush and non-protected trees. Prior to this initial clearing, the area was too dense to conduct a survey. The site has proven to be quite challenging, not only the dense trees currently on the site, but rerouting of the creek and connecting infrastructure to the site.

The intent of Calloway's was to maintain the natural tree cover as much as possible, however, given the numerous site challenges, including development on the full site; existing trees would not remain when developed.

**Tree Preservation Ordinance and Considerations**

The City's Tree Ordinance details requirements of replacement trees, however, the site as developed will not allow for the hundreds of replacement trees that could possibly be required; nor does the ordinance offer the option, in such a case, for payment to a city tree fund in lieu of replacement.

**Note:** *the actual number would be confirmed following a required tree survey. Many of the trees, however, appear to be hackberries which are not protected trees.*

A variance of the replacement tree requirement would be requested of the Planning & Zoning Commission, and ultimately City Council, upon development submittal.

Calloway's is committed to developing with enhanced landscaping on the site and has provided examples of other local developments.

*Little Elm* – Calloway's had to clear the site in Little Elm prior to development. Recent pictures of the newly installed landscaping have been included.

*Southlake* – Calloway's site in Southlake was already a cleared site. Recent pictures of the established landscaping (5 years after installation) have been included.

### **Discussion**

No action on this item. Staff requests discussion as the applicant prepares to submit a development application. This item was scheduled for discussion at February 23, 2014 Planning & Zoning Commission which was cancelled due to inclement weather. Staff encouraged those Commissioners if available to attend City Council discussion on this item.

### **Attachments**

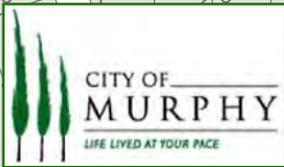
Site location map

Proposed site layout

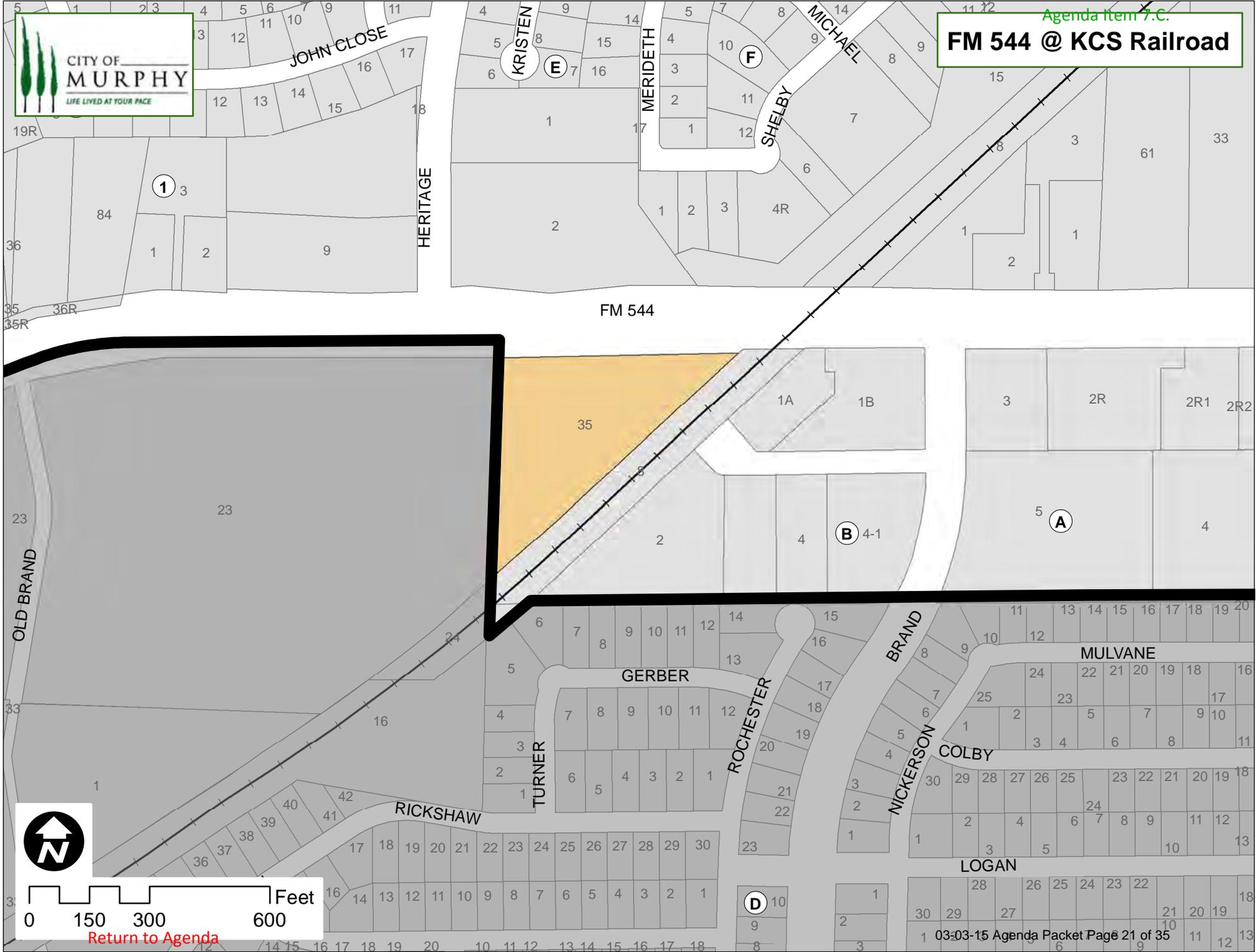
City of Murphy Tree Preservation Ordinance

Photo of Calloway's recently open in Little Elm with new landscaping

Photo of Calloway's in Southlake with established landscaping (5 years)



# FM 544 @ KCS Railroad



[Return to Agenda](#)

EXIST MEDIAN

F. M. 544

(VARIABLE WIDTH R.O.W.)

PROP 35 FT, 6" THICK CONC PVMT W/ CURB  
(3,140 S.F.)

N88°45'22"E ~ 602.59'

FUTURE ROAD - 24 FT, 6" THICK CONC PVMT W/ CURB  
(5,950 S.F.)

BLOCK "C"

DRAFT

41,000 sq. ft.

DALLAS AREA RAPID TRANSIT AUTHORITY R.O.W.  
VOL. 3424, PAGE 126  
D.R.C.C.T.

EXIST CONC PVMT

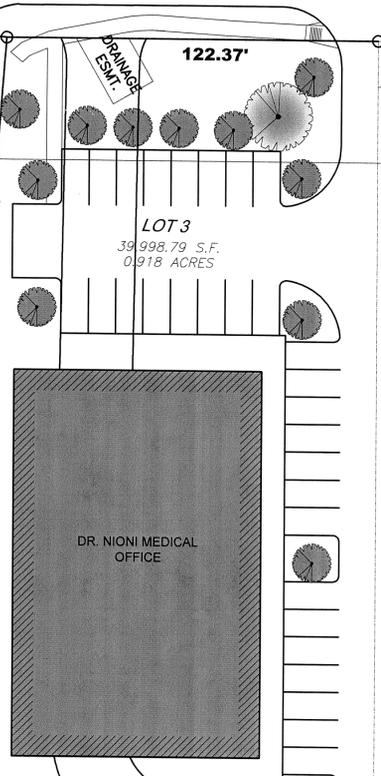
AGRICULTURAL  
SAMEH FAMOUS ETAL  
19,1516 ACRES  
VOL. 2464 PAGE 416



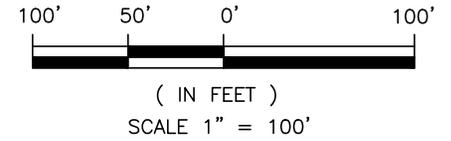
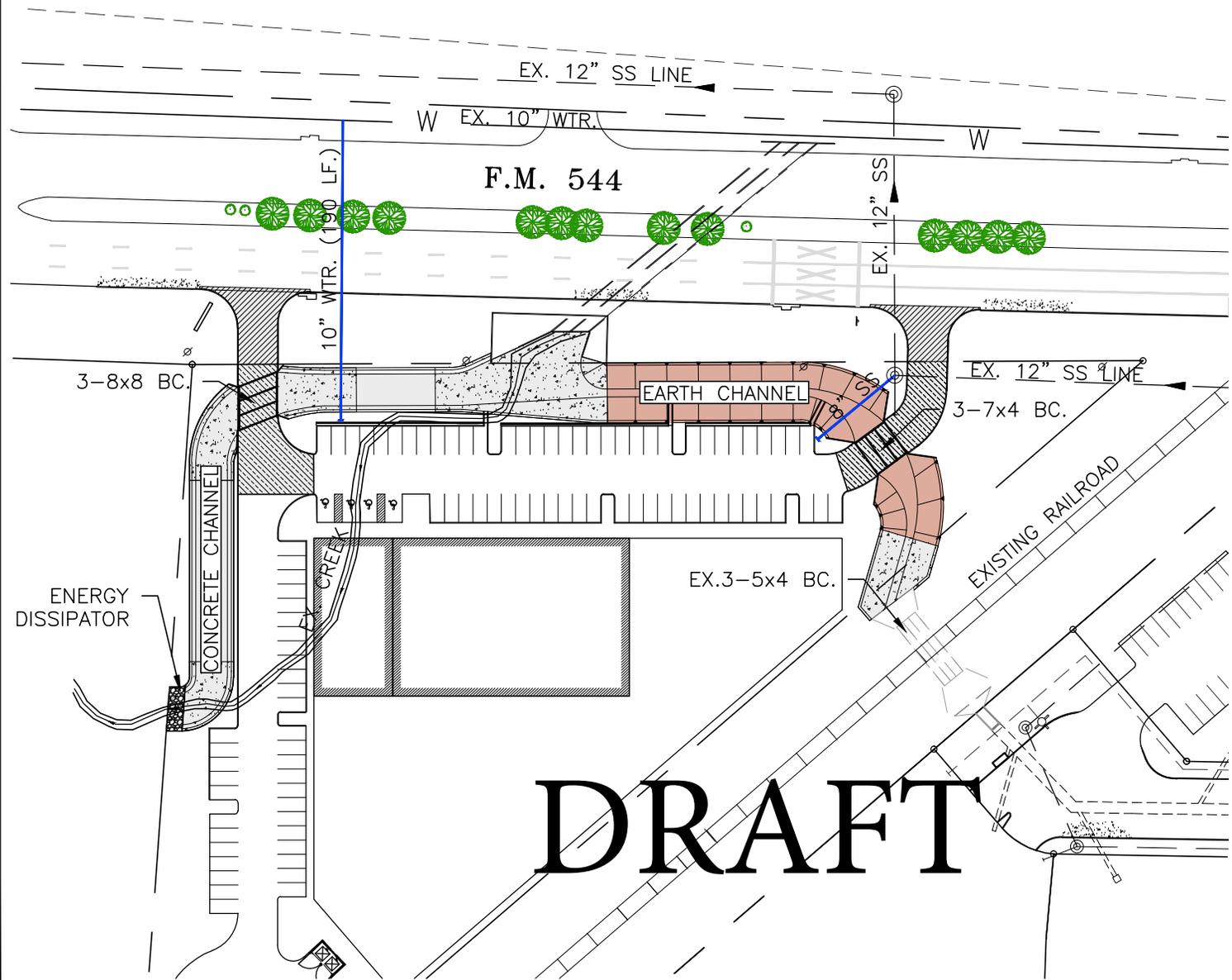
N03°04'40"E ~ 545.45'

N00°49'20"E ~ 258.08'

BLOCK "B"  
LOT 2  
BATES ENTERPRISES INC  
VOL 5825, PG 3681



LOT 3  
39,998.79 S.F.  
0.918 ACRES



**LEGEND**

-  DRIVEWAY APPROACHES
-  ENTRANCE PAVEMENTS
-  CONCRETE CHANNEL
-  EARTH CHANNEL
-  UTILITY INSTALLATIONS

**DRAFT**

**ASA**  
**ENGINEERING**

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 DALLAS, TEXAS 75252  
 (972) 248-9651 FAX (972) 248-9681  
 TX T.B.P.E. REGISTRATION # F-006974  
 I.B.P.L.S. FIRM REGISTERED NO. 100433

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**PROPOSED IMPROVEMENTS**

TO SERVE

**ALLOWAY'S NURSERY**  
**MURPHY, TX**

03-03-15 Agenda Packet Page 23 of 35  
 NOVEMBER 7, 2014

**ARTICLE VII. - TREE PRESERVATION****Sec. 28-181. - Tree preservation.**

- (a) *Application of section.* This section applies to all new residential and nonresidential development within the city.
- (b) *Preservation of existing landscape.* The existing natural landscape character, especially native oaks, elms and pecan trees, shall be preserved to the maximum extent reasonable and feasible. For example, within areas containing a mature stand of trees, developers and builders shall use best efforts to preserve such mature trees. Indiscriminate clearing or stripping of natural vegetation on a property or lot/tract is prohibited. Any part of a site not used for buildings, parking, driveways, walkways, utilities and approved storage areas shall be retained in a natural state, or reclaimed to its natural state, to the greatest extent feasible, or attractively landscaped in a manner that adds aesthetic value to the development and to the community as a whole. Underbrush/undergrowth is allowed to be removed with written approval from the city planner or parks superintendent.
- (c) *Protected and specimen trees.* The removal of any tree with a caliper of three inches or larger, except that of a bois d' arc or hackberry species, or of any specimen tree ten inches or larger, must be specifically requested by the applicant and approved in writing by the city's planner and parks superintendent prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Caliper inches for a single-stem tree shall be the diameter of the trunk measured 6 inches above the ground for a tree having a diameter up to and including eight inches, and measured at four and one-half feet above ground for a tree having a diameter of more than eight inches. Caliper inches for a multi-stem tree shall be the diameter of the trunk measured at the narrowest point below branching when branching occurs higher than 12 inches above the ground. When branching occurs at or lower than 12 inches above the ground, caliper means the diameter of the largest stem plus the average diameter of the remaining stems, measured at four and one-half feet above the ground. Removal of such trees without this approval is expressly prohibited. Prior to the removal of any protected or specimen tree, the property owner must first submit a letter to the city administrator, or his designee, that describes in detail which tree will be removed, how the removal will be performed (and machinery and equipment needed), and the date and time whereupon the anticipated removal will occur. The letter must also include a notarized statement by the owner that the tree to be removed is either not a protected or specimen tree, as defined herein, or that its removal will be in complete conformance with the provisions of this section. Said letter must be submitted at least one week in advance of the removal operation, and written city approval must be obtained prior to commencing the removal operation.
- (d) *Preservation and protection of existing trees.* All existing trees which are to be preserved shall be provided with undisturbed, permeable surface area under and extending outward to the existing drip line of the tree. All protected trees within or next to an excavation site or to a construction site for any building, structure or paving work, shall be clearly marked and guarded with a good substantial fence, frame or box not less than four feet high and surrounding the entire protected zone of the tree. The barriers shall be approved by the city planner and parks superintendent, and shall be in place before any site clearance or other site disturbing activity commences. Any barrier with lesser dimensions than those specified above shall be subject to approval by the city planner and parks superintendent. All building material, dirt, excavation or fill materials, chemicals, construction vehicles or equipment, debris, and other materials shall be kept outside the barrier. Barriers shall remain in place until the final building and landscape site inspections are satisfactorily completed and the certificate of occupancy has been issued for the premises.

- (e) *Permit requirement for excavations, trenching, pavings, etc.* No person shall excavate any ditches, tunnels or trenches, or place any paving or construction material, or drive any type of machine within the protective zone, or within the drip line, of any protected tree without first obtaining a written permit from the city planner and parks superintendent.
- (f) *Damage prohibited.* Unless specifically authorized by the city planner and parks superintendent, no person shall intentionally damage, cut, carve, transplant or remove any protected tree; attach any rope, wire, nails, advertising posters or any other contrivance to any protected tree; allow any gaseous, liquid or solid substance which is harmful to such plants to come in contact with any protected tree or with any of the area within its drip line; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any protected tree.
- (g) *Removal of existing trees.* The removal of an existing tree from a development site must be in accordance with this and all other applicable ordinances of the city.
- (h) *Exceptions.*
  - (1) *Dangerous conditions.* If the owner determines that an emergency situation exists that requires the immediate removal of a tree to protect the safety of persons or property, then the owner may remove the tree only to the extent necessary to eliminate the dangerous situation without a tree removal permit. However, the owner must immediately apply for a tree removal permit.
  - (2) *Utility companies.* Utility companies franchised by the city in easements or rights-of-way accepted by the city or otherwise authorized to provide utility service may remove protected trees that endanger public safety and welfare by interfering with utility service. Any trimming and/or removal of protected tree by a utility company require written approval by the city planner and parks superintendent.
  - (3) *City property.* City property shall not be subject to this section. City property, including rights-of-way, streets, and easements for public purpose, parks, and any other property under the jurisdiction of the city, shall be regulated by the requirements of this Code.
  - (4) *Single-family residential property.* Developed property which is zoned in a single-family residential classification and where an existing residence is located shall not be subject to this section.
- (i) *Tree credits.*
  - (1) *Negative tree credits.* For every protected tree removed, including fence row trees, the owner shall receive negative tree credits or shall be required to plant replacement trees as follows:
    - (a) Trees six to ten caliper inches, two negative credits for each caliper inch.
    - (b) Trees 10.1 to 15 caliper inches, four negative credits for each caliper inch.
    - (c) Trees 15.1 to 24 caliper inches, six negative credits for each caliper inch.
    - (d) Trees 24.1 caliper inches or larger, eight negative credits for each caliper inch.
  - (2) Replacement trees shall be not less than three caliper inches. All replacement trees shall conform to the standards of the approved plant list for the city and the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. This requirement shall be in addition to the requirements of this division.

(Ord. No. 09-05-797, § 2, 5-18-2009)

**Sec. 28-182. - Approved plant list.**

"Recommended Landscape Plant Materials for North Central Texas" by the Collin County Extension Agent's office in Collin County lists approved plants for this jurisdiction.

*(Ord. No. 09-05-797, § 2, 5-18-2009)*

**Sec. 28-183. - Variance procedure.**

- (a) The planning and zoning commission shall hold a public hearing on any request for a variation or exception to the standards provided by this article. The planning and zoning commission may not recommend a variation or exception unless the planning and zoning commission determines that the variation or exception will not substantially alter the intent of the standards established by this article.
- (b) All recommendations of the planning and zoning commission under this article shall be forwarded to city council. When the planning and zoning commission denies a request for a variation or exception to the standards set forth in this article, a hearing before the city council shall be set only if a written appeal is filed by the applicant with the city manager or his/her designee within 15 days of the date of the denial.

*(Ord. No. 09-05-797, § 2, 5-18-2009)*

**Secs. 28-184-28-200. - Reserved.**



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**City Council Meeting  
March 3, 2015**

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**Issue**

Discussion regarding the 2015 Council Planning Session.

**Staff Resource/Department**

James Fisher, City Manager

**Summary**

The City Council is scheduled to meet on Thursday, March 19th at 6:30 pm for dinner to begin the 2015 City Council Planning Session. We will resume on Friday, March 20th at 3 pm in the Activity Center, recess at 7 pm and continue Saturday, March 21st from 9 am until 2 pm. These sessions will give us the opportunity to develop a solid plan for the City to follow the next three to five years. As Lewis Carroll wrote in Alice in Wonderland, "If you don't know where you are going, any road will get you there." The City staff has been working off Roadmaps to Greatness for the last five years, with an annual review prior to budget preparation. In order to ensure we are on the same road as the City Council, it is imperative that a new Roadmap is implemented. I would like to challenge City Council to come up with one to three critical questions that can be discussed at the Planning Sessions. These questions will serve as the road foundation as we look forward to determine what type of city we want to be, what it will take to get there, how we will get there, what we will look like and what are the costs involved to develop and maintain this roadmap.

**Action Requested**

Discussion only at this time