

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
**CITY OF MURPHY**  
**206 North Murphy Road**  
**Murphy, Texas**

**September 6, 2011**  
**6:00 P.M.**

**CALL TO ORDER**

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

**INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Baldwin gave the invocation and led the Pledge of Allegiance.

**ROLL CALL & CERTIFICATION OF A QUORUM**

Secretary Nemer certified a quorum with the following:

Council Present

Mayor Baldwin  
Mayor Pro Tem John Daugherty  
Deputy Mayor Pro Tem Colleen Halbert  
Councilmember Scott Bradley  
Councilmember Bernard Grant  
Councilmember Dave Brandon

Councilmember Dennis Richmond arrived at 6:04 p.m.

**PROCLAMATIONS & PRESENTATIONS**

- **Proclamation for Emergency Preparedness Month** –Presented by Mayor Baldwin to Chief Lee
- **Presentation of Certificates to the Community Emergency Response Team (CERT)**  
Presentation by Chief Lee
- **Maize Days Update** –Presentation by Kristen Roberts and Keri Kirkwood
- **Proclamation recognizing Murphy resident Jennifer Madu** –Presentation by Mayor Pro Tem John Daugherty

**CONSENT AGENDA**

**A. Approval of the Minutes from the Special Meeting of August 30, 2011.**

Council Action

A motion to approve the Minutes as presented was made by Councilmember Daugherty, seconded by Councilmember Richmond. A vote was taken and passed, 7-0.

**PUBLIC COMMENTS**

Mr. Darl Coe addressed Council requesting to know when the playground tarp at the Aviary Park would be replaced. He stated that it has been missing for four months.

## PUBLIC HEARINGS

- 1. Hold a public hearing and consider and/or act upon approval of an ordinance approving the application of ALLEN AND LOUCKS VENTURE, L.P. requesting approval of a SUP (Specific Use Permit) for a Drive-In Window for a restaurant on property zoned PD (Planned Development) District for Retail Uses on property located on 121 East FM 544, east of North Murphy Road. (ZF2001-03)**

### Council Discussion

There was significant discussion regarding traffic, parking, and the request for a drive through window. Council requested the applicant (Einstein's) to be present at the next meeting.

### Public Hearing

Mayor Baldwin opened the public hearing at 6:44 p.m. Ms. Maggie Whitt spoke in favor of the request. Mr. Keith Patton spoke stating he was not opposed to the drive-through, but would prefer the traffic issues be addressed first. With no further public comments, Mayor Baldwin closed the public hearing at 6:48 p.m.

### Council Action

A motion to postpone this item to October 4 was made by Councilmember Daugherty and seconded by Councilmember Bradley. A vote was taken and passed, 7-0.

- 2. Hold a public hearing and consider and/or act upon approval of an ordinance amending Chapter 28, Development Standards, of the Code of Ordinances.**

### Council Discussion

Council discussed the following:

- Political signs –overall size allowed
- Wind devices –height; feather flags
- 28.2 –clarification on definitions for vehicular signs
- 28.22 –clarification on second monument sign for fast food restaurants
- 28.53 –Residential Fences, permitting for repair, HOA approval, city inspections
- 28.154 –Landscaping –clarification on requirement for rain sensors
- 28.157 –Landscaping –clarification on tree requirement –front or backyard
- 28.131 –Exterior Construction Standards –material used by Christian Brothers

### Public Hearing

Mayor Baldwin opened the public hearing at 7:14 p.m. Mr. Don Kiertscher addressed Council regarding section 28.53 –Residential Fences, stating that he is in favor of the new revisions and expressed concerns about the City over-regulating residential fence repair.

### Council Action

There was no action on this item.

- 3. Hold a public hearing on the proposed fiscal year 2011-2012 City of Murphy budget.**

### Public Hearing

Mayor Baldwin opened the public hearing at 7:32 p.m. The following public comments were submitted.

Mr. John Wideman addressed Council commenting on the transfer from savings. He said to keep a rainy day fund and if it has to be used, then prioritize the items for public safety and items that are visible to the residents. Mr. Wideman also said to use the funds to pay down debt.

Mr. Roger St. Martin addressed Council with comments about what is too much debt and what is too much reserve. He stated the City should not enter into any more debt.

Mr. Owais Siddiqui addressed Council stating that it is important to look at the Reserve Fund as a savings account – not just for a rainy day. Mr. Siddiqui said that the City should be using the fund for needed expenditures. He commented that 20% in reserves is a good number.

Mr. Keith Patton addressed Council and spoke in opposition of several technology related expenses in the budget as well as a carport for the Police Department.

Mr. Ray Cross addressed Council requesting that Council consider a tax freeze for senior citizens and keep the tax rate low.

With no further public comments, Mayor Baldwin closed the public hearing at 7:51 p.m.

#### **Council Action**

Mayor Baldwin announced that the vote on the proposed fiscal year 2011-2012 budget will take place on Tuesday, September 20, 2011 at 6:00 p.m. in the City Council Chambers at Murphy City Hall, 206 North, Murphy Road, Murphy, Texas.

#### **4. Hold a public hearing on the proposed tax rate of \$0.5725 per \$100 valuation.**

#### **Public Hearing**

Mayor Baldwin opened the public hearing at 8:02 p.m. The following public comments were submitted.

Mr. Wayne Fox spoke in opposition of a tax increase. Mr. Fox also addressed Council regarding the issues and corrections to the utility easement in the Timbers.

Mr. Vic Fey spoke in opposition to a tax increase. He asked Council to find appropriate cuts.

Mr. John Wideman spoke in opposition to a tax increase. He stated that a tax increase would have great psychological impact and he has confidence that City staff can make the budget work without a tax increase.

With no further comments, Mayor Baldwin closed the public hearing at 8:19 p.m.

#### **Council Discussion**

Councilmember Halbert explained that the debt service rate is set by the County. She also commented that when Council voted to approve the issuance of the third set of bonds, no citizens spoke in opposition. Councilmember Halbert stated that 83% of citizens voted in favor of the bonds in 2008. She explained that those bonds were supposed to bring a \$0.08 tax increase over three years but there has only been less than \$0.04.

Councilmember Brandon stated he wished there was a statement letting voters know that the approval of bonds will impact your taxes. He stated that a bond is like a loan and you have to pay it back.

Councilmember Brandon said that when the third tranche of bonds were issued, he didn't hear any comments from citizens.

Councilmember Bradley explained that the proposed budget and tax increase is a culmination of several weeks of debate on the budget, stating that \$400,000.00 had been cut from the budget before the current proposed budget was presented. Councilmember Bradley stated that he is very cognizant of the impact of a tax increase, but he does not think it is a good idea to continue pushing off capital items. Mr. Bradley said the City is very healthy financially.

Mayor Baldwin stated that he appreciates everyone's thoughts, comments, and concerns. He said that because the Council is fiscally responsible, they will continue to look at ways that make sense to reduce.

### **Council Action**

Mayor Baldwin announced that the vote on the proposed tax rate of \$0.5725 will take place on Tuesday, September 20, 2011 at 6:00 p.m. in the City Council Chambers at Murphy City Hall, 206 North, Murphy Road, Murphy, Texas.

## **INDIVIDUAL CONSIDERATION**

### **5. Consider and/or act upon the proposed FY12 Annual Budget, proposed tax rate, and the proposed Capital.**

#### **Council Discussion**

Councilmember Brandon requested to discuss the following cuts which would reduce the transfer from reserves to \$340,000.00.

Carport  
Treadmill  
Criminal Trespass Module  
Wireless Access Points  
Fire Department Captain Vehicle  
Identity Management  
Enterprise Wireless  
Reduce IT Consulting Expenses by \$10,000.00  
DNS Management

Council proceeded to discuss the pros and cons of cutting these items. Mayor Baldwin and Councilmember's Halbert, Daugherty, Grant, and Richmond agreed that if they are looking for places to cut, the carport would be a good place to start. The IT items and Fire Captain Vehicle were also discussed. IT Manager Wendle Medford addressed Council and explained the need for the requested items. Fire Chief Mark Lee also addressed Council and explained the need for the Fire Captain vehicle.

City Manager Fisher asked for clarification as to whether Council was cutting the budget to reduce the budget, or cutting the budget to eliminate a tax increase.

Councilmember Brandon stated it was not his goal to have no tax increase. He stated his goal was to reduce the budget and reduce the transfer out of savings.

There was significant discussion regarding a tax increase, overhauling the budget after several weeks of discussion, reserve transfer, amount in reserves, and the use of reserves for capital expenditures.

The discussion ended with City Manager Fisher requesting that Council take some time to consider the discussion before giving staff direction.

**Council Action**

There was no action on this item.

- 6. Consider and/or act upon a request by residents of The Ranch subdivision to amend Ordinance No. 03-10-590, Planned Development for The Gables and The Ranch, specifically regarding accessory buildings.**

**Public Comments**

Public comments were submitted by the following.

Mr. Michael Teamann addressed Council and presented a citizens petition requesting to remove the masonry restriction for accessory buildings in Planned Development Ordinance No. 03-10-590.

Mr. John Wideman was also in favor of removing the masonry restriction as well as reviewing the entire PD.

Mr. Don Kiertscher addressed Council and requested that specific Planned Developments be reviewed and revised rather than revising the Development Standards in the Code of Ordinances regarding accessory buildings.

**Council Action**

Council directed staff to review all Planned Developments for consistency and proceed with the public hearing process.

- 7. Consider and/or act on the application of Todd Spencer requesting approval of a Construction Plat as a Final Plat, being part of the Daniel Herring Survey, Abstract No. 402, containing 12.22 acres of land, being located on 425 Moonlight Drive, east of South Murphy Road.**

**Council Action**

A motion was made by Councilmember Halbert to approve, seconded by Councilmember Daugherty. A vote was taken and passed, 7-0.

- 8. Consider and/or act upon approval of an ordinance amending the Murphy Code of Ordinances Chapter 30, Article II (Smoking) Section 21, Definitions; Section 23, Smoking prohibited in certain public areas; Section 27, where smoking is not prohibited, adding a new section, Section 28, to provide for air circulation and ventilation; providing for a penalty not to exceed five hundred dollars (\$500) for each offense; providing severability, repealer, and savings clauses; and providing an effective date.**

**Council Action**

There was no action on this item. Council and staff requested to postpone due to the lateness of the hour.

**DISCUSSION ITEMS**

- 9. Discussion regarding the use and purchase electronic devices for City Council in support of paperless agenda packets.**

**Council Action**

There was no action on this item. Council and staff requested to postpone due to the lateness of the hour.

**10. Discussion and update on 4A and 4B Boards budget approval for City Council submittal.**

**Council Action**

There was no action on this item. Council and staff requested to postpone due to the lateness of the hour.

**CITY MANAGER/STAFF REPORTS**

City Manager reported on the following:

- **September 20 – Chamber Lunch**
- **September 20 – Adoption of Budget & Tax Rate**
- **September 24 – Maize Days**

**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:

- §551.074 **Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Judge.**
- §551.071 **Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.**
- §551.071 **Consultation with City Attorney regarding pending or contemplated litigation regarding Patrick Greene claim.**
- §551.072 **Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.**

**Council Action**

Mayor Baldwin convened into Executive Session at 10:32 p.m.

**RECONVENE 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:

- §551.074 **Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Judge.**

**§551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225.**

**§551.071 Consultation with City Attorney regarding pending or contemplated litigation regarding Patrick Greene claim.**

**§551.072 Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.**

**Council Action**

Mayor Baldwin reconvened into Regular Session at 10:59. There was no action as a result of the Executive Session.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 11:00 p.m.

**APPROVED BY:**

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**Bret M. Baldwin, Mayor**

**ATTEST:**

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**Aimee Nemer, City Secretary**