

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

November 15, 2011
6:00 PM

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

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

3. ROLL CALL & CERTIFICATION OF A QUORUM

The following councilmembers were present:

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

4. Presentation of Murphy Arbor Day Celebration Proclamation

Mayor Baldwin presented the Arbor Day Proclamation to Kim Lenoir, Director of Parks and Public Works.

5. CONSENT ITEMS

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.

Council Action

Councilmember Daugherty requested that Item 6 be removed from the Consent Agenda for individual consideration. The remaining Consent Agenda, Items 5.1-5.5 were approved unanimously with one motion.

VOTING

Motion by: Colleen Halbert

Second by: John Daugherty

Councilor	YES	NO	ABSTAIN	RECUSE
Mr. Baldwin, Bret	x			
Ms. Halbert, Colleen	x			
Mr. Richmond, Dennis	x			
Mr. Bradley, Scott	x			
Mr. Daugherty, John	x			
Mr. Brandon, Dave	x			
Mr. Grant, Bernard	x			

5.1. Consider and/or act upon approval of the November 1, 2011 City Council Minutes.

5.2. Consider and/or act upon designating the 2012 holidays for the City of Murphy.
Patriot's Day will be corrected to Patriot Day.

5.3. Consider and/or act upon approval of an ordinance declaring the results of the November 8, 2011 Special Election.

5.4. Consider and/ or act upon authorizing the staff to proceed with the Adopt-A-Street Program.

- 5.5. Consider and/or act upon a Resolution adopting a code of ethics and minimum training standards for Juvenile Case Manager per Senate Bill 61 enacted by the 82nd Texas Legislature.
- 6. Consider and/or act upon hours of operation, membership rates, room rental rates, room reservation policy, alcohol use liability agreement and catering policy for the Murphy Community Center.

Council Discussion

There was no action on this item. Council discussed the proposed Community Center policies and requested the following changes be brought back for Council review:

Room Reservation Policy – amend the following items as noted:

5. The Murphy Community Center staff will process a \$100 clean-up/damage deposit on all reservations. The Murphy Community Center staff will also process a \$10 Administrative/~~set-up/tear-down~~ fee for all Scout Troops or non-profit group room reservations in the Murphy Community Center or the Murphy Activity Center for groups serving Murphy. The Murphy Community Center staff will also process a \$25 room set-up/tear down fee for all other room reservations in the Murphy Community Center or the Activity Center. The set-up/tear down fee is non-refundable.

11. The activity must be under the direct supervision of the person making the reservation, ~~or their designated representative as stated on the reservation contract.~~

26. Add language that a TABC certified server must be provided if alcohol is sold.

Catering Policy –amend as noted:

Approve number 3. and 5. as amended by the Park and Recreation Board.

1. Define catering.

6.1. OTHER CONSIDERATION ITEMS

6.2. Consider and/or act on City of Murphy addendums to the Collin County 381 program.

Council Action

Motion to approve an addendum requiring that an applicant receive approval from the City of Murphy prior to application for funding with Collin County. Councilmember Daugherty was absent for this item.

VOTING

Motion by: Colleen Halbert

Second by: Dennis Richmond

Councilor	YES	NO	ABSTAIN	RECUSE
Mr. Baldwin, Bret	x			
Ms. Halbert, Colleen	x			
Mr. Richmond, Dennis	x			
Mr. Bradley, Scott	x			
Mr. Daugherty, John				
Mr. Brandon, Dave	x			
Mr. Grant, Bernard	x			

7. Consider and/or act upon a City Council Member iPad Purchase and Use Agreement and an Employee iPad Purchase and Use Agreement.

Public Comments

Mr. Keith Patton addressed Council stating that the iPad should be city owned. He also commented that the iPads were not budgeted. Council explained that funds were available in the technology replacement fund.

Council Action

Motion to approve the City Council iPad Purchase and Use Agreement and the Employee iPad Purchase and Use Agreement with the following changes:

City Council policy –remove items 1 and 2 and remove the words “and install” from the first sentence of number 3, and add language that the iPad must be requested by the councilmember.

Employee policy –remove items 1-3.

Add to both policies that the iPad is City property and must be disposed of through property auction procedures.

Councilmember Daugherty was absent for this item.

VOTING

Motion by: Colleen Halbert

Second by: Bernard Grant

Councilor	YES	NO	ABSTAIN	RECUSE
Mr. Baldwin, Bret	x			
Ms. Halbert, Colleen	x			
Mr. Richmond, Dennis	x			
Mr. Bradley, Scott	x			
Mr. Daugherty, John				
Mr. Brandon, Dave	x			
Mr. Grant, Bernard	x			

8. Boards and Commissions Work Session

9. Consider and/or take any action necessary resulting from the Board and Commission Work Session.

Council Action

Councilmember Halbert moved to appoint Councilmember Halbert and Councilmember Bradley to work with staff to review board descriptions. Councilmember Bradley seconded the motion. A vote was taken and passed, 7-0.

VOTING

Motion by: Colleen Halbert

Second by: Scott Bradley

Councilor	YES	NO	ABSTAIN	RECUSE
Mr. Baldwin, Bret	x			
Ms. Halbert, Colleen	x			
Mr. Richmond, Dennis	x			
Mr. Bradley, Scott	x			
Mr. Daugherty, John	x			
Mr. Brandon, Dave	x			
Mr. Grant, Bernard	x			

Council Action

Councilmember Halbert moved to direct staff to draft a resolution to remove the Community Events Committee. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

VOTING

Motion by: Colleen Halbert

Second by: John Daugherty

Councilor	YES	NO	ABSTAIN	RECUSE
Mr. Baldwin, Bret	x			
Ms. Halbert, Colleen	x			
Mr. Richmond, Dennis	x			
Mr. Bradley, Scott	x			
Mr. Daugherty, John	x			
Mr. Brandon, Dave	x			
Mr. Grant, Bernard	x			

Council Action

Councilmember Halbert moved to remove the Budgetary Finance Committee. Councilmember Bradley seconded the motion. A vote was taken and passed, 7-0.

VOTING

Motion by: Colleen Halbert

Second by: Scott Bradley

Councilor	YES	NO	ABSTAIN	RECUSE
Mr. Baldwin, Bret	x			
Ms. Halbert, Colleen	x			
Mr. Richmond, Dennis	x			
Mr. Bradley, Scott	x			
Mr. Daugherty, John	x			
Mr. Brandon, Dave	x			
Mr. Grant, Bernard	x			

- 10. **CITY MANAGERS REPORT**
Nov 24-35 Thanksgiving Holiday -City Offices Closed
Dec 12 Employee Holiday Dinner 4 pm -MAC
Dec 20 Council Meeting

- 11. **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:

Council Action

Council convened into Executive Session at 8:22 p.m. Councilmember Brandon was not present for the Executive Session.

- 11.1. §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.
- 11.2. §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11cv682
- 11.3. §551.072 Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.
- 11.4. §551.074 Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Judge.

- 12. **RECONVENE INTO REGULAR SESSION**
The City Council will reconvene into Regular Session, pursuant to the provision of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

Council Action

Council reconvened into Regular Session at 9:01 p.m.

- 12.1. §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.
This Executive Session was not held.
- 12.2. §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11cv682
This Executive Session was not held.
- 12.3. §551.072 Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.

Council Action

Councilmember Daugherty moved to approve a resolution determining the public necessity of acquiring real property owned by Bowen Baugh and authorizing its condemnation and/or appropriation for public use for utility improvements in the City of Murphy and authorizing the City Manager to prepare all documents related to this. Councilmember Bradley seconded the motion. A vote was taken and passed, 6-0 with Councilmember Brandon absent for Executive Session.

VOTING

Motion by: John Daugherty

Second by: Scott Bradley

Councilor	YES	NO	ABSTAIN	RECUSE
Mr. Baldwin, Bret	x			
Ms. Halbert, Colleen	x			
Mr. Richmond, Dennis	x			
Mr. Bradley, Scott	x			
Mr. Daugherty, John	x			
Mr. Brandon, Dave				
Mr. Grant, Bernard	x			

Council Action

Councilmember Daugherty moved to approve a resolution determining the public necessity of acquiring real property owned by Maurice and Linda Williams and authorizing its condemnation and/or appropriation for public use for utility improvements in the City of Murphy and authorizing the City Manager to prepare all documents related to this. Councilmember Richmond seconded the motion. A vote was taken and passed, 6-0 with Councilmember Brandon absent for Executive Session.

VOTING

Motion by: John Daugherty

Second by: Dennis Richmond

Councilor	YES	NO	ABSTAIN	RECUSE
Mr. Baldwin, Bret	x			
Ms. Halbert, Colleen	x			
Mr. Richmond, Dennis	x			
Mr. Bradley, Scott	x			
Mr. Daugherty, John	x			
Mr. Brandon, Dave				
Mr. Grant, Bernard	x			

Council Action

Councilmember Daugherty moved to approve a resolution determining the public necessity of acquiring real property owned by Eugene and Fredna Posey and authorizing its condemnation and/or appropriation for public use for utility improvements in the City of Murphy and authorizing the City Manager to prepare all documents related to this. Councilmember Bradley seconded the motion. A vote was taken and passed, 6-0 with Councilmember Brandon absent for Executive Session.

VOTING

Motion by: John Daugherty

Second by: Scott Bradley

Councilor	YES	NO	ABSTAIN	RECUSE
Mr. Baldwin, Bret	x			
Ms. Halbert, Colleen	x			
Mr. Richmond, Dennis	x			
Mr. Bradley, Scott	x			
Mr. Daugherty, John	x			
Mr. Brandon, Dave				
Mr. Grant, Bernard	x			

12.4. §551.074 Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Judge.

Council Action

Councilmember Halbert moved to appoint Natalie Banuelos as the Municipal Judge effective December 1, 2011 and to authorize the Mayor to sign an employment agreement. Councilmember Bradley seconded the motion. A vote was taken and passed, 6-0 with Councilmember Brandon absent.

VOTING

Motion by: Colleen Halbert
Second by: Scott Bradley

Councilor	YES	NO	ABSTAIN	RECUSE
Mr. Baldwin, Bret	x			
Ms. Halbert, Colleen	x			
Mr. Richmond, Dennis	x			
Mr. Bradley, Scott	x			
Mr. Daugherty, John	x			
Mr. Brandon, Dave				
Mr. Grant, Bernard	x			

Council Action

Councilmember Halbert moved to remove Chrissi Gumbert as Municipal Judge and appoint her as an alternate Municipal Judge effective December 1, 2011. Councilmember Bradley seconded the motion. A vote was taken and passed, 6-0 with Councilmember Brandon absent.

VOTING

Motion by: Colleen Halbert
Second by: Scott Bradley

Councilor	YES	NO	ABSTAIN	RECUSE
Mr. Baldwin, Bret	x			
Ms. Halbert, Colleen	x			
Mr. Richmond, Dennis	x			
Mr. Bradley, Scott	x			
Mr. Daugherty, John	x			
Mr. Brandon, Dave				
Mr. Grant, Bernard	x			

13. PUBLIC COMMENTS

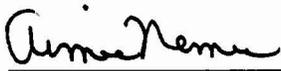
Public comments were submitted prior to the Consent Agenda by Don Kiertscher and Keith Patton. Mr. Kiertscher addressed Council regarding park directional signs. Mr. Patton addressed Council regarding a correction to Patriot Day.



APPROVED BY:


 Bret M. Baldwin, Mayor

ATTEST:


 Aimee Nemer, City Secretary