

MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas
Tuesday, June 05, 2012
6:00 PM

1. CALL TO ORDER

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

2. INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Daugherty 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. PUBLIC COMMENTS

No public comments were submitted.

5. Explorer Presentation
Keep Murphy Beautiful Presentation, Sumi Srikanth

Chief Cox recognized Explorers and Explorer volunteers for individual and group awards at a recent competition.

Ms. Sumi Srikanth gave a presentation on her environmental project in the Timbers Nature Preserve with a group she formed called the Eco-Giraffes. Mayor Baldwin presented her with the first Keep Murphy Beautiful Youth Award.

6. 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.

City Manager Fisher requested to remove Item 6.2 from the Consent Agenda.

6.1. Approval of the Minutes from the April 17, April 30, May 1, and May 15, 2012 City Council Meetings.

VOTING

Motion by: Colleen Halbert to approve the Minutes as presented.

Second by: John Daugherty

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

6.2. Consider and/or act on the approval of Ordinance No, 12-06-914 regarding the Planned

Development District for McCreary Marketplace.

Staff Comments

City Manager Fisher explained that he removed this item from the Consent Agenda due to the following changes and points of discussion to Exhibit B of the proposed ordinance.

Section VI. A. Numbers 18. *Motion Picture Theater*, 21. *Photo Studio*, 23. *Real Estate Offices (SUP)*, and 27. *Theatre (Live Drama)*. Mr. Fisher stated that Number 23. was to be struck. He said there was some question as to whether 18, 21, and 27 should be by Special Use Permit (SUP).

Numbering in Section F. is off and will be corrected.

Section G. –there was some confusion about the requirement of a Crepe Myrtle that needs to be clarified.

Section G. 3. a. 2. Indicates that Phase One construction is to include the Open Space as noted in Phase Two.

Section J. Signage –Exhibit F will be provided and is subject to Staff Approval for two or three dimensional signature signage similar in concept to the sign at the corner of North Murphy Road and FM 544.

Council Discussion

There was some discussion regarding Motion Picture Theater, Photo Studio, and Live Drama Theatre being sales tax generating businesses. It was determined that both the Motion Picture Theater and Photo Studio do generate sales tax and should be left in as a permitted use. Council determined that Live Drama Theatre is too broad and should be permitted by SUP only.

Council did not recall specifically requiring a Crepe Myrtle in a specific location.

Council was agreeable to the other noted changes. Mayor Baldwin indicated that regarding the signature sign, he specifically likes the concept of the brick wall welcoming signage in front of the sign at North Murphy Road and FM 544 for the corner of McCreary and FM 544.

VOTING

Motion by: Colleen Halbert to approve Ordinance No, 12-06-914 regarding the Planned Development District for McCreary Marketplace removing number 23. *Real Estate Offices (SUP)* from Section VI. A. in Exhibit B and modifying number 27. *Theatre (Live Drama)* to be buy SUP only.

Second by: Scott Bradley

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

7. ORDINANCE APPROVAL

7.1. Consider and/or act upon an ordinance amending the Code of Ordinances, Chapter 28 Development Standards, Section 28-10, Political Signs.

Council Discussion

Councilmember Brandon noted that some of the ordinance requirements are redundant because they are already state law. There was also some discussion regarding the enforcement of the ordinance for signs on private property and the time period before enforcement should begin.

VOTING

Motion by: Colleen Halbert to approve an ordinance amending Section 28-10, Election Signs of Chapter 28

Development Standards changing Section 28-10 (1) g. 4) to letter g. and making g. 1), 2), and 3) letter h.
Second by: John Daugherty

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)		x		
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

8. CONTRACT APPROVAL

8.1. Consider and/or act upon a change order for Wall Enterprise to construct park improvements recommended by the Parks and Recreation Board and funded by Murphy Community Development Corporation.

Staff Comments

City Manager Fisher recommended a change order to Wall Enterprise and issue a purchase order to complete the miscellaneous park improvements at Aviary Park, North Hill Park, Brentwood Park and The Preserve as recommended and approved by MCDC for \$101,661.00 allocated from the MCDC FY2012 budget.

Council Discussion

Councilmember Daugherty asked for clarification on the Safe Routes to School (SRTS) funding for the sidewalk. Parks and Public Works Director Kim Lenoir stated that the SRTS funds would cover the sidewalks from North Murphy Road to the park.

Mayor Baldwin stated that both the Park Board and 4B Board had recommended and approved this item.

VOTING

Motion by: John Daugherty to approve a change order for Wall Enterprise to construct park improvements recommended by the Parks and Recreation Board and funded by Murphy Community Development Corporation.

Second by: Scott Bradley

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

9. OTHER CONSIDERATION ITEMS

9.1. Consider and/or act upon awarding bid contract and establish project budget to perform demolition and removal of the house, construct berms, and repair/pave Bunny Run Road to the low bidder, Wall Enterprise.

Council Discussion

Councilmember Daugherty asked if the easements were perpetual on the road to ensure that City vehicles have access. He also requested to add a sign that indicates “no park access” and noted that he did not want the street lined with “no parking” signs. City Manager Fisher stated those requests can be accommodated.

Councilmember Brandon inquired about the ownership of the road and whether or not it is considered private. City Attorney Andy Messer replied that the City is the dominant owner of the road and has the ability to make repairs and improve the road.

VOTING

Motion by: Colleen Halbert to award bid to Wall Enterprise for \$122,900 and to designate a project budget of

\$65,000 from 2008 Street Bond Funds and \$65,000 from Park Bond Funds to complete the project.

Second by: John Daugherty

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

9.2. Consider and/or act upon award of a bid and establish a project budget for the McCreary Road widening project to the low bidder, McMahan Contracting, Inc.

Staff Comments

City Manager Fisher

recommended awarding the bid to McMahan Contracting, Inc. at \$1,907,133.47 and authorize the budget for this project to be \$2 million.

VOTING

Motion by: John Daugherty to award the bid to McMahan Contracting Inc. and establish a project budget and authorize the City Manager to sign contracts.

Second by: Bernard Grant

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

10. CITY MANAGERS REPORT

Jun 19 - Next Chamber Luncheon

Jun 19 - Next City Council Meeting/Presentation of the FY 2013 Budget

City Manager will be out the rest of this week and all next week

Budget will be presented on June 19th

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:

11.1. § 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).

11.2 § 551.071. Consultation with City 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 the Texas Open Meetings Act: to receive legal advice regarding planning and zoning issues regarding city development regulations, standards and conditions, city zoning regulations, contractual issues involving public improvements and related issues.

Council Action

Council convened into Executive Session at 6:50 p.m.

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:

- 12.1. § 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).
- 12.2 § 551.071. Consultation with City 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 the Texas Open Meetings Act: to receive legal advice regarding planning and zoning issues regarding city development regulations, standards and conditions, city zoning regulations, contractual issues involving public improvements and related issues.

Council Action

Council reconvened into Executive Session at 8:56 p.m. There was no action as a result of the Executive Session.

13. ADJOURNMENT

With no further business, the meeting was adjourned at 8:56 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary