

CITY COUNCIL MINUTES
MARCH 5, 2013 REGULAR CITY COUNCIL MEETING

1. CALL TO ORDER

Deputy Mayor Pro Tem Halbert called the meeting to order at 6:00 p.m.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Richmond gave the invocation and led the recitation of the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers present:

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

Councilmembers absent:
Mayor Bret Baldwin

4. PUBLIC COMMENTS – No one was signed in to speak.

5. PRESENTATION ITEMS –

City Manager James Fisher stated that Progressive Waste Solutions would make their presentation at the March 19, 2013 meeting

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 take action, if any, on the approval of meeting minutes:

1. Reconsider January 31, 2013 Special Called Joint Meeting; and,
2. February 19, 2013 Regular Meeting.

B. Consider and take action, if any, Consider and/or act on the application of Allen & Loucks Venture for a Final Plat for **121 E. FM 544** in Murphy Marketplace – West Addition.

Councilmember Brandon stated, if all of the Council Members agreed to his proposed changes to the February 19, 2013 minutes he did not have an issue with approving the consent agenda. Councilmember Bradley asked the item A.2. be pulled from consent for further consideration.

COUNCIL ACTION:

APPROVE A.1. & B

Councilmember Daugherty moved to approve consent agenda items A.1. and B as presented. Councilmember Grant seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

Councilmember Bradley stated that he had concerns with a councilmember transcribing only two agenda items. Councilmember Brandon stated that he did not have a problem waiting to approve the minutes until the following Council Meeting to allow for time for further review. Councilmember Brandon stated accuracy was paramount, especially considering the unusual items at the previous meetings. Deputy Mayor Pro Tem Halbert stated that she believed the minutes were accurate and informative. Deputy Mayor Pro Tem Halbert asked for City Attorney, Andy Messer's opinion. Mr. Messer stated that the City Secretary is not a court reporter and it is unusual compared with past practices.

COUNCIL ACTION:

APPROVE A.2.

Councilmember Bradley moved to approve the February 19, 2013 minutes as presented by the City Secretary. Councilmember Grant seconded the motion. For: Halbert, Richmond, Daugherty, Bradley and Grant. Opposed: Brandon. The motion carried by a vote of 5 to 1.

7. INDIVIDUAL CONSIDERATION

A. Consider and/or act upon nominations and election for Mayor Pro Tem.

Councilmember Daugherty stated that, even though the City Attorney has agreed that he would be able to serve as Mayor Pro Tem, he believed that it was in the best interest of the City that he not accept that appointment and was removing his name from consideration. Councilmember Daugherty nominated Colleen Halbert for the position of Mayor Pro Tem. Councilmember Richmond nominated Bernard Grant. There being no further nominations, Deputy Mayor Pro Tem Halbert called for a vote on her nomination as Mayor Pro Tem.

COUNCIL ACTION (ITEM 7.A.):

GRANT APPOINTED

Those in favor of Colleen Halbert to serve as Mayor Pro Tem: Halbert, Daugherty and Bradley. Opposed: Richmond, Grant and Brandon. The motion to appoint Colleen Halbert as Mayor Pro Tem failed by a vote of 2 to 3.

Those in favor of Bernard Grant to serve as Mayor Pro Tem: Unanimous. Opposed: None. The motion carried 6 to 0.

Deputy Mayor Pro Tem Halbert turned the floor over to Mayor Pro Tem Grant.

B. Consider and/or act upon the recommendations from the Council Interview Panel regarding appointing a board member to the Murphy Community Development District (4B).

COUNCIL ACTION (ITEM 7.B.):

APPROVED

Councilmember Bradley moved to appoint Jennifer Berthiaume to fill the vacant position on the Murphy Community Development District for the remainder of 2013-2014 term. Councilmember Daugherty seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

Councilmember Bradley stated that the action would leave an opening for an alternate member of the Planning and Zoning Commission which will need to be filled at the next meeting.

C. Hold a public hearing and consider and/or act on the application of Allen & Locks Venture for a Specific Use Permit for Dault Lytle Financial to allow for the use of Office, Financial Services

(Advise/Invest) at 305 E. FM 544, Suite 909 on property zoned PD (Planned Development) District No. 12-10-923 for Retail Uses.

Mr. Fisher stated that the Planning and Zoning Commission had recommended approval of the application.

Mayor Pro Tem Grant opened the public hearing at 6:13 p.m.

Steve Dault, 3905 Longmeadow Court, Plano – Mr. Dault stated that he was opening the business with Mr. Lytle. Mr Dault stated that he had been with the Edward Jones office in Murphy for five years.

Mayor Pro Tem Grant closed the public hearing at 6:15 p.m.

Staff indicated that the previous business was not a sales tax generating business.

COUNCIL ACTION (ITEM 7.C.):

APPROVED

Councilmember Daugherty moved to approve a Specific Use Permit for Dault Lytle Financial to allow for the use of Office, Financial Services (Advise/Invest) at 305 E. FM 544, Suite 909. Deputy Mayor Pro Tem Halbert seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- D. Presentation by Murphy 2013 Senior Community, L.P regarding a proposed application to the Texas Department of Housing and Community Affairs for the Evergreen Senior Living Community and consider and/or act upon a proposed resolution regarding said project.

Mr. Fisher stated that the applicant wanted to present a brief presentation on their project and asked that the Council consider a resolution that supports their application to file their application with the Texas Department of Housing and Community Affairs.

Mr. Tony Sisk, Churchill Residential, 5605 N MacArthur, Irving – Mr. Sisk presented the Council with depictions, facts and statistics on their proposed development for a 132 unit, senior living facility. Mr. Sisk stated that they would seek zoning approval in the future once financing was secured for the project.

Councilmembers asked Mr. Sisk questions regarding the project specifically related to location, setbacks and parties involved in the joint application. Mr. Sisk responded that the location to Wal-Mart was key to the facility and the joint application referred to Churchill's application with banks funding the project using TDHCA grant money and conventional bank loans.

COUNCIL ACTION (ITEM 7.D.):

APPROVED

Deputy Mayor Pro Tem Halbert moved to approve a resolution for the Murphy 2013 Senior Community, L.P regarding a proposed application to the Texas Department of Housing and Community Affairs for the Evergreen Senior Living Community Councilmember Richmond seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0. *(Assigned Resolution No. 13-R-768)*

- E. Consider and/or act upon, neighborhood traffic control issues and the City of Murphy Traffic Calming Initiative Policy.

Mr. Fisher stated that staff was currently working on a STEP program for Moonlight to be brought before Council at the March 19, 2013 meeting. Mr. Fisher stated that he would like to use Moonlight as a guiding project to work through the draft policy.

Council held discussions with regard to having a policy in place for the benefit of the residents.

COUNCIL ACTION (ITEM 7.E.):

APPROVED

Deputy Mayor Pro Tem Halbert moved to approve the City of Murphy Traffic Calming Initiative Policy as presented. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0.

- F. Consider and/or act on authorizing the City Manager to execute a contract with Progressive Waste Solutions/IESI to provide Solid Waste Collection & Disposal and Recyclable Material Collection & Processing services for the City of Murphy.

Mr. Fisher stated that contract issues were still being address and great progress had been made. Mr. Fisher continued by stating there were three major items still outstanding: assignment, indemnity and insurance requirements. He stated that he hoped to have a contract worked out by the end of the next week.

COUNCIL ACTION (ITEM 7.F.):

NO ACTION

- G. Consider and/or act upon a proposed resolution approving the City of Murphy Policies and Procedures.

Discussion was held with regard to the implementation of a smoking cessation program in Fiscal Year 2014.

COUNCIL ACTION (ITEM 7.G.):

APPROVED

Deputy Mayor Pro Tem Halbert moved to approve the City of Murphy Policies and Procedures with the amendment of Section 5.09 to remove the sentence that references the executive benefit plan for the City Manager and City Secretary. Councilmember Bradley seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0. (*Assigned Resolution No. 13-R-769*)

8. CITY MANAGER/STAFF REPORTS

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

- North Murphy Road Construction Update
- McCreary Road Construction Update
- Murphy Central Park Construction Update

9. EXECUTIVE SESSION

The City Council convened into Executive Session at 6:56 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:

- a) Susan Kinder-Alessio v. City of Murphy, et al., Civil Action No. 4:12-CV-000493-RC-ALM

b) Michael Cantrell v. City of Murphy, et al, Cause No. 6:09-cv-225.

§551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of City of Murphy Community Development Member.

10. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Open Session at 7:20 p.m. pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§551.071 Consultation with City Attorney regarding advice from City Attorney involving:

- a) Susan Kinder-Alessio v. City of Murphy, et al., Civil Action No. 4:12-CV-000493-RC-ALM
- b) Michael Cantrell v. City of Murphy, et al, Cause No. 6:09-cv-225.

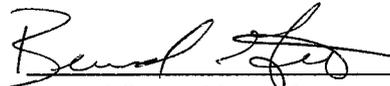
§551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of City of Murphy Community Development Member.

No action was taken as a result of Executive Session items.

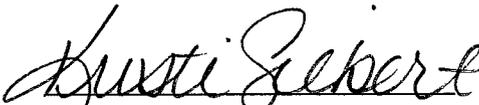
11. ADJOURNMENT

With no further business, the meeting was adjourned at 7:21 p.m.

APPROVED BY:


Bernard Grant, Mayor Pro Tem

ATTEST:


Kristi Gilbert, City Secretary

