

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

April 5, 2011
6:00 P.M.

CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:01 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Richmond 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 Bret Baldwin
Mayor Pro Tem John Daugherty
Deputy Mayor Pro Tem Halbert
Councilmember Scott Bradley
Councilmember Dave Brandon
Councilmember Dennis Richmond
Councilmember Mike Daniel

PROCLAMATIONS & PRESENTATIONS

• **Proclamation for Sexual Assault Awareness and Prevention Month**

Mayor Baldwin presented a proclamation to Jennifer Spugnardi, Executive Director of The Turning Point Rape Crisis Center.

• **Annual Report – Community Development**

Jeff Bickerstaff, Assistant City Manager, presented the Annual Report for Community Development.

PUBLIC COMMENTS

No public comments were submitted.

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 application of the City of Murphy requesting approval of a construction plat (Murphy School Addition) on property zoned PD (Planned Development) District No. 05-07-663 for Town Center Uses on property located on FM 2551 (North Murphy Road), north of FM 544.**

B. Consider and/or act upon awarding the Old Murphy School Community Center Construction Bid to Modern Contractors of Bedford, Texas.

Council Discussion

Regarding Item B, Councilmember Brandon asked if Council is sure they want to go with the lowest bidder as recommended. He also asked if Staff will be interviewing the contractor. Councilmember Halbert inquired if the contractor has historical renovation experience. Mr. Fisher reported that they do.

Council Action

Councilmember Halbert moved to approve the Consent Agenda, Items A and B as presented. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

INDIVIDUAL CONSIDERATION

- 1. Hold a public hearing and consider and/or act upon an ordinance approving the application of Murphy Equity Management, Ltd. (aka O'Reilly Auto Parts) requesting approval a SUP (Specific Use Permit) on property zoned PD (Planned Development) District No. 11-01-871 for Retail and Office Uses on property located on East FM 544, west of McCreary Road.**

Council Discussion

There was Council discussion regarding the specific color of the brick and stone on the building as well as the stone and logo color on the monument sign.

Council Action

Mayor Baldwin opened the public hearing at 6:44 p.m. Mr. Don Kiertscher addressed Council in favor of the Specific Use Permit request. He stated that the applicant has gone above and beyond the written requirements of the City and the City is being over critical. With no further comments, Mayor Baldwin closed the public hearing at 6:48. Councilmember Halbert moved to approve as presented. Councilmember Richmond seconded the motion. A vote was taken and passed, 7-0.

- 2. Consider and/or act upon the application of Murphy Equity Management, Ltd. requesting approval of a construction plat (O'Reilly Addition) on property zoned PD (Planned Development) District No. 11-01-871 for Retail and Office Uses on property located on East FM 544, west of McCreary Road.**

Council Action

Councilmember Daugherty moved to approve. Councilmember Halbert seconded the motion. A vote was taken and passed, 6-0. Councilmember Daniel was not present during this vote.

- 3. Hold a public hearing and consider and/or act upon recommendations for improvements to Murphy Central Park and extension of the Maxwell Creek Trails grant project.**

Council Action

Mayor Baldwin opened the public hearing at 7:23 p.m. The following comments were submitted:

Vanessa Travis – expressed concerns about Tom Clevenger being closed, suggested the City build a faux security gate house at Tom Clevenger entrance to Willow Wood, suggested moving the east parking near Willow Wood to the Murphy Road area, and suggested orientating the amphitheater towards the trees.

Ty Holmes – expressed concerns about access from Tom Clevenger, suggested Tom Clevenger could be resurfaced as a trail with access for Fire and Police, and requested Council to consider the details carefully.

Keith Patton –expressed concerns about the number of athletic fields and lack of focus on other facilities such as a volleyball court and little league fields, suggested using the current location for the amphitheater, and suggested landscaping to shield the Willow Wood neighborhood.

Mayor Baldwin closed the public hearing at 7:33 p.m.

Councilmember Halbert moved to approve the March 1, 2011 recommendations and improvements to Murphy Central Park and extension of the Maxwell Creek Trails grant project with alternate amphitheater designs to be brought back. Councilmember Richmond seconded the motion. A vote was taken and passed, 7-0.

Mayor Baldwin called a recess at 7:48 p.m. Mayor Baldwin reconvened at 7:53 p.m.

- 4. Hold a public hearing and consider and/or act upon approval of the Murphy Community Development Corporation (MCDC) recommendation to reallocate the line item budget regarding capital improvements.**

Council Action

Mayor Baldwin opened the public hearing at 8:00. With no public comments submitted, Mayor Baldwin closed the public hearing at 8:00 p.m. Councilmember Halbert moved to approve. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

- 5. Consider and/or act upon allocating \$2,000 from the Recycling Rebate Fund, for Green Team programs/projects for 2011.**

Council Action

Councilmember Daugherty moved to approve. Councilmember Richmond seconded the motion. A vote was taken and passed, 7-0.

6. **Consider and/or act upon authorizing the City Manager to execute an agreement for the Animal Control Shelter Feasibility Study not to exceed \$40,000.**

Council Action

City Manager Fisher recommended pulling this item from the agenda with no action being taken. He recommended reallocating the funds towards construction documents, stating that a feasibility study is not needed. Mr. Fisher said that staff would work with Council and the Animal Shelter Advisory Committee.

7. **Consider and/or act upon approval of a resolution adopting a Community Events Policy.**

Council Action

Councilmember Halbert moved to approve a resolution adopting a Community Events Policy and deleting all references to the Community Events Committee. Councilmember Daugherty seconded the motion. After more discussion, Councilmember Halbert withdrew her motion confirmed by Councilmember Daugherty. Councilmember Halbert then made a motion to approve the policy as presented. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

8. **Discussion regarding amending Section 86-6 (Comprehensive Zoning Ordinance) of the City of Murphy Code of Ordinances amending the definition of *multiple-family dwelling*.**

Council Action

There was no action on this item. Council was in favor of staff's recommendation to address requests for parkland dedication fee waivers on a case by case basis.

9. **Discussion regarding Chapter 30, Article II of the Code of Ordinances, Smoking.**

Council Action

There was no action on this item. Staff will work with the City Attorney to clarify the ordinance and bring it back for Council consideration.

10. **Discussion regarding utility relocation for the North Murphy Road widening project.**

Council Action

There was no action on this item. Staff will bring back an analysis of various financial options.

CITY MANAGER/STAFF REPORTS

City Manager Fisher reported on the following:

- **NTMWD Stage 1 Drought Contingency Plan**
- **April 12 – Joint Council/P&Z Meeting**
- **April 14 –Voter Registration Deadline for May Election**
- **April 19 – Student Town Hall (Parks)**
- **April 22 – City Offices Closed in Observance of Good Friday**

- April 28 – Board, Commission, & Volunteer Appreciation Dinner
- May 3-4 – MYGov Days

Mr. Fisher also reported that Congressman Sam Johnson will conduct mobile office hours at City Hall on May 26th.

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:

- §551.071 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.

Council Action

Council convened into Executive Session at 9:37 p.m.

RECONVENE INTO REGULAR SESSION

- §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.

Council Action

Council reconvened into Regular Session at 9:52 p.m. There was no action as a result of the Executive Session.

ADJOURNMENT


With no further business, the meeting was adjourned at 9:52 p.m.



APPROVED BY:


Bret M. Baldwin, Mayor

ATTEST:


Aimee Nemer, City Secretary