

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

May 24, 2011
6:00 P.M.

CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:01 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 Bret Baldwin
Mayor Pro Tem John Daugherty
Deputy Mayor Pro Tem Halbert
Councilmember Scott Bradley
Councilmember Dave Brandon
Councilmember Dennis Richmond
Councilmember Mike Daniel

PRESENTATIONS

• **Presentation to Outgoing Councilmember Mike Daniel**

Mayor Baldwin presented Councilmember Daniel and his family with framed pictures of Murphy projects completed during his tenure.

CANVASS OF THE MAY 14, 2011 CITY COUNCIL ELECTION RESULTS

• **Consider and/or act upon approval of an ordinance canvassing and declaring the results of the May 14, 2011 City Council Election.**

Councilmember Halbert moved to approve an ordinance declaring the results of the May 14, 2011 Election. Councilmember Daniel seconded the motion. A vote was taken and passed, 7-0.

ISSUANCE OF CERTIFICATE OF ELECTION TO NEWLY ELECTED AND RE-ELECTED MAYOR AND COUNCILMEMBERS

Mayor Pro Tem Daugherty issued a Certificate of Election to Mayor Baldwin. Mayor Baldwin issued a Certificate of Election to John Daugherty and Bernard Grant.

ADMINISTER OATH OF OFFICE TO NEWLY ELECTED AND RE-ELECTED MAYOR AND COUNCILMEMBERS

Secretary Nemer administered the oath of office.

NEWLY ELECTED COUNCILMEMBER IS SEATED AND INTRODUCED

Councilmember Grant was seated and introduced himself.

ELECTION OF MAYOR PRO TEM

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

Councilmember Halbert moved to nominate John Daugherty for Mayor Pro Tem. Councilmember Bradley seconded the motion. With no further nominations submitted, a vote was taken and passed, 7-0.

ELECTION OF DEPUTY MAYOR PRO TEM

- **Consider and/or act upon nominations and election for Deputy Mayor Pro Tem.**

Councilmember Daugherty moved to nominate Colleen Halbert for Deputy Mayor Pro Tem. Councilmember Richmond seconded the motion. A vote was taken and passed, 6-1 with Councilmember Brandon voting in opposition.

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. Approval of the Minutes from the Regular Meetings of May 3, 2011 and May 17, 2011 and the Special Meeting of May 10, 2011.

Council Action

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

INDIVIDUAL CONSIDERATION

Prior to the reading and consideration of Items 1 and 2, Councilmember Grant stated that he would not be participating in the deliberation of these items due to an ethical conflict of interest.

1. Hold a public hearing and consider and/or act on approval of an ordinance amending PD (Planned Development) District No. 10-05-841 for Retail Uses by revising the approved concept plan with conditions on property located at the northwest quadrant of FM 544 and North Murphy Road. (Zoning File 2011-02)

Council Action

Council discussed the item after hearing from City staff and the applicant. Mayor Baldwin opened the public hearing at 7:42 p.m. The following people addressed Council:

- 1) Jerry Davidson –opposed
- 2) Gus Delaloy –in favor
- 3) Maggie Whitt –opposed

- 4) Damon Doran –in favor
- 5) James Turner –opposed
- 6) Olan Knight –initially opposed, but now requesting possible downsize of proposed plan and fiduciary responsibility.
- 7) Bob Doyle –opposed
- 8) Tony Chiarello –opposed
- 9) Sean Ralls –opposed
- 10) Tom Spieth –opposed
- 11) Jim Aldridge –opposed
- 12) Hitesh Gondaliya –opposed
- 13) Michele Morgan –opposed
- 14) Kristi Meenan –opposed
- 15) Arman Koladia –opposed

The following public comment forms were submitted in opposition for the record but did not address Council:

Steve Dondershine
 Joseph Becker
 Debbie Kennedy
 Lloyd Shaw
 Hakenyath Conny
 Les Martin
 Paul Krater

Jessica Cline
 Jennifer Dennis
 Brian Firmin
 Lishi Dennis
 Starr Speer
 Danette Rogers

Additionally, one public comment reply form was mailed in from Jack Investments that was in favor.

With no further public comments, the public hearing was closed at 8:31. Council continued discussing the proposed Planned Development and Concept Plan. Mayor Baldwin called for a recess at 8:41 and called the meeting back to order at 8:57 p.m. Staff and Council recapped the Council discussion.

Council Action

Councilmember Daugherty moved to approve an ordinance amending PD District No. 10-05-841 for Retail Uses by revising the approved concept plan with conditions on property located at the northwest quadrant of FM 544 and North Murphy Road (Zoning File 2011-02) subject to the following provisions and those changes being submitted back for the City Manager and Mayor approval:

- The maximum height of buildings on the project is 40 feet;
- Parking spaces for Lot 1, Block A shall be no less than 800 spaces, to allow additional ingress/egress on the pedestrian walkways;
- The divided median in the entrance off FM544 is eliminated;

- The back northwest corner of Lot 1, Block A shall be screened with evergreen type trees, preferably live oaks and magnolias, and additional number of trees;
- The stacking racks at the rear of the Garden Center shall be screened with black ornamental fence;
- More trees in the landscape area by Sonic and in the landscape area behind Lots 2, 3, and 4, Block A;
- No Bermuda grass under trees, use mulch and/or groundcover;
- Detention pond shall have easy maintainable grass;
- Stained concrete for pedestrian entrances and walks that intersect driveways and roads;
- One additional ingress/egress on sidewalk;
- Stone must be incorporated at a minimum of 15% in the exterior elevation on the front and both sides (east and west) of the proposed store. Also, stone shall incorporate the base of the proposed sign;

Councilmember Bradley seconded the motion. A vote was taken and passed, 6-0 with Councilmember Grant abstaining from the deliberations and vote.

2. **Consider and/or act on the site plan application of Murphy Plaza, L.L.C. (aka Walmart Real Estate Business Trust) requesting approval of a site plan on property zoned PD (Planned Development) District No. 10-05-841 for Retail Uses located at the northwest quadrant of FM 544 and North Murphy Road.**

Council Action

Councilmember Daugherty moved to approve the site plan subject to the changes requested to the planned development. Councilmember Richmond seconded the motion. A vote was taken and passed, 6-0 with Councilmember Grant abstaining from the deliberations and vote.

CITY MANAGER/STAFF REPORTS

City Manager Fisher reported on the following:

- **May 26 10-12 Mobile Office Hours for Congressman Sam Johnson at City Hall**
- **May 30 City offices closed in observance of Memorial Day**
- **May 31 Special City Council meeting, goal setting and FY 2012 budget**
- **June 3 Dedication of the Collin County Historical Marker for William Murphy**
- **June 3 Picnic by the Pond Concert Series – *Radiant Fall Out***
- **June 7 Regular Council Meeting**

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.

§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 this chapter regarding development issues.

Council Action

Council convened into Executive Session at 10:12 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:

§551.071 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 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 this chapter regarding development issues.

Council Action

Council reconvened into Regular Session at 10:26 p.m. There was no action as a result of the Executive Session.

ADJOURNMENT

With no further business, the meeting was adjourned at 10:26 p.m.

APPROVED BY:


Bret M. Baldwin, Mayor

ATTEST:


Aimee Nemer, City Secretary

