

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

August 2, 2011
6:00 P.M.

CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:00 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 Colleen Halbert
Councilmember Dennis Richmond
Councilmember Scott Bradley
Councilmember Bernard Grant
Councilmember Dave Brandon

PUBLIC COMMENTS

Mr. Keith Patton addressed Council requesting that the trees on City property be trimmed under the power lines.

Mr. Robert Wynn addressed Council regarding the request for a streetlight at the corner of Midstream and Lochwood. Mr. Wynn explained the need for the streetlight and explained that he had initiated the request through the homeowner's association. Mr. Wynn requested that Council consider approval of the installation.

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 July 19, 2011 Regular City Council Meeting Minutes.

B. Consider and/or act upon approval of a resolution authorizing continued participation with the Steering Committee of Cities served by Oncor; and authorizing the payment of 10 cents per capita to the Steering Committee to fund regulatory and related activities related to Oncor Electric Delivery Company LLC.

Council Action

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

INDIVIDUAL CONSIDERATION

Council Action

Prior to the Individual Consideration Items, Council convened into Executive Session at 6:05 p.m. under the following:

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

Council reconvened into Regular Session at 6:32 p.m. and took the following action:

Councilmember Daugherty moved to appoint Chrissi Gumbert as Municipal Judge and have the City Attorney draft an employment agreement. Councilmember Grant seconded the motion. A vote was taken and passed, 7-0.

1. Consider and/or act upon a request for installation of a street light at the corner of Midstream and Lochwood.

Council Action

Councilmember Halbert moved to allow the construction of a street light to be paid for by others (not the city) with the monthly electricity costs to be paid for by the City of Murphy. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

2. Consider and/or act upon authorizing the purchase of an Extended Terrain Vehicle for Special Event Emergency Medical Services and small grass fire responses for a purchase price not to exceed \$32,000.

Council Action

There was no action on this item. Council requested more information on more generic options with multi-purpose use.

3. Consider and/or act upon reallocation of the 2008 park and trail bond funds.

Council Action

There was no action on this item.

4. Consider and/ or act upon authorizing HOK to proceed with bidding of the Liberty Ridge Park Construction Project.

Council Action

There was no action on this item. Councilmember Halbert expressed concern with the contemporary design of the pavilion after the input received from the residents was to match the neighborhood. Staff stated this item would be brought back with design features such as stone or brick columns, concrete where needed, and a design that will compliment the neighborhood.

5. Consider and/ or act upon authorizing Dunkin Sims Stoffels, Inc. to proceed with the construction documents of the Murphy Central Park and Maxwell Creek Trail Expansion Phase I Construction Project.

Public Comments

Mr. Keith Patton addressed Council and stated that the residents in Willow Wood would prefer 1 multi-purpose field verses two for as long as possible. He expressed concerns with forcing traffic through the neighborhood.

Council Action

Councilmember Halbert moved to authorize Dunkin Sims Stoffels, Inc. to proceed with construction documents for Phase 1 of the Murphy Central Park and Maxwell Creek Trail Expansion, eliminating the following:

Add Alternates –Park Elements

11. Bleacher Concrete

12. Bleacher Shade Structures

Add Alternates – Amphitheater

1. Stone Columns

2. Steel Arch

3. Stone Seating

5. Accent Lighting (Electrical)

DISCUSSION ITEMS

6. Discussion regarding a professional services contract with Dunkin Sims Stoffels Inc., for architectural services for buildings, parking, and other facilities needed with the Murphy Central Park Project.

Council Discussion

There was no action on this item. A new contract proposal will be brought back to Council for consideration based on the authorization to provide construction documents for Murphy Central Park.

7. Discussion regarding combining the Murphy Economic Development Corporation (4A) and the Murphy Community Development Corporation (4B) by a Special Election.

Council Discussion

There was no action on this item. City Manager Fisher explained that combining 4A (Murphy Economic Development Corporation) and 4B (Murphy Community Development Corporation) would not garner an increase of the half cent from 4A. Mr. Fisher explained that a Municipal Development District could be created that would essentially function as 4B, but with more flexibility. Mr. Fisher provided handouts with comparison charts for Council to review. He stated that this item would be discussed in a Joint Work Session with the 4A and 4B boards on August 9, 2011.

Council requested to know the current funds and current commitment of funds and the status of those if 4A is dissolved.

CITY MANAGER/STAFF REPORTS

City Manager Fisher reported on the following:

- **Aug 9 – Special Meeting -Present Budget/Joint Meeting with 4A/4B**
- **Aug 16 – Regular Council Meeting**
- **Aug 18 – CLC Meeting 7:30 am**
- **Aug 30 – Special Meeting - 1st Public Hearing on Budget/Tax**
- **Sept 6 –Regular City Council Meeting – 2nd Public Hearing on Budget/Tax**
- **North Murphy Road Utility Relocation Project**

Additionally, Mr. Fisher reported on the following:

August 27th –Electronic Recycling

August 9 – North Texas Municipal Water District has initiated Stage 2 and Staff will ask Council to authorize Stage 2 implementation, restricting watering between the hours of 10 am and 6 pm, at the August 9th 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:

- §551.074 Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Judge.**
- §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 and referendum issues.**
- §551.072. Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.**

Council Action

Council convened into Executive Session under 551.071 (Cantrell), 551.071 (Development Issues), and 551.072 (Real Property) at 8:35 p.m. Councilmember Grant was not present in Executive Session for the discussion of 551.071 (Development Issues) due to a previously stated conflict of interest.

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:

- §551.074 Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Judge.
- §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 and referendum issues.
- §551.072. Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property.

Council Action

Council reconvened into Regular Session at 8:48. There was no action taken as a result of the Executive Session for 551.071 (Cantrell), 551.071 (Development Issues), or 551.072 (Real Property).

WORK SESSION

• **FY2012 Budget**

Council Discussion

City Manager Fisher reported that \$300,000.00 has been cut from the proposed budget. Council was provided a summary of the reductions.

There was some discussion regarding 4B (Murphy Community Development Corporation) funding operations. Mr. Fisher requested Council to give direction to the 4B board on funding needs.

Mr. Fisher requested Council to give direction on the effective tax rate. Staff explained that the debt service rate calculated by Collin County through the effective tax rate calculation is .255007. The effective tax rate calculated by Collin County is .571206. The operations and maintenance rate is .317493. Council gave direction to round the effective tax rate to .5725, noting that the City has been buying down this rate as operation costs and services have increased over the past several years.

ADJOURNMENT

With no further business, the meeting was adjourned at 9:13 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary