

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

**January 4, 2011**  
**6:00 P.M.**

**CALL TO ORDER**

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

**PUBLIC COMMENTS**

Public comments were submitted by the following:

Mr. Tye Holmes addressed Council requesting careful consideration of the proposed Murphy Central Park design and the impact it will have on the roads and residents in Willow Wood.

Mr. Kevin Hability addressed Council with concerns about traffic from Willow Wood, specifically residents from Willow Wood accessing North Murphy Road.

Ms. Margaret Malone addressed Council requesting Council to consider the proposed Murphy Central Park design and location of parking lots.

Ms. Cathy Murphy addressed Council with concerns about the proposed Murphy Central Park and the parking emptying into the Willow Wood neighborhood and traffic flow through the neighborhood.

Mr. Brad Lapsley addressed Council with concerns about the proposed Murphy Central Park and the City's recent property purchases.

City Manager Fisher clarified that the recent land purchase of Plano Independent School District property was necessary to fulfill a requirement from the Federal Highway Administration to mitigate incorrectly acquired Right-of-Way for North Murphy Road several years ago.

## 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.

### Council Action

Councilmember Richmond requested to remove Item B from the Consent Agenda. Councilmember Halbert requested to remove Item E from the Consent Agenda. These items will have action noted separately below. Councilmember Halbert moved to approve the remaining Consent Agenda Items A, C, and D as presented. Councilmember Daugherty seconded the motion. A vote was taken and passed, 6-1 with Councilmember Brandon voting in opposition. Councilmember Brandon stated he was opposed to a fee being charged for non-profit groups. (Item D)

- A. **Approval of December 6 and December 13, 2010 Minutes.**
- B. **Consider and/or act upon the Construction Plat (Replat) for Murphy Village Addition, Lot 2R, 4 and 5, Block A on property zoned PD (Planned Development) District No. 09-12-823 and No. 09-12-824 for Retail and Office Uses on property located at the southeast quadrant of West FM 544 and Brand Road.**

### Council Action

After some clarification regarding parkland dedication fees and hearing from the applicant, Councilmember Daugherty moved to approve the Construction Plat subject to the parkland dedication fees being reduced to \$500 per unit. Councilmember Richmond seconded the motion. A vote was taken and passed, 7-0.

- C. **Consider and/or act upon approval of an ordinance approving modifications to Section 30-53 of the City of Murphy Code of Ordinances as it relates to noise abatement regarding concrete batch plants.**
- D. **Consider and/or act upon approval of an ordinance to amend the fee schedule for private use of park pavilions and community meeting rooms and policies, as needed.**
- E. **Consider and/or act upon approval of an ordinance closing of the portion of Tom Clevenger Drive between North Murphy Road (FM 2551) and the Municipal Complex ring road.**

### Council Action

Councilmember Halbert moved to postpone the closing of Tom Clevenger Drive until there is an approved park plan and location of N. Murphy Road median cuts are identified. Councilmember Brandon seconded the motion. Councilmember Halbert amended her motion to remove "approved" from the motion. Councilmember Brandon seconded the amendment to the motion. A vote on the amendment was taken and passed, 7-0. A vote was then taken on the main amended motion and passed, 7-0.

## INDIVIDUAL CONSIDERATION

- 1. **Discussion regarding neighborhood concerns with traffic on Hawthorne Drive, specifically speeding and accidents and possible solutions.**

### Council Action

There was no action on this item. Public comments were submitted by Lacy White, Tamberly Guillory, and Maggie Whitt; all in favor of speed cushions being installed on Hawthorne Drive. Council directed Staff to bring back a traffic calming policy similar to the City of Richardson's.

- 2. Consider and/or act on the application of Matt Neher requesting an exception to Section 28-132 (a) (2) of the City of Murphy Code of Ordinances to allow an alternative exterior building material for an addition to a single family dwelling on property located at 178 Sunset Drive.**

**Council Action**

Councilmember Richmond moved to approve a request by Matt Neher for an exception to Section 28-132 (a) (2) of the City of Murphy Code of Ordinances to allow an alternative exterior building material for an addition with the change of adding brick to the portion of the front elevation above the bay window. Councilmember Halbert seconded the motion. A vote was taken and passed, 5-2 with Councilmember Daugherty and Councilmember Daniel voting in opposition.

- 3. Consider and/or act on the application of the City of Murphy requesting 1) an exception to Section 28-181 (b) of the City of Murphy Code of Ordinances to remove and relocate protected trees; 2) an exception to Section 28-156 (b) of the Code of Ordinances to relocate the requirement of landscape buffer trees along North Murphy Road and 3) an exception to Section 28-52 (b) of the Code of Ordinances to allow a fence in the front yard for the Murphy Community Center on property located at 205 North Murphy Road.**

**Council Action**

There was no action on this item. After discussion on the landscape plan and the removal of trees, Council requested the consultant to provide additional landscape renderings.

- 4. Hold a public hearing and consider and/or act upon approval of an ordinance amending PD (Planned Development) District No. 09-12-825 for Retail and Office Uses on property located on East FM 544, west of McCreary Road. (Zoning File 2010-10)**

**Council Action**

After hearing from Staff and the applicant, Mayor Baldwin opened the Public Hearing at 8:43. Mr. Don Kiertscher addressed Council in favor of the development of O'Reilly's. With no further comments, Mayor Baldwin closed the Public Hearing at 8:45 p.m. Councilmember Halbert moved to approve and ordinance amending PD District No. 09-12-825 for Retail and Office Uses on property located on East FM 544 with auto parts store by Special Use Permit (SUP) only and with 2 pad sites. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

- 5. Consider and/or act upon the Construction Plat for Rolling Ridge Estates, Phase 6 on property zoned PD (Planned Development) District No. 04-01-599 and No. 04-09-622 for Single Family Uses on property located at the northwest corner of West Betsy Lane and Oriole Drive.**

**Council Action**

Councilmember Halbert moved to approve the Construction Plat for Rolling Ridge Estates, Phase 6 on property zoned PD (Planned Development) District No. 04-01-599 and No. 04-09-622 for Single Family Uses on property located at the northwest corner of West Betsy Lane and Oriole Drive. Councilmember Bradley seconded the motion. A vote was taken and passed, 7-0.

- 6. Consider and/or act on a recommendation to officially name the Murphy Community Center, the Murphy Activity Center, and the Murphy Central Park.**

### **Council Action**

Councilmember Halbert moved to approve the names as recommended. Councilmember Richmond seconded the motion. A vote was taken and passed, 7-0.

- 7. Consider and/or act upon a proposed resolution approving the City of Murphy Policies and Procedures, including the addition of Electronic Communications and Social Media policies.**

### **Council Action**

Councilmember Daugherty moved to approve the policies as presented subject to review by the City Attorney. Councilmember Daniel seconded the motion. A vote was taken and passed, 6-1 with Councilmember Brandon voting in opposition. Councilmember Brandon stated he voted in opposition because all of the policies were lumped together in one motion.

## **CITY MANAGER/STAFF REPORTS**

City Manager Fisher reported on the following:

- **Website Update** –the new website has been significantly delayed but IT is working swiftly to get the new site up for a test run in February and full run in March. The calendars have been removed from the current site and will not be available until the new site is up.
- **Jan 10 Utility Fund Work Session 6 pm – Community Room** –North Municipal Water District will be attending to discuss the City’s contract.
- **Jan 17 – City Offices Closed in Observance of MLK Day**
- **Jan 18 – Regular Council Meeting**
- **Jan 21 CLC – New Quarterly Meeting Schedule**
- **Jan 28 - Chamber Banquet** -let staff know if you will be attending
- **November Financial Report** – City is doing good with sales tax; property taxes will be coming in this month, November report reflects one time expenditure in Administration for employee salary adjustments as approved in the budget, and November election expenses.
- City is working with the Texas Department of Transportation (TxDOT) and Kansas City Southern (KCS) to correct FM 544 railroad issues. TxDOT is stating it is not their project and they are not responsible. They are estimating 2-4 months to correct the issues. Staff has notified KCS and will work to get the issues resolved as soon as possible.

## **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**

This Executive Session was not held.

- §551.074 Personnel matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Sam Elliston.**

### **Council Action**

There was no action or votes taken in Executive Session.

## **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.

§551.074 Personnel matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Sam Elliston.

**Council Action**

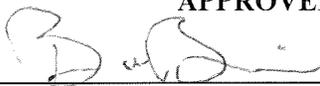
Councilmember Halbert moved to authorize the City Manager to pay 50% of accrued sick leave as of December 31, 2010 to Sam Elliston as part of his retirement package. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 9:47 p.m.



APPROVED BY:

  
Bret M. Baldwin, Mayor

ATTEST:

  
Aimee Nemer, City Secretary