

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

**February 8, 2011
6:00 P.M.**

CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:03 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

PRESENTATIONS

• **Presentation from Murphy Chamber of Commerce**

Chamber Chairman Steve Long and Vice Chairman Alex Acuña presented the Chairman's Award to the City with Mayor Baldwin accepting.

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 January 18, 2011 Minutes.

B. Consider and/or act upon approval of a resolution suspending the February 14, 2011, effective date of Oncor Electric Delivery Company's requested rate change to permit the City time to study the request and to establish reasonable rates; approving cooperation with the steering committee of cities served by Oncor to hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals.

Council Action

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

INDIVIDUAL CONSIDERATION

1. **Consider and/or act on approval of an ordinance annexing a tract of land totaling 18.00 acres located in the Isaac Herring Survey, Abstract No. 403 and the McMillan Survey, Abstract No. 588 located on FM 2551 (North Murphy Road), north of Rolling Ridge Drive.**

Council Action

There was no action on this item. City Manager Fisher explained that a Development Agreement has been received and will be on the next agenda for consideration.

2. **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. Postponed from January 4, 2011.**

Council Action

Councilmember Bradley moved to approve 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. Councilmember Richmond seconded the motion. Councilmember Halbert clarified that the trees would be removed per the discussion, not transplanted. It was agreed that the intention of the motion and second was to remove the trees, not transplant them. A vote was taken and passed, 7-0.

3. **Hold a public hearing and consider and/or act on a recommendation for Murphy Community Development Corporation (MCDC) capital improvement budget amendments.**

Council Action

Mayor Baldwin opened the public hearing at 6:28 p.m. With no comments submitted, Mayor Baldwin closed the public hearing at 6:29 p.m. Councilmember Daugherty moved to approve the recommendation from the Murphy Community Development Corporation regarding the capital improvement budget amendments. Councilmember Richmond seconded the motion. A vote was taken and passed, 7-0.

4. **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 7:21 p.m. with the following public comments submitted:

John Hite expressed concerns about the noise from the amphitheater, was in support of using existing trails and preserving trees, and requested consideration of a community garden.

Cary Walker addressed Council with perspective from the Park Board and the Community Development Board explaining the reasoning for leaving the ponds –to reduce noise impact, the location of the amphitheater in relation to the Municipal Complex for city events, and the location of parking to reduce impact to neighborhoods.

Clint Pearson, President of the East Junior Lacrosse organization, addressed Council in support of athletic fields including a lighted athletic field. Mr. Pearson stated that he envisioned a nice sports complex for practice as well as games.

Keith Patton addressed Council stating that he wants a park with a natural setting, not a sports complex. He suggested turning the amphitheater to reduce noise impact.

Roxanne Bogdan addressed Council stating she was shocked to see the revised plan that was changed by one person. She encouraged Council to reference the Park Master Plan regarding the amphitheater. Ms. Bogdan was very supportive of lacrosse fields and the preservation of as many trees as possible. She stated that the location of parking is important. Ms. Bogdan expressed opposition to the amphitheater and explained that the current setting with the stage and pond was working fine for city events. She stated that if there is to be an amphitheater, it should be located in the center of the park.

Ed Williams addressed Council and expressed support of keeping trees and providing aesthetically pleasing athletic fields. He stated that he was not against an amphitheater, but wanted to ensure space was utilized effectively.

Julia Baldwin, Park Board Chair, addressed Council and stated that the revised plan needs to go back to the Park Board for review with the Council's direction. She stated that she is a firm believer in the Park Master Plan and feels that this park can meet the needs of the city as a community park that can bring the community together. Ms. Baldwin explained that the amenities survey listed athletic practice fields as number three; and the follow up survey completed in 2009 with senior citizen input listed an amphitheater as number three.

With no further comments, Mayor Baldwin closed the public hearing at 7:52 p.m.

Council Discussion

Councilmember Brandon asked City Manager Fisher if he had a name of a person from the Federal Highway Administration regarding the Central Park for mitigation on North Murphy Road. Councilmember Halbert explained that this question would be more appropriate under Item 8 on the agenda. Mr. Brandon stated he would wait until that item for the question.

There was significant Council discussion regarding the original and revised concept plan. Mr. Fisher provided a summary of the feedback:

- The revised plan and comments should go back to Park Board for review
- The amphitheater should be rotated to reduced noise impact to Willow Wood
- Use existing trail in the tree lines
- Consider a community garden on the east side of the property – concern traffic issues
- Integrate existing trees – utilize the new seedlings on site – Cedar Elm/American Elms
- Consider more practice fields – Improve/irrigate the open space so it could be practice areas
- Determine what the park will be –a sports complex or a passive community park – find a balance
- Determine the slope and size of the amphitheater

- Ensure that the concept plan is following the Park Master Plan. How many sport fields are needed?
- Location of playground equipment

In addition, Council comments were:

- Amphitheater location; wanted to see examples of amphitheaters as proposed
- Reason for amphitheater/sport fields was to bring outside sales tax to Murphy (was a 4B project/interest)
- Consider enhancing existing pond/stage for usability
- Spray park location and features – a plaza spray or a toy spray ground like Celebration Park
- City Hall fountain feature in Phase 2

There was no formal action on this item. Council direction was to submit the revised plan and comments back to the Park Board for review.

5. Consider and/or act on a recommendation from the Park and Recreation Board to rename City Park/Bunny Run.

Council Action

Councilmember Halbert moved to rename City Park/Bunny Run to *The Timbers Nature Preserve Park*. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

6. Discuss Murphy Central Park, Liberty Ridge Park, and City Park/Bunny Run concept and phasing proposals and budgets.

7. Update on Capital Projects and Improvement Plan Program.

Council Action

City Manager Fisher requested to discuss Item 7 prior to Item 6. There was significant discussion regarding the allocation of \$1M for Liberty Ridge and if \$300,000.00 would be enough to address drainage issues at City Park/Bunny Run. There was no action on this item.

Regarding Item 6, Council directed staff to have the consultants prepare concept plans for Liberty Ridge with a \$750,000.00 budget and simple amenities; and to address drainage issues at City Park/Bunny Run, now known as The Timbers Nature Preserve Park, in Phase 1. There was Council discussion regarding keeping The Timbers Nature Preserve Park simple and natural.

8. Discussion regarding the improvements to North Murphy Road.

Council Action

There was no action on this item. City Manager Fisher explained that he, Mayor Baldwin, Mayor Pro Tem Daugherty, and Deputy Mayor Pro Tem Halbert reviewed North Murphy Road plans onsite with regards to the section of road in front of the schools from Windsor to Shirehurst. He explained that they are proposing to remove sidewalks on the west side of the road from Windsor to Shirehurst to control the areas where children will cross North Murphy Road. Mr. Fisher explained that the west side of the road would be heavily landscaped to deter pedestrian traffic. Mr. Fisher also explained the type of crossings that would be

used –being table top, paved crossings 10 feet in width with LED lights on the crossing and on signage warning drivers of an active crossing.

Councilmember Bradley stated that he liked the plan, but wasn't sure if eliminating the sidewalk would be perceived as controlling the crossing or the just lack of a sidewalk on one side of the road.

Councilmember Brandon restated his question from Item 4 requesting Mr. Fisher to give him a name of the person at the Federal Highway Administration regarding the park being required for the mitigation of North Murphy Road. Mr. Fisher stated he did not have a name to give him.

CITY MANAGER/STAFF REPORTS

Mr. Fisher reported on the following:

- **Feb 11-12 –TML Elected Officials Conference**
- **Feb 14 –TML Legislative Briefing**
- **Feb 14 –First Day to File**
- **Feb 15 –Chamber Lunch**
- **Feb 24-26 –TML Youth Advisory Commission Summit** –Mr. Fisher stated that Deputy Mayor Pro Tem Halbert and City Secretary Nemer would be attending this to research ways to involve the City's youth.

Councilmember Brandon asked for the status of the radio system and the fire truck. Mr. Fisher stated that the radio system is in process and should be March/April timeframe. He stated that Chief Lee would be traveling to Wisconsin to inspect the truck next week with delivery to follow.

WORK SESSION

Mr. Fisher requested to hold the Executive Session prior to the Work Session.

- **Utility Fund**

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

Mayor Baldwin convened into Executive Session at 9:20 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

Mayor Baldwin reconvened into Regular Session and then Work Session at 9:49 p.m. There was no action as a result of the Executive Session.

WORK SESSION

• Utility Fund

A brief work session was held on the Utility Fund. Mr. Fisher handed out a Customer Service Department Rate Comparison report and a spreadsheet detailing specific duties, requirements, and hours of the Public Works and Park Department.

Mr. Fisher explained that the City has been auditing water meters and determined significant discrepancies in readings and warranty issues. He explained that staff is working on gathering complete information and will be presenting it to Council once complete. He stated that staff will be presenting a rate structure and preliminary utility fund budget on March 15th.

ADJOURNMENT

With no further business, the meeting was adjourned at 10:02 p.m.

APPROVED BY:


Bret M. Baldwin, Mayor



ATTEST:


Aimee Nemer, City Secretary