

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

MARCH 6, 2012
6:00 PM

WORK SESSION (5 p.m.)

- **Discussion regarding 2008 Bond Issuance**
- **Determine funding and planning of park projects**

A work session began at 5:15 p.m. in the Community Room with Mayor Bret Baldwin, Mayor Pro Tem John Daugherty, and Councilmember Scott Bradley present. Councilmember Bernard Grant arrived at 5:25 p.m., Deputy Mayor Pro Tem Colleen Halbert arrived at 5:28 p.m., and Councilmember Dave Brandon arrived at 5:37 p.m.

City Manager Fisher gave a brief overview of what Council has approved for Murphy Central Park (MCP) and the Timbers Nature Preserve Park. He also reviewed a funding option from the Murphy Community Development Corporation (4B).

Dennis Sims, consultant for MCP, gave an overview of the park plans and the optional items for consideration. Council discussed the optional items, focusing on the proposed pond and irrigation well for MCP. They also discussed funding options, including phasing construction and 4B funding.

Regarding the Timbers Nature Preserve Park, staff informed Council that construction was at least a year away and that the revised cost estimate is \$3 million: \$2M for the park and \$1M for the trail. Staff also explained that the Timbers Nature Preserve Park is located on land that is in a trust with the Texas Parks Foundation, which will provide specific grant opportunities.

There was some discussion regarding the cost, composition, and size of the trail.

The Work Session concluded at 6:00 p.m. Further discussion of these items is noted during the Regular Meeting.

1. CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:07 p.m. in the Council Chambers.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Baldwin gave the invocation and led the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

The following Councilmembers were present:

Mayor Bret Baldwin
Mayor Pro Tem John Daugherty
Deputy Mayor Pro Tem Colleen Halbert
Councilmember Scott Bradley
Councilmember Bernard Grant
Councilmember Dave Brandon

Councilmember Dennis Richmond was absent.

4. PUBLIC COMMENTS

No public comments were submitted.

PROCLAMATIONS / PRESENTATIONS

5. Presentation of Check from Collin County by Commissioner Cheryl Williams for Murphy Central Park and the Maxwell Creek Trail expansion project.

Collin County Commissioner Cheryl Williams presented a ceremonial check in the amount of \$400,000 to the City for Murphy Central Park and the Maxwell Creek Trail expansion project. Mayor Baldwin accepted on behalf of the City and thanked Commissioner Williams for her dedication to the County.

5.1. Proclamation for Flood Safety Awareness Week, March 12-16, 2012

Mayor Baldwin read a proclamation declaring March 12-16, 2012, Flood Safety Awareness Week with Fire Chief Mark Lee accepting.

6. CONSENT ITEMS

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.

6.1. Consider and/or act upon approval of the Construction Plat for Wal-Mart Real Estate Business Trust on property zoned PD (Planned Development) District Ordinance No. 12-02-905, for Retail uses, on property located at the northwest quadrant of FM 544 and North Murphy Road.

Councilmember Grant requested to remove this item from the Consent Agenda and recused himself from the discussion and vote due to a conflict of interest which is on file with the City Secretary.

Public Comments

Mr. Keith Patton addressed Council with concerns about traffic controls.

City Manager Fisher explained to Council that Wal-Mart has applied for a signal permit with the Texas Department of Transportation (TxDOT). Councilmember Halbert asked what would happen if the permit is denied. Mr. Fisher explained that it is a state road (FM 544) and the City would not have much recourse.

VOTING

Motion by: John Daugherty to approve as presented.

Second by: Colleen Halbert

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard				x
Halbert, Colleen	x			
Richmond, Dennis				

6.2. Consider and/or act upon approval of a resolution suspending the effective date of Atmos Mid-Tex's proposed rate increase.

VOTING

Motion by: Colleen Halbert to approve as presented.

Second by: John Daugherty

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis				

6.3. Consider and/or act upon approval of change order for Wall Construction to sod Liberty Ridge Park.

Councilmember Halbert requested to remove this item from the Consent Agenda.

Council discussed the pros and cons of hydromulch vs. sod including the cost, timing, and water restrictions. Councilmember Halbert commented that she was not concerned if the park was ready by the planned July 4th HOA event and that the neighborhood wasn't expecting the park to be ready until fall. She indicated she would prefer the less costly method, even if it meant more time to establish.

Council postponed action on this item to March 20.

7. ORDINANCE APPROVAL

7.1. Consider and/or act upon approval of an ordinance amending the Code of Ordinances regarding the Ethics Policy.

The Ethics and Governance policies were discussed together since they are companion ordinances. (Item 7.1 and 7.2)

Andy Messer, City Attorney, explained the changes requested by Council include a procedure for handling a request for information from councilmembers, specifically information that may be deemed confidential; clarifying investigations; and defining "official capacity." Mr. Messer explained that there are two versions of each ordinance; one that designates the City Manager as the first point of contact for requests for information, and one that designates the Mayor as the first point of contact.

Mr. Messer stated that in version one, a councilmember would request confidential information through the City Manager, who would then determine if the information is relevant to his or her official capacity as a City Councilmember. He explained that the councilmember could appeal the decision to the City Council.

Mr. Messer explained that in version two, a councilmember would request confidential information through the Mayor, who would place the request on an agenda for City Council review.

Mayor Baldwin commented that he would prefer that requests go to the City Manager for his determination first.

There was a consensus of Council to approve version two in order to eliminate putting the City Manager in the position of denying a request to Council.

After clarification that the types of requests that would need to go to the Mayor would typically be confidential information, Mayor Baldwin agreed that version two would be a better option.

Councilmember Bradley expressed some concerns about how the information is distributed and suggested a policy that would ensure the distribution of information in a controlled manner. He specified that the information should be viewed on City property. Councilmember Brandon pointed out that if the request goes to the City Council, Council can determine how the information is distributed.

VOTING

Motion by: John Daugherty to approve version two of the Ethics Policy.

Second by: Colleen Halbert

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis				

7.2. Consider and/or act upon approval of an ordinance amending the Code of Ordinances regarding the Governance Policy.

VOTING

Motion by: John Daugherty to approve version two of the Governance Policy.

Second by: Bernard Grant

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis				

8. OTHER CONSIDERATION ITEMS

8.1. Consider and/or act upon scheduling a Work Session and Special Meeting to complete the Strategic Planning Session.

City Manager Fisher stated that Joe Gonzalez, the facilitator of the Strategic Planning Session, will be sending the draft notes from the session to Council this week. He said that Council should submit their feedback on the notes and then meet with the facilitator on March 27.

Councilmember Daugherty said that he understood that Council was to meet prior to the 27th to discuss Council priorities and then present them to staff at the meeting with the facilitator.

There was no formal action on this item. Council determined to meet in a Work Session on the 20th to discuss priorities and then meet with the facilitator on the 27th.

8.2. Consider and/or act upon a request for a rate increase by Waste Management for solid waste services and an increase for recycling rebate.

Councilmember Halbert thanked Councilmember Brandon for catching the recycling rebate clause.

VOTING

Motion by: Colleen Halbert to approve the requested rate increase of 4.7% CPI for solid waste collection from Waste Management and a 4.7% increase of recycling rebate due to the City effective March 1, 2012.

Second by: Scott Bradley

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis				

8.3. Consider and/or act upon amending the Murphy Community Center/Murphy Activity Center Rental Rates policy regarding use by non-profit organizations.

City Manager Fisher requested that Council allow some flexibility in the policy so that the City Manager can use discretion in certain situations with regard to non-profit groups renting facilities.

Councilmember Grant asked for a City Attorney opinion on whether there would be consequences for treating certain non-profits differently. Mr. Fisher explained that the City Attorney was of the opinion that the policy should address all types of non-profits and they should be treated the same.

There was some discussion about meeting times, meeting space, renting during non-operating hours, and giving priority to organizations serving Murphy.

Public Comments

Mr. Keith Patton addressed Council asking about the issue of discriminating against certain non-profits. Council stated that the policy would apply to all non-profits.

VOTING

Motion by: Colleen Halbert to approve an amended rental policy for the Murphy Activity Center and Murphy Community Center regarding non-profit organizations to include a waiver of fees based on a ratio of one hour rental being equal to one hour of community service up to twenty hours, and after twenty hours, the regular non-profit rate applies; the Murphy Activity Center is to be used under the current policy; and first consideration should be given to organizations serving Murphy.

Second by: Scott Bradley

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis				

8.4. Consider and/or act upon approval of the low bid award for the annual City Mowing Contract and authorize the City Manager to execute the contract.

Councilmember Daugherty asked how much of the \$100,000 budgeted for mowing this fiscal year has been spent. Finance Director Linda Truitt stated that \$3750.00 has been spent. Mr. Daugherty suggested holding 10% of the funds for potential customer service issues.

Councilmember Brandon requested to hear from a representative of the company.

Mr. Joseph Angelone, Vice President of American Landscaping Systems, Inc. (ALS) addressed Council to answer questions.

Councilmember Halbert inquired about the warranty being voided during water restrictions, subcontracting, and spraying for weeds. Mr. Angelone stated that the warranty was standard for the industry. He also explained the details of one occurrence of subcontracting involving tractor mowing. Mr. Angelone said that spraying for weeds is included in the contract.

Mayor Baldwin said that there has been an issue with weeds in the medians and visibility issues with the fountain grasses along Heritage Parkway. Mr. Angelone explained how the weeds would be treated and that it would take up to 45 days before they are under control. He also stated that the fountain grasses were specified in the contract and explained that he would incur warranty issues if the grasses are kept cut too low.

Councilmember Halbert questioned Mr. Angelone further about the type of grasses and visibility issues. She inquired why he didn't make recommendations to correct the issues. Mr. Angelone explained that he has to bid projects as specified, due to liability issues.

Mr. Angelone addressed Council regarding holding back funds for customer service issues. He requested that instead of holding funds, payment be made based on satisfaction after each cycle.

VOTING

Motion by: John Daugherty to award the bid to American Landscape Systems, Inc of Lewisville, Texas and authorize the City Manager to execute the contract not to exceed the budgeted amount of \$100,000.

Second by: Scott Bradley

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen		x		
Richmond, Dennis				

8.5. Consider and/or act upon approval of the reallocation of the 2008 bond funds.

Council combined the discussion on the 2008 Bond allocation, Murphy Central Park, and the Timbers Nature Preserve. (Items 8.5, 8.6, and 9.1) For the purpose of the Minutes, the discussion for each item will be listed under the relevant item.

There was some discussion on how to approach the decision with regard to approving plans first or approving funding first.

There was considerable discussion regarding funding and the balance of the 2008 Bond funds. Councilmember Daugherty came to the conclusion that there was \$976,000 remaining from Bond funds to spend on two parks. Council discussed how to split the funds and how to fund the outstanding amount.

VOTING

Motion by: John Daugherty to approve the reallocation of the 2008 Bond funds to include \$500,000 of the parks allocation to go to the Timbers Nature Preserve Park, the remaining \$476,000 to go to Murphy Central Park; to direct two members of Council to approach 4B about funding the difference in the amount of \$1.5M; to reallocate \$194,200 of the trail funds to Murphy Central Park and \$600,000 of trail funds to the Timbers Nature Preserve Park, leaving a balance of approximately \$1.06M in the trail funds for future use.

Second by: Scott Bradley

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis				

8.6. Consider and/or act upon approval of final construction plans for Murphy Central Park and the Maxwell Creek Trail Extension Project.

Dennis Sims, representing DSS Landscape Architects, and Ron Hobbs, architect, presented plans for Murphy Central Park to Council.

Mayor Baldwin talked about the stone on the concession building and stated he would prefer more contrast.

Mr. Sims detailed the alternates for supplying water to the splash pad and irrigation as listed below:

Option 1

\$65, 000 - 2 storage tanks holding 10,000 gal. for splash pad that uses 30,000 gal.

Option 2 – Recommended

\$150,000 - 1.5 acre pond for irrigation of recycled water (8-10 ft deep)

\$75,000 – irrigation well

\$30,000 - irrigation pumps

\$35,000 – storm sewer and splash pad sewer

Mr. Sims explained that water from the splash pad would be captured by the pond and supplemented by the irrigation well. He said this recaptured water would be used to irrigate the fields.

Mayor Baldwin asked what it would cost to run the irrigation well to the current pond. Mr. Sims replied \$35-40,000.

Councilmember Brandon asked if the pond would be clay-lined and about storage capacity. Mr. Sims explained that there would be a geo-technical report and he expects that the pond would be clay-lined. He stated that the depth of the pond would provide 8-10 weeks of storage.

Councilmember Brandon commented that these plans are great but he doesn't want to do one park over another. He said that burying the electrical lines was optional at a cost of \$200,000.

Mayor Baldwin commented about Murphy in general, what Council wants for the community, and planning for the future. He talked about balancing the costs and amenities and said that he didn't want to reduce costs to the bare minimum at the risk of reducing quality of life amenities.

Councilmember Grant stated that the Timbers Nature Preserve and Murphy Central Park are different types of parks to serve different needs. He said that he liked planning for the future such as constructing the conduit for future electrical.

Councilmember Halbert said that she was most comfortable with the foundation items and planning for future items.

Councilmember Daugherty talked about alternate funding sources and stated that he didn't want to tap out 4B funding. He commented that Council is making this decision without residents' input and asked if they want a \$2.7M park or a \$4.2M park.

Council commented on the various alternates:

Mayor – likes the idea of a larger pond to irrigate the entire complex; would like to approach Murphy Municipal Development District (MDD) for \$200,000 to bury electrical lines

Councilmember Halbert – PISD fence removal/parking –doesn't agree that parking is needed; in favor of moving the fence, but expressed concerns with cost of removing the fence; comfortable with asking MDD for funding

Public Comments

Mr. Keith Patton addressed Council with concerns about the pond evaporation rate, the cost to bury electrical lines due to the current transformers in the Murphy Central Park area, and suggested a shade to cover the playground.

VOTING

Motion by: Colleen Halbert to direct Dunkin, Sims, Stoffels, Inc., to finalize the construction documents for Murphy Central Park as presented to include the 1.5 acre pond for irrigation of recycled water and associated well, pumps, storm sewer, and splash pad sewer; pedestrian plaza lights; removal of the PISD fence for access; additional design services required; to work with MDD for funding of the burial of power lines in the second phase; conduit for the lighting of two fields; and a shade cover for the playground as an alternate.

Second by: John Daugherty

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret	x			
Bradley, Scott	x			
Brandon, Dave	x			
Daugherty, John	x			
Grant, Bernard	x			
Halbert, Colleen	x			
Richmond, Dennis				

9. DISCUSSION ITEMS

9.1. Discussion regarding Timbers Nature Preserve Park.

Parks/Public Works Director Kim Lenoir gave an overview of the Timbers Nature Preserve Park.

Discussion was continued from the earlier Work Session regarding the trails. Council also talked about funding as part of the discussion on Bond reallocation and Murphy Central Park.

City Manager Fisher informed Council that staff would be bringing agenda items to Council in April regarding the demolition of the house on the park property, repairing culverts, and a road overlay.

Mayor Baldwin mentioned that there are no fire hydrants on the road and requested that be considered.

10. CITY MANAGERS REPORT

There was no report given.

11. 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:

11.1. §551.074 Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Engineer.

11.2. §551.072. Deliberation regarding real property – to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Mayor Baldwin convened into Executive Session at 9:27 p.m.

12. RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provision of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

12.1. §551.074 Personnel Matters – to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Engineer.

12.2. §551.072. Deliberation regarding real property – to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Mayor Baldwin reconvened into regular session at 10:18 p.m. There was no action as a result of the Executive Session.

13. ADJOURNMENT

With no further business, the meeting was adjourned at 10:30 p.m.



APPROVED BY:


Bret M. Baldwin, Mayor

ATTEST:


Aimee Nemer, City Secretary