

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

**Tuesday, April 17, 2012
6:00 PM**

1. CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:00 p.m.

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 Dennis Richmond
Councilmember Scott Bradley
Councilmember Bernard Grant
Councilmember Dave Brandon

4. PUBLIC COMMENTS

No public comments were submitted.

5. 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.

5.1. Consider and/or act upon approval of an ordinance amending the City of Murphy Code of Ordinances, Chapter 35, Section 35-6. - Duty to transport.

VOTING

Motion by: John Daugherty to approve.

Second by: Bernard Grant

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

6. CONTRACT APPROVAL

6.1. Consider and/or act upon approval of change order for Liberty Ridge Park for parallel parking and added sidewalk near pond.

Discussion

City Manager Fisher explained that staff would like clarification on what Council is agreeing to fund since the sidewalk in Liberty Ridge Park was denied at the last meeting.

There was some discussion regarding the amount of space, parking, and creating a safe walking buffer from the street traffic.

Motion

Councilmember Brandon moved to approve a change order to Liberty Ridge Park to install two concrete islands with grass as landscaping and four inch road buttons not to exceed \$6,000. Councilmember Daugherty seconded the motion.

Amendment #1

Councilmember Richmond moved to amend the main motion to replace the grass with low growing shrubbery. Councilmember Halbert seconded the motion. A vote was taken and the amendment passed, 7-0.

Amendment #2

Mayor Baldwin moved to amend the amended motion to approve three landscaped islands. Councilmember Richmond seconded the motion. A vote was taken and the amendment passed, 6-1 with Councilmember Grant voting in opposition.

Amendment #3

Councilmember Brandon moved to amend the main motion as amended, to install three concrete islands, landscaped with low growing shrubbery, not to exceed \$8,500. Councilmember Halbert seconded the motion. A vote was taken and the amendment passed, 6-1 with Councilmember Grant voting in opposition.

Amended Main Motion

A vote was taken on the amended main motion to approve a change order to Liberty Ridge Park to install three concrete islands with low growing shrubbery not to exceed \$8,500. The motion passed, 6-1 with Councilmember Grant voting in opposition.

7. OTHER CONSIDERATION ITEMS

7.1. Consider and/or act upon authorizing HOK to proceed with bidding demolition/removal of the house, construction berms, and repairing/paving Bunny Run Road.

Staff Comments

City Manager Fisher recommended moving forward with the demolition of the house and preparing construction documents for the road, but delaying the overlay of the road until ownership issues are clarified.

Council Discussion

Councilmember Brandon commented that if the City overlays the road, then it becomes a public road.

Councilmember Halbert asked if the City has met with any owners. City Manager Fisher replied that meetings would be scheduled.

Councilmember Bradley stated he did not want to purchase property in order to maintain the road. He also asked for clarification on the funding of the demolition of the house and questioned whether the funding should come from the General fund as the City’s obligation or the Park Project Bond funding. City Manager Fisher explained that the funding would come from the bonds.

Councilmember Grant asked whether or not the demolition costs could be transferred to a future property owner. City Manager Fisher stated that the City would be responsible because the house is part of the City park property.

VOTING

Motion by: Colleen Halbert to approve.
Second by: Dennis Richmond

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

7.2. Consider and/or act upon approval of revised concept plans for Timbers Nature Preserve Park.

Council Discussion

Councilmember Brandon clarified that the concept plan in the packet is different than what is being presented.

Councilmember Halbert asked how much money is in the trails fund beyond the \$600,000. Councilmember Daugherty stated there was \$930,000.

Councilmember Daugherty expressed a concern that the trail funding would be used up on prep work for the trail and the final product would not actually be funded.

VOTING

Motion by: Colleen Halbert to approve as presented at the Council meeting.
Second by: Scott Bradley

Councilmember	YES	NO	ABSTAIN	RECUSE
Baldwin, Bret (Mayor)	x			
Daugherty, John (Mayor Pro-Tem)	x			
Halbert, Colleen (Deputy Mayor Pro-Tem)	x			
Bradley, Scott (Council)	x			
Brandon, Dave (Council)	x			
Grant, Bernard (Council)	x			
Richmond, Dennis (Council)	x			

7.3. Consider and/or act on the application of Landcore Development Company requesting approval of a re-plat and site plan for a dialysis clinic with additional retail rental space on the property zoned Planned Development for Retail Uses, located at the northwest corner of FM 544 and Maxwell Creek. (Tract 1, Block C, Lot 3, Murphy Marketplace)

Executive Session

Prior to this item, Council convened into Executive Session at 6:52 p.m. under section 551.071 –Consultation with City Attorney (2) 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. Council reconvened into Regular Session at 7:11 p.m. No action was taken as a result of the Executive Session.

Motion

Councilmember Halbert moved to postpone the Site Plan so that Council can study whether or not this is an appropriate use for this space and this center and also to direct staff to bring back the Planned Development for Council to review. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

Motion

Councilmember Halbert moved to approve the re-plat as presented. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

8. **CITY MANAGERS REPORT**
Moonlight Movies
April 24 -Possible Work Session
April 30 -Joint Mtg with Richardson
June 5 - Present Budget

9. **WORK SESSION**
2012 Objectives for Boards and Commissions

Council determined to appoint a councilmember to work with specific boards through the staff liaison and board chairs to establish a scope for the board to be approved by Council in August. Councilmembers volunteered as follows:

Mayor Baldwin – Building and Fire Code Appeals Board
Councilmember Grant - Murphy Community Development Board
Councilmember Bradley – Park and Recreation Board
Councilmember Halbert – Planning and Zoning Commission
Councilmember Richmond – Board of Adjustment
Councilmember Brandon – Animal Shelter Advisory Committee

10. **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:

Council convened into Executive Session at 7:19 p.m.

- 10.1. **§ 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.** 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.

11. **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:

Council reconvened into Regular Session at 7:53 p.m. No action was taken as a result of the Executive Session.

- 11.1. **§ 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING.** 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.

12. **ADJOURNMENT**

With no further business, the meeting was adjourned at 7:58 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary