

MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas
Tuesday, May 01, 2012
6:00 PM

1. CALL TO ORDER

Mayor Baldwin called the meeting to order at 6:01 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

Casey Zandt, representing CWD, addressed Council regarding the City's solid waste contract and handed out an information packet from CWD.

5. PRESENTATIONS & PROCLAMATIONS

5.1. Proclamation for Asian Pacific American Heritage Month

Mayor Baldwin presented a proclamation for Asian Pacific American Heritage Month to representatives from the Dallas-Fort Worth Asian Americans Citizens Council.

5.2. Proclamation for Public Service Recognition Week

Mayor Baldwin presented a proclamation to City Manager James Fisher on behalf of all City of Murphy Employees for Public Service Recognition Week. Mr. Fisher also presented the following awards.

Ten Years

Heather Smith
Jimmy Ybarbo
Dawnelle Rounsavall
Jason Smith

Five Years

David Gensler
Jim Hermes
David Holt
Linda Truitt
Lance Watson
Danny Mayberry
Craig Goudie
Drex Dorman

One Year

Perry Elliott
Angela Reed
Aaron McCarty
Michael Palko

Murphy Monitor Best Councilmember – John Daugherty
Murphy Monitor Best Municipal Employee – Kim Lenoir
Murphy Monitor Best Police Officer – GM Cox
Murphy Monitor Best Firefighter – Mark Lee
Murphy Monitor Best Annual Event – Murphy Maize Days
Murphy Monitor Best Entertainment Value – Picnic by the Pond
City Manager's Award – David Gensler

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. Approval of March 20, 2012, March 27, 2012, and April 3, 2012 Minutes.

6.2. Consider and/or act upon a resolution approving bylaws for the Murphy Municipal Development District.

VOTING

Motion by: John Daugherty to approve as presented.

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			

After the vote, Councilmember Brandon commented that he had an issue with the bylaws in Section 2.8 – Appointment of the Executive Director.

7. OTHER CONSIDERATION ITEMS

7.1. Consider and/or act upon approval of Keep Murphy Beautiful Green Team Members to attend the annual Keep Texas Beautiful Conference, June 25-27, 2012.

Council Discussion

Councilmember Halbert stated she was not comfortable using the recycle rebate fund for funding training and said that she would rather use funding from training or Council contingency. She explained that she would like to see the recycle rebate funds used to educate citizens about recycling and make improvements to the program.

There was further discussion on how to fund the training and whether or not to send five members of the Keep Murphy Beautiful team this year and send the remaining five next year.

VOTING

Motion by: Colleen Halbert to approve sending five members to the Keep Texas Beautiful Conference.

Second by: John Daugherty

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			

8. RESOLUTION APPROVAL

8.1. Consider and/ or act upon a resolution authorizing a grant application for the Collin County Funding Assistance Program for a Regional Trail Connector Project.

Council Discussion

Councilmember Bradley asked if this was a matching grant. Kim Lenoir, Parks and Public Works Director, stated that it was matching and the funds would come from the 2008 Bond program.

Councilmember Halbert asked if this funding would allow for the completion of the trail. Ms. Lenoir responded that it would.

Mayor Baldwin inquired if there would be opportunities to work with surrounding cities for the grant award. Ms. Lenoir stated that surrounding city cooperation would be part of the grant application.

VOTING

Motion by: Colleen Halbert to approve a resolution authorizing the City Manager to initiate the grant application.
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			

9. PUBLIC HEARINGS

9.1. Conduct a public hearing and consider and/or act upon approval of an ordinance continuing the juvenile curfew regulations.

Public Hearing

Mayor Baldwin opened the public hearing at 6:39 p.m. With no comments submitted, Mayor Baldwin closed the public hearing at 6:39 p.m.

Council Discussion

Councilmember Brandon inquired about the City Manager’s report on this item. Chief Cox replied that the annual report and agenda information is considered the City Manager’s report. Mr. Brandon noted that the numbers are trending up.

Councilmember Halbert noted that there are no second or further offenses and commented that the curfew regulations in place must be effective.

VOTING

Motion by: John Daugherty to approve an ordinance continuing the juvenile curfew regulations currently in effect.
Second by: Colleen Halbert

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			

10. ORDINANCE APPROVAL

10.1. Consider and/or act upon approval of an ordinance amending Chapter 78, Traffic and Vehicles: relating to the operation of neighborhood electric vehicles in the City of Murphy.

Staff Comments

Chief Cox summarized the issue, the current ordinance in place, and the two proposed versions.

Public Comments

Public comments were submitted by Doug Krause in favor of version 2 of the proposed ordinance; and Don Kiertscher, also in favor of version 2 of the proposed ordinance. Both expressed support of adding that operators should be licensed drivers with liability insurance. Additionally, Mr. Kiertscher stated that some type of vehicle identification should be required.

Council Discussion

There was considerable discussion on the various options of each version of the ordinance. The discussion centered on definitions and descriptions of the types of vehicles, age of operators, safety equipment, liability insurance, speed of vehicles, registration of vehicles, and where the vehicles can travel.

VOTING

Motion by: John Daugherty to approve the ordinance as amended with the following:

- Neighborhood Electric Vehicles –Electric Only
- Licensed operator
- 25 MPH or less; no crossing main thoroughfares
- Liability insurance required
- No towing ability
- All safety equipment as required by State Law

Second by: Bernard Grant

The motion failed 3-4. There was some discussion as to whether the ordinance could be amended and brought back for consideration. Council determined to leave the current ordinance in place as is.

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		

11. DISCUSSION ITEMS

11.1. Consider and/or act upon Planned Development District 09-02-784, Murphy Marketplace, Planned Development District Conditions.

Council Discussion

Regarding the Planned Development for Murphy Marketplace, Council discussed the following issues for staff to address:

- Permitted uses should be limited
- Does it make sense to have medical uses in this development?
- Definitions on breakout items such as cafeteria, restaurant –why broken out?
- Tax generating businesses should be priority; all other uses should be by Special Use Permit

City Manager Fisher explained that staff has been communicating to the developer.

12. CITY MANAGERS REPORT

City Manager Fisher reported on the following:

- North Murphy Road construction –starting at Maxwell Creek and going south towards FM 544; but have also heard that construction will move north from creek first
- North Murphy Road railroad tracks –TXDOT will be leveling the tracks
- City staff will be making all efforts to manage traffic impact to the neighborhoods

13. ADJOURNMENT

With no further business, the meeting was adjourned at 7:34 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary