



MINUTES
REGULAR CITY COUNCIL MEETING
AUGUST 7, 2012 AT 6:00 P.M.
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094

CALL TO ORDER

Mayor Pro Tem Daugherty called the meeting to order at 6:00 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

Councilmember Richmond gave the invocation and led the Pledge of Allegiance.

ROLL CALL & CERTIFICATION OF A QUORUM

Nancy Meadows certified a quorum with the following Councilmembers present:

Mayor Pro Tem John Daugherty
Deputy Mayor Pro Tem Colleen Halbert
Councilmember Dennis Richmond
Councilmember Bernard Grant
Councilmember Dave Brandon

Mayor Bret Baldwin and Councilmember Scott Bradley were absent.

PUBLIC COMMENTS

Bill Dahlstrom submitted a Public Comment Form and spoke during the discussion of agenda item 1.

Barbara Harless submitted a Public Comment Form and spoke during the discussion of agenda item 4.

John Druse submitted a Public Comment Form and spoke during the discussion of agenda item 1.

PRESENTATIONS

Presentation of the FY 2012-2013 Budget:
City Manager James Fisher gave an overview of the proposed FY 2012-2013 budget.

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.

- A. Approval of the Minutes from the July 17, 2012 Regular Meeting
- B. Consider and/or act upon a Resolution authorizing signature authority for City of Murphy bank accounts.

Bret Baldwin
Mayor

John Daugherty
Mayor Pro Tem

Colleen Halbert
Deputy Mayor Pro Tem

Dennis Richmond
Councilmember

Scott Bradley
Councilmember

Bernard Grant
Councilmember

Dave Brandon
Councilmember

James Fisher
City Manager

C. Consider and/or act upon approval of a resolution approving an agreement between the City of Murphy and D.R. Horton – Texas, Ltd. regarding construction of drainage improvements related to McCreary Road construction project and the development of the Gables at North Hills, Phase 2B.

D. Consider and/or act on appointing and approving Municipal Development District's Board members to act additionally in the capacity of the Murphy Economic Development Corporation Board Members.

Council Action

Councilmember Halbert moved to approve the Consent Agenda with noted correction made to the July 17, 2012 minutes. Councilmember Grant seconded the motion, which passed by a unanimous vote of 5-0.

PUBLIC HEARINGS

1. Continue a public hearing and take action on the application of ALLEN AND LOUCKS VENTURE, L.P. requesting approval of a SUP (Specific Use Permit) to allow a Drive-through window for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road, NE corner of FM 544. (ZF 2012-02)

Staff Comments

City Manager Fisher explained that the Public Hearing had been held on July 17, 2012 and the item had been reconsidered by Planning and Zoning on July 23rd, and; was approved.

Council Action

Mayor Pro Tem Daugherty opened the Public Hearing at 6:10 p.m.

Eric Langford, from Murphy Marketplace, addressed Council and introduced Brandon Druets, Retail Director of Operations for Del Taco. Mr. Druets spoke in regards to Del Taco hiring local employees and getting involved with the community.

Bill Dalstrom, representative of Del Taco, spoke in regards to changes they had made in working with the city. He stated that they had to get the Specific Use Permit because Del Taco needs a drive – through window.

With no further comments from the public, Mayor Pro Tem Daugherty closed the Public Hearing at 6:24 p.m.

Councilmembers discussed the requested approval of a SUP (Specific Use Permit) from Del Taco and voiced their concerns and opinions.

After a lengthy discussion, Councilmember Grant moved to approve a SUP (Specific Use Permit) to allow a Drive-through window for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road, NE corner of FM 544 (ZF 2012-02). Councilmember Richmond seconded the motion.

The motion failed by a vote of 2-3. Councilmembers Grant and Richmond voted for the motion. Councilmembers Halbert, Daugherty, and Brandon voted against the motion.

INDIVIDUAL CONSIDERATION

- 2 Consider and/or act on the application of ALLEN AND LOUCKS VENTURE, L.P. requesting approval of a site plan for a Del Taco on property zoned PD (Planned Development) District No. 09-02-784 for Retail Uses on property located at 102 N. Murphy Road, NE corner of FM 544. (ZF 2012-02)

Council Action

This request for approval of a site plan for a Del Taco was postponed to a later date.

- 3 Consider and/or act upon Resolution approving the 2012 appraisal roll with a taxable value of \$1,526,307,177, as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of \$18,353,253 under review by the Appraisal Review Board.

Council Action

Councilmember Halbert moved to approve Resolution approving the 2012 appraisal roll with a taxable value of \$1,526,307,177, as certified by Bo Daffin, Chief Appraiser of the Collin Central Appraisal District, and a protested taxable property value of \$18,353,253 under review by the Appraisal Review Board. Councilmember Grant seconded the motion which passed by a unanimous vote of 5-0.

4. Consider and/or act upon approval of pursuing the joint-use Multi Agency Recreation Center with the City of Richardson.

Councilmember Halbert recused herself from the discussion and vote on this item.

PUBLIC COMMENTS

Citizen Barbara Harless voiced concerns and stated she was opposed to the joint-use Multi Agency Recreation Center with the City of Richardson based on the information she had at that time.

Council Action

Councilmember Grant moved to instruct staff to no longer pursue the Joint-Use Multi Agency Recreation Center with the City of Richardson. Councilmember

Richmond seconded the motion which passed by a vote of 3-1, with Councilmember Halbert absent during the vote.

5. Consider and/or act upon rejecting all bids received for constructing the water well for irrigation of Murphy Central Park.

Council Action

Councilmember Richmond moved to reject all bids received for constructing the water well for irrigation of Murphy Central Park. Councilmember Brandon seconded the motion which passed by a unanimous vote of 5-0.

6. Consider and/or act upon award of construction bid for Murphy Central Park and the Maxwell Creek Trail Extension project to the lowest bidder, Dean Electric (dba Dean Construction).

Council Action

Councilmember Grant moved to award the construction bid for Murphy Central Park and the Maxwell Creek Trail Extension project to the lowest bidder, Dean Electric (dba Dean Construction). Councilmember Brandon seconded the motion which passed by a unanimous vote of 5-0.

Councilmember Halbert moved to authorize the City Manager to sign the bid contract with Dean Electric (dba Dean Construction). Councilmember Richmond seconded the motion which passed by a unanimous vote of 5-0.

7. Consider and/or act upon moving the Regular City Council meeting scheduled for August 21, 2012 to August 28, 2012.

Council Action

Councilmember Halbert moved to move the Regular City Council Meeting scheduled for August 21, 2012 to August 28, 2012. Councilmember Brandon seconded the motion which passed by a unanimous vote of 5-0.

CITY MANAGER/STAFF REPORTS

- August 14 – Special Council Meeting – Vote on Tax Rate and set Public Hearing for FY2013 Annual Budget
- August 21 – Regular City Council Meeting
- August 28 – Special Meeting, 1st Public Hearing on the FY2013 Annual Budget
- September 4 – Regular Meeting, 2nd Public Hearing on the FY2013 Annual Budget
- September 18 – Regular Meeting, Adoption of the FY2013 Annual Budget
- TML Annual Conference, November 13-16, Gaylord Texan Conference Center
- Basic Meeting Management and Planning & Zoning Training, hosted by the City at the MCC

City Manager Fisher gave a report on the items listed above, noting that the August 21 Regular City Council Meeting was now scheduled for August 28. Mr. Fisher also mentioned that N. Murphy Road would be closed for a time period of 2-8 hours on Saturday, August 11 by Encore for construction.

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:

§ 551.074. PERSONNEL MATTERS - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – Municipal Judge.

§ 551.074. PERSONNEL MATTERS - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Secretary.

§551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation involving George Parker and Parker Tree Services.

§ 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682.

Council Action

Council convened into Executive Session at 7:15 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:

§ 551.074. PERSONNEL MATTERS - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – Municipal Judge.

§ 551.074. PERSONNEL MATTERS - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Secretary.

§551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation involving George Parker and Parker Tree Services.

§ 551.071 Consultation with City Attorney regarding pending litigation or

contemplated litigation or settlement offer involving Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682

Council Action

Council reconvened into Regular Session at 8:22 p.m.

§ 551.074. PERSONNEL MATTERS - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Secretary.

Councilmember Halbert moved to approve Nancy Meadows as Interim City Secretary. Councilmember Grant seconded the motion which passed unanimously by a vote of 5-0.

No other items were acted upon as a result of the executive session.

ADJOURNMENT

With there being no further business to discuss at this time, the meeting adjourned at 8:23 p.m.

APPROVED:

Bret Baldwin, Mayor

ATTEST:

Nancy Meadows, Interim City Secretary