



MINUTES
SPECIAL CITY COUNCIL MEETING
AUGUST 14, 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 6:01 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Pro Tem Daugherty 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:

Bret Baldwin
Mayor

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

John Daugherty
Mayor Pro Tem

Colleen Halbert
Deputy Mayor Pro Tem

Dennis Richmond
Councilmember

Mayor Bret Baldwin and Councilmember Scott Bradley were absent.

Scott Bradley
Councilmember

Bernard Grant
Councilmember

Dave Brandon
Councilmember

PUBLIC COMMENTS

There were no public comments.

INDIVIDUAL CONSIDERATION

1. Consider and/or act upon a resolution establishing two dates, August 28, 2012 at 6:00 p.m. and September 4, 2012 at 6:00 p.m. to conduct a Public Hearing on the City of Murphy proposed tax rate of \$0.5700 per \$100 valuation and establishing two dates, August 28, 2012 and September 4, 2012 at 6:00 p.m. for public hearings on the proposed FY 13 Annual Budget.

Council Action:

Councilmember Halbert moved to approve a resolution establishing two dates, August 28, 2012 at 6:00 p.m. and September 4, 2012 at 6:00 p.m. to conduct a Public Hearing on the City of Murphy proposed tax rate of \$0.5700 per \$100 valuation and establishing August 28, 2012 and September 4, 2012 at 6:00 p.m. for public hearings on the proposed FY 13 Annual Budget. Councilmember Grant seconded the motion which passed by a unanimous vote of 5-0.

2. Discussion on the proposed FY 13 Annual Budget.

Staff Comments:

City Manager James Fisher explained that this item was on the agenda in case Council had any questions or items of concern of the proposed FY 13 Annual Budget.

Council Action:

There were no questions by Council at this time.

James Fisher
City Manager

3. Consider and take action on the reconsideration of agenda item 1 from the August 7, 2012, Murphy City Council Agenda regarding the application of ALLEN AND LOUCKS VENTURE, L.P. requesting approval of an 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 James Fisher explained that this item was placed on the agenda at the request of Mayor Pro Tem Daugherty for reconsideration of the item that was voted on at the August 7, 2012 meeting. He explained that he and the city attorney had reviewed the ethics ordinance, governance policy and home rule charter to decide how to place the item back on the agenda. He explained that this item was for council to consider whether or not to place the item back on a subsequent agenda. If approved the item would probably be placed on the September 4, 2012 agenda. He further explained that it was not on the agenda to approve the SUP or the drive thru. He further explained that though the item was not approved, it was not denied at the August 7, 2012 meeting.

Council Action:

Mayor Pro Tem Daugherty explained that he asked the City Manager and City Attorney to place it back on the agenda because he did not feel that he gave it the proper consideration while he was running the meeting. He didn't feel that he had the opportunity to fully process some of the concessions that Del Taco was going to make to the city. He further explained that the item was not on the agenda for approval. It was just to reconsider it.

Councilmembers discussed this item and voiced their concerns and opinions.

After discussion, Mayor Pro Tem Daugherty moved to reconsider agenda item 1 from the August 7, 2012, Murphy City Council Agenda regarding the application of ALLEN AND LOUCKS VENTURE, L.P. requesting approval of an 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. (ZF2012-02). Councilmember Grant seconded the motion which passed by a vote of 3-2, with Councilmember Halbert and Councilmember Brandon voting against the motion. The item will be reconsidered September 4, 2012.

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, resignation, duties, discipline, or dismissal of a public officer or employee – City Secretary.

COUNCIL ACTION:

Council convened into executive session at 6:21 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, resignation, duties, discipline, or dismissal of a public officer or employee – City Secretary

COUNCIL ACTION:

Council reconvened at 8:49 p.m.

No action was taken as a result of the executive session.

ADJOURNMENT

With there being no further business to discuss at this time, the meeting adjourned at 8:50 p.m.

APPROVED:

Bret Baldwin, Mayor

ATTEST:

Nancy Meadows, Interim City Secretary