

MINUTES
MURPHY CITY COUNCIL
REGULAR CITY COUNCIL MEETING
SEPTEMBER 18, 2012 AT 6:00 P.M.
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



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

CALL TO ORDER

Mayor Baldwin 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 members 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 was absent.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

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 Regular City Council Meeting of August 28, 2012.
- B. Approval of the minutes from the Regular City Council Meeting of September 4, 2012.
- C. Consider and/or act upon changing an alternate Planning & Zoning Commissioner to an acting Planning & Zoning Commissioner.
- D. Consider and/or act on the application of the City of Murphy requesting approval of a construction plat for a re-plat of the Murphy Municipal Complex.
- E. Consider and/or act upon a resolution dedicating in perpetuity eight (8) acres of open space parkland permanently in Murphy Central Park as required by the Texas Parks and Wildlife Department grant award and rescind Resolution 12-R-761.

- F. Consider and/or act on the submission of an Official Ballot for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election.
- G. Consider and/or act upon authorizing the City Manager to sign a Memorandum of Understanding (MOU) with the City of Wylie for Automatic Assistance between Murphy and Wylie Fire Departments.
- H. Consider and/or act on the approval of an ordinance regarding the SUP (with conditions) 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)

Council Action

Councilmember Daugherty moved to approve the consent agenda as presented. Councilmember Bradley seconded the motion which passed unanimously by a vote of 6-0.

PUBLIC HEARINGS

- 1. Hold a public hearing and consider and/or act on amending PD (Planned Development) District (Ordinance No. 09-02-784) for Retail Uses, including revising the development conditions, plans and specific regulations for the district, including, without limitation, permitted land uses for the district comprised of 74.33 acres, more or less, in the James Maxwell Survey, Abstract No. 582, in the City of Murphy and located at the northeast corner of East FM 544 and North Murphy Road. (this ordinance includes Murphy Marketplace, The Crossing at Murphy Marketplace and the Park Tract)

Staff Comments

City Manager James Fisher explained that the Ordinance was adopted several years ago, and as development has progressed, different challenges and changes have come forth. Council had asked staff to review the Planned Development, look at ways it could be cleaned up, and look at the various uses. One of the things Council asked was for items that were not sales tax generating businesses, consider placing them in the Specific Use Permits section. Staff was asked to clean up some of the language to make the document easier to understand. The item went before Planning & Zoning and was approved.

Kristen Roberts, Director of Economic and Community Development, gave a brief overview in explanation of the proposed changes to the Ordinance. Ms. Roberts stated that Council had asked staff to review the permitted use section and explained that staff had thoroughly reviewed the Planned Development, met with the City Attorney, and also met with the property owner. She stated that Planning and Zoning had approved unanimously. In the motion, Planning

and Zoning asked that Council include a definition of high quality restaurants. A proposed definition was included in the agenda packet. She stated that staff recommended approval.

Council Action

Mayor Baldwin opened the public hearing at 6:05 p.m.

Eric Langford spoke on behalf of the three main property owners of Murphy Marketplace. He stated that he was not opposed to the clean up items. He voiced his concerns with the permitted uses.

There was a discussion between Mr. Langford and Council regarding the proposed changes.

There being no one else who wished to speak, Mayor Baldwin closed the public hearing at 6:15 p.m.

Council Discussion

There was a discussion regarding retail stores, including definition of retail.

Kristen Roberts explained that the zoning ordinance does have a section of all the definitions the City follows. She explained that retail store and general retail store are definitions that fall into that section.

The City Council, City Staff and Mr. Langford discussed definitions for retail establishments.

Mr. Fisher explained that the City can't list every type of retail. When a business comes in, the City looks at the type of business to determine where it falls.

Mr. Fisher read the definition for a high quality restaurant.

After discussion, Councilmember Daugherty stated that Mr. Langford had asked about removing number 13, Finance, and putting it under Offices. Councilmember Daugherty stated that he would like to move number 13 into number 23 and include all of them to require a Specific Use Permit.

The City Council and Mr. Langford further discussed the high quality restaurant.

Council Action

Councilmember Halbert moved to approve the amendments to Planned Development District, including revising the development conditions, plans and specific regulations for the district, including without limitations, permitted land uses for the district, moving number 13 to 23 under Office and all

permitted by SUP and defining high quality restaurant as presented to Council. Councilmember Daugherty seconded the motion which passed by a unanimous vote of 6 to 0.

INDIVIDUAL CONSIDERATION

2. Consider and/or act upon approval of an Ordinance adopting the fiscal year 2012-2013 budget and appropriating funds to a sinking fund to pay interest and principal on the City's indebtedness, and appropriating funds to support the City of Murphy for the fiscal year beginning on October 1, 2012 and ending on September 30, 2013.

Staff Comments

City Manager James Fisher stated that two public hearings had been held. He stated that staff recommended approval. He then gave a brief overview of the proposed budget for Fiscal Year 2012 – 2013.

Council Action

Councilmember Daugherty moved to approve an Ordinance adopting the Fiscal Year 2012-2013 budget and appropriating funds to a sinking fund to pay interest and principal on the City's indebtedness, and appropriating funds to support the City of Murphy for the fiscal year beginning on October 1, 2012 and ending on September 30, 2013. Councilmember Bradley seconded the motion which passed by a unanimous vote of 6 -0.

3. Consider and/or act upon ratifying the property tax revenue increase reflected in the 2012-2013 fiscal year budget.

Staff Comments

Mr. Fisher explained that the City was proposing a tax rate of \$0.5700 for FY 2013.

Council Action

Councilmember Halbert moved to approve ratifying the property tax revenue increase reflected in the budget for the 2012-2013 Fiscal Year. Councilmember Daugherty seconded the motion which passed by a unanimous vote of 6-0.

4. Consider and/or act upon approval of an Ordinance adopting the FY 2012-2013 Annual Tax Rate.

Staff Comments

Mr. Fisher gave a brief over view of the proposed FY 2012-2013 Annual Tax Rate.

Council Action

Councilmember Halbert moved to approve a property tax rate increase by adoption of a Maintenance and Operation tax rate of \$0.329495, an Interest and Sinking rate of \$0.240505 for a Total Tax Rate of \$0.5700 which is effectively a 2.35% increase in the tax rate and to approve an Ordinance fixing and levying Municipal Ad Valorem Taxes for Fiscal Year beginning October 1, 2012 and ending September 30, 2013 and for each fiscal year thereafter until otherwise provided. Councilmember Daugherty seconded the motion which passed unanimously by a vote of 6-0.

EXECUTIVE SESSION

Mayor Baldwin announced that the City Council would convene in a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

§ 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.

The City Council convened into executive session at 6:38 p.m.

RECONVENE INTO REGULAR SESSION

The City Council reconvened into regular session at 7:20 p.m.

Council Action

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

5. Consider and/or act upon the proposed Lease Agreement between the City of Murphy and PSA (Plano Sports Authority).

Council Action

No action was taken on the proposed Lease Agreement with PSA (Plano Sports Authority).

6. Consider and/or act upon the proposed infrastructure improvements for Central Park and PSA (Plano Sports Authority).

Council Action

No action was taken on the proposed infrastructure improvements for Central Park and PSA (Plano Sports Authority).

7. Consider and/or take action, if any, upon the Murphy Animal Shelter Concept Design Description by Quorum.

Staff Comments

Mr. Fisher explained that about a year ago, Council had authorized staff to go out and prepare a report regarding a proposed animal shelter. Mr. Fisher stated that the report had been presented to Council. Mr. Fisher stated that \$500,000 was appropriated in the FY 2012-2013 budget for an animal shelter. Mr. Fisher explained that the animal shelter was now being considered to be placed near the current animal shelter. Mr. Fisher suggested holding a workshop for discussion of the animal shelter. Mr. Fisher then recognized Tammy Drake, Animal Control Officer.

Tammy Drake spoke in explanation of the proposed animal shelter, the current shelter and answered questions from the City Council.

The City Council, Ms. Drake and Mr. Fisher discussed different concerns with the Murphy Animal Shelter Concept Design Description by Quorum. There was a discussion of more accurate figures, different options for a shelter, space needed, number of runs needed, quarantines, building on to the existing facility, number of dogs and cats received per year from Murphy and from Parker, number euthanized, help from Operation Kindness, adoptions, present and future needs, etc.

Council Action

No action was taken. A workshop will be scheduled for consideration of the proposed animal shelter.

CITY MANAGER/STAFF REPORTS

City Manager James Fisher reported on the following:

- Murphy Maize Days and 3rd Annual 5K/Fun Run, September 29
- Murphy Historical Society will celebrate their first birthday on October 11, 2012.
- Dedication of Liberty Park, October 6 at 9:30 a.m.
- TML Annual Conference, November 13-16, Gaylord Texan Conference Center
- North Murphy Road
- Ground breaking for the Methodist Richardson Medical Center on September 27, 2012 at 10:00 a.m.

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:

§ 551.071 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.

§ 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Susan Kinder-Alessio v. Sarah Helms-Asmore, Aaron McCarty, Snow Robertson, G.M. Cox, & City of Murphy, Civil Action No. 4:12-CV-000493-RC-ALM

Council Action

The City Council convened into executive session at 7:43 p.m.

RECONVENE INTO REGULAR SESSION

Council Action

The City Council reconvened into Regular Session at 7:52 p.m.

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:

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

Council Action

No action was taken.

§ 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

No action was taken.

§ 551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving Susan Kinder-Alessio v. Sarah Helms-Asmore, Aaron McCarty, Snow Robertson, G.M. Cox, & City of Murphy, Civil Action No. 4:12-CV-000493-RC-ALM

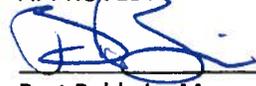
Council Action

No action was taken.

ADJOURNMENT

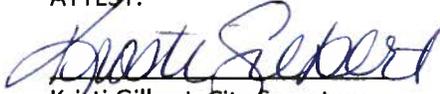
With no further business, the meeting was adjourned at 7:52 p.m.

APPROVED:



Bret Baldwin, Mayor

ATTEST:


Kristi Gilbert, City Secretary