

CITY COUNCIL MINUTES  
OCTOBER 2, 2012 REGULAR CITY COUNCIL MEETING

**1. CALL TO ORDER**

Mayor Baldwin called the meeting to order at 6:03 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**

City Secretary, Kristi Gilbert, certified a quorum with the following Councilmembers 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

Councilmembers absent: None

**4. PUBLIC COMMENTS**

*Greg Matocha, 151 Moonlight* – Mr. Matocha expressed his concerns regarding traffic flow on Moonlight Drive. Mr. Matocha stated that, despite the residents installing signs, cut thru traffic and speeding continued. Mr. Matocha continued by stating that he felt code enforcement was not being performed in a fair manner.

Deputy Mayor Pro-Tem Halbert inquired as to the status of a traffic calming study. City Manager Fisher stated that it would be brought before Council in November.

**5. PRESENTATION ITEMS**

The Murphy Middle School Environmental Club gave a presentation on their efforts to Keep Murphy Beautiful with their sixth grade science teacher Tina Pilgrim.

Mayor Baldwin presented Ms. Pilgrim with the Keep Murphy Beautiful 2012 Educator Award.

**6. 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. Consider and/or act upon the approval of the minutes from the Regular City Council meeting of September 18, 2012.
- B. Consider and/or act on approval of an amended and restated Beautification Easement Agreement with Allen & Loucks Venture, L.P.

- C. Consider and/or act on the approval of an ordinance 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.
- D. Consider and take appropriate action, if any, on an ordinance amending Section 9.100 of the Fee Schedule, water rates.
- E. Consider and take appropriate action, if any, on an ordinance amending Section 8.300 of the Fee Schedule, solid waste rates.

**COUNCIL ACTION:**

**APPROVED**

Deputy Mayor Pro-Tem Halbert moved to approve the consent agenda as present. Mayor Pro-Tem Daugherty seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 7 to 0.

**7. INDIVIDUAL CONSIDERATION**

- A. Consider and take appropriate action, if any, on a request for sewer service to 605 Kinney Drive.

Mr. Fisher advised the item had come before the City Council in 2008 as a replat and in 2009 as a construction plat. Mr. Fisher stated that both engineering reviews indicated that a utility plan was necessary for approval; however, both items went through the process without the plan. Mr. Fisher stated that sewer service needed to be extended to provide service to the property.

Deputy Mayor Pro-Tem Halbert inquired as to what the expense would have been initially, if installed correctly. Councilmember Bradley inquired as to how many properties were affected, to which Mr. Fisher replied three. Councilmember Brandon expressed concerns regarding additional properties requesting the same consideration and setting precedence. Mayor Pro-Tem Daugherty stated that he did not believe that this would be setting precedence in that the previous property was granted a waiver in association with annexing into the City.

**COUNCIL ACTION:**

**APPROVED**

Deputy Mayor Pro-Tem Halbert moved to authorize extension of sewer service to 605 Kinney Drive, to authorize the correction of the sewer system servicing 553 and 601 Kinney Drive, and direct the City Manager to prepare all necessary documents for bid solicitation and construction purposes. Mayor Pro-Tem John Daugherty seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 7 to 0.

**EXECUTIVE SESSION**

At 6:36p.m. the Mayor convened the City Council into 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.

**RECONVENE INTO REGULAR SESSION**

The Mayor reconvened the City Council into open session at 7:01p.m.

**COUNCIL ACTION:**

**NO ACTION**

No action was taken as a result of the Executive Session.

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

**COUNCIL ACTION:**

**APPROVED**

Deputy Mayor Pro-Tem Halbert moved to approve the proposed Lease Agreement between the City of Murphy and PSA (Plano Sports Authority) and authorize the City Manager to sign the contract. Mayor Pro-Tem Daugherty seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 7 to 0.

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

**COUNCIL ACTION:**

**APPROVED**

Deputy Mayor Pro-Tem Halbert move to commit up to \$1.1 million infrastructure improvements for the Plano Sports Authority. Mayor Pro-Tem Daugherty seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 7 to 0.

- D. Discussion on Boards and Commissions, their descriptions and roles and also review the appointment process.

**COUNCIL ACTION:**

**NON ACTION ITEM**

Councilmember Grant stated that he would like to see the process open by the end of the week with the application deadline being the end of October. He continued to state that interviews should be conducted before Thanksgiving with appointments at the December meeting. Deputy Mayor Pro-Tem Halbert expressed concerns with meeting cancellations.

**COUNCIL ACTION:**

**RECONSIDER –NO ACTION**

Councilmember Brandon made a motion to reconsider Consent Agenda Item B (C). Mayor Pro Tem Daugherty seconded the motion. For: Unanimous. Against: None. The motion to reconsider the item carried by a vote of 7 to 0.

Councilmember Brandon expressed concerns regarding changes to the monument sign and the removal of the brick veneer.

**8. CITY MANAGER/STAFF REPORTS**

City Manager, James Fisher provided the Council with a report on the following:

- TML Annual Conference, November 13-16, Gaylord Texan Conference Center

- North Murphy Road
- Liberty Ridge Park Dedication – Saturday, October 6, 2012, 9:30am
- Murphy Historical Society 1<sup>st</sup> Birthday Celebration – October 11, 2012, 7:00pm, MCC

**9. EXECUTIVE SESSION**

At 7:28 p.m. the Mayor convened the City Council into 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:

- a) George Parker and Parker Tree Services.
- b) Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682
- c) Susan Kinder-Alessio v. City of Murphy, et. al., Civil Action No. 4:12-CV-000493-RC-ALM
- d) Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.

§ 551.071. Consultation with City Attorney 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 the Texas Open Meetings Act: to receive legal advice regarding planning and zoning issues regarding city development regulations, standards and conditions, city zoning regulations, contractual issues involving public improvements and related issues.

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

**10. RECONVENE INTO REGULAR SESSION**

The Mayor reconvened the City Council into open session at 9:09 p.m., 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:

- a) George Parker and Parker Tree Services.
- b) Johnny Boles v. City of Murphy, et al., Civil Action No. 4:11-cv-682
- c) Susan Kinder-Alessio v. City of Murphy, et. al., Civil Action No. 4:12-CV-000493-RC-ALM
- d) Michael Cantrell v. City of Murphy, et. al, Cause No. 6:09-cv-225.

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

**COUNCIL ACTION:**

No action was taken as a result of the Executive Session.

**NO ACTION**

**11. ADJOURNMENT**

With no further business, the meeting was adjourned at 9:09 p.m.

APPROVED BY:

  
Bret M. Baldwin, Mayor

ATTEST:

  
Kristi Gilbert, City Secretary

