

CITY COUNCIL MINUTES  
OCTOBER 16, 2012 REGULAR CITY COUNCIL MEETING

**1. CALL TO ORDER**

Mayor Pro Tem Daugherty called the meeting to order at 6:01p.m.

**2. INVOCATION & PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Daugherty 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 (arrived at 6:10 p.m.)

Mayor Pro Tem John Daugherty

Deputy Mayor Pro Tem Colleen Halbert

Councilmember Scott Bradley

Councilmember Bernard Grant

Councilmember Dave Brandon

Councilmembers absent:

Councilmember Dennis Richmond

**4. PUBLIC COMMENTS**

Joe Jaynes, 520 E. Corporate, Lewisville - Mr. James introduced himself as a Collin County Commissioner that serves a precinct other than Murphy and stated that he is also now in government relations for Waste Management. Mr. James promised the ultimate customer service experience with Waste Management as they continue to service the City.

Jerry Roberts, 521 Seminole Trail - Mr. Roberts addressed the Council and asked for consideration in revising the City's ordinances to address bee keeping. Mr. Roberts stated that his neighbor has three bee hives on their shared fence that are preventing him from enjoying the use of his property.

**5. PRESENTATION ITEMS**

Mayor Pro Tem Daugherty presented the following:

A proclamation presented to Smokey the Bear, designating October 27, 2012 as Murphy Arbor Day;

A proclamation presented to the City's Green Team designating November 15, 2012 as America Recycles Day in Murphy; and,

A proclamation presented to Relay for Life of Wylie/Sachse/Murphy proclaiming October 2012 as Breast Cancer Awareness Month in Murphy.

Martha Wolffe with Relay for Life expressed her gratitude for the proclamation and shared statistics and data on breast cancer and breast cancer awareness.

Mayor Baldwin arrived at the meeting at 6:10 p.m. and assumed the chair.

**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 October 2, 2012.

- B. Consider and/or act on the Final Plat for Murphy Village Addition, Lot 2R, 4 and 5, Block A on property zoned PD (Planned Development) District No. **09 12 823 and No. 09 12 824 for Retail and Office Uses. This property is located at the southeast quadrant of West FM 544 and Brand Road.**
- C. Consider and/or act upon approval of Resolution designating investment officers of the City and approving the investment policies for the investment of municipal funds.
- D. Consider and take appropriate action, if any, on the 2013 City of Murphy Holiday Schedule.

**COUNCIL ACTION:**

**APPROVED**

Councilmember Brandon moved to approve the consent agenda as presented. Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

**7. INDIVIDUAL CONSIDERATION**

- A. Consider and/or act on the application of Forestar (USA) Real Estate Group, Inc. requesting approval of a site plan for Emerus Emergency Hospital on property zoned PD (Planned Development) District No. **12 07 917** located at the northeast corner of FM 544 and Heritage Parkway.

Deputy Mayor Pro Tem Halbert excused herself from deliberation due to a standing relationship with Methodist Richardson and left the chambers.

The council discussed monument signs, the existing white fence surrounding the Windy Hills Farms subdivision and the use of meandering sidewalks.

**COUNCIL ACTION:**

**APPROVED**

Councilmember Brandon moved to approve the application of Forestar (USA) Real Estate Group, Inc. requesting approval of a site plan for Emerus Emergency Hospital on property zoned PD (Planned Development) District No. **12 07 917** located at the northeast corner of FM 544 and Heritage Parkway. with the following changes: Forestar is to provide a meandering sidewalk on the south side of the property and work with the Windy Hills HOA in an attempt to provide a meandering sidewalk on the west side of the property. Councilmember Bradley seconded the motion. For: Baldwin, Daugherty, Brandon, Bradley and Grant. Against: None. Abstained: Halbert. The motion carried 5 -0-1.

- B. Consider and/or act on the application of Forestar (USA) Real Estate Group, Inc. requesting approval of a construction plat for Emerus Emergency Hospital on property zoned PD (Planned Development) District No. **12 07 917** located at the northeast corner of FM 544 and Heritage Parkway.

City Manager James Fisher stated that Deputy Mayor Pro Tem Halbert was continuing to excuse herself.

**COUNCIL ACTION:**

**APPROVED**

Councilmember Brandon moved to approve the application of Forestar (USA) Real Estate Group, Inc. requesting approval of a construction plat for Emerus Emergency Hospital on property zoned PD (Planned Development) District No. **12 07 917** located at the northeast corner of FM 544 and Heritage Parkway. Councilmember Bradley seconded the motion. For: Baldwin, Daugherty, Brandon, Bradley and Grant. Against: None. Abstained: Halbert. The motion carried 5-0-1.

Deputy Mayor Pro Tem Halbert resumed her seat on the dias.

- C. Consider and/or act on the application of Gary Hadley, developer, requesting approval of a site plan for IShine Express Car Wash on property zoned PD (Planned Development) District No. **09 12 823** for Retail and Office Uses on property located on FM 544 between Brand Road and Murphy Road.

The Council held discussion related to signage, the process used in washing and detailing the vehicles and the aesthetics of the vacuum bays located in front of the proposed structure.

**COUNCIL ACTION:**

**APPROVED**

Councilmember Brandon moved to approve the application of Gary Hadley, developer, requesting approval of a site plan for IShine Express Car Wash on property zoned PD (Planned Development) District No. **09 12 823** for Retail and Office Uses on property located on FM 544 between Brand Road and Murphy Road with the exception that staff and Council have final approval on the signage. Councilmember Bradley seconded the motion.

Deputy Mayor Pro Tem Halbert moved to amend the motion to include moving the vacuum bays to the rear of the property. Councilmember Brandon seconded the motion. For: Halbert and Daugherty. Against: Baldwin, Brandon, Bradley and Grant. The motion failed by a vote of 2 to 4.

The Mayor called for a vote on the primary motion to approve the application with the exception that staff have final approval on the signage. For: Baldwin, Daugherty, Brandon, Bradley and Grant. Against: Halbert. The motion carried by a vote of 5 to 1.

- D. Consider and/or act on the application of Gary Hadley, developer, requesting approval of a construction plat for IShine Express Car Wash on property zoned PD (Planned Development) District No. **09 12 823** for Retail and Office Uses on property located on FM 544 between Brand Road and Murphy Road.

**COUNCIL ACTION:**

**APPROVED**

Councilmember Brandon moved to approve the application of Gary Hadley, developer, requesting approval of a construction plat for IShine Express Car Wash on property zoned PD (Planned Development) District No. **09 12 823** for Retail and Office Uses on property located on FM 544 between Brand Road and Murphy Road. Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

- E. Consider and take appropriate action, if any, on funding provisions to improve the

infrastructure at Central Park to accommodate the Plano Sports Authority Murphy Building.

**COUNCIL ACTION:**

**APPROVED**

Deputy Mayor Pro Tem Halbert moved to approve the allocation of \$600,000 of Municipal Development District Funds for infrastructure improvements for the Plano Sports Authority Murphy building. Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

- F. Consider and act approval of Amendments to the Code of Ethics of the City of Murphy; Approval of a Confidentiality and Non-Disclosure Agreement; Approval of Ethics Review Commission Complaint Form; and Approval of City Secretary or designee to assist with preparation, posting and delivery of agendas for the Ethics Review Commission Meetings

Assistant City Attorney Ben Wyse suggested that the Council consider both items F and G concurrently as they relate to each other.

Assistant City Attorney Ben Wyse and Ethics Commission Secretary Angie Eisenzopf presented the **Commission's** proposed amendments to the Code of Ethics to the Council. The Council held discussions relating to whether City employees should be subject to Ethics Commission investigations, as well as the City **Secretary's** role in receiving and processing complaints and the agenda process.

**COUNCIL ACTION:**

**APPROVED**

Deputy Mayor Pro Tem Halbert moved to approve the Ethics Review **Commission's** recommendations A2, A4 and A5 as presented (attached as Exhibit "A"). Mayor Pro Tem Daugherty seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

Deputy Mayor Pro Tem Halbert moved to approve the Ethics Review **Commission's** recommendations A3 (attached as Exhibit "A") to be modified to require all City Officials to receive a copy of the Code of Ethics and sign for it. Mayor Pro Tem Daugherty seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

Deputy Mayor Pro Tem Halbert moved to approve the Ethics Review **Commission's** recommendations A1 (attached as Exhibit "A") with the additional requirement that a request to access the city employees must go through the City **Manager's** office. Mayor Pro Tem Daugherty seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

- G. Consider and act on the proposed Rules and Procedures of the Ethics Review Commission.

**COUNCIL ACTION:**

**NO**

**ACTION**

Per the Assistant City **Attorney's** request, the item was considered in conjunction with item F.

- H. Consider and act on Boards and Commissions, their descriptions and roles and appointment of an interview panel comprised of three council members.

**COUNCIL ACTION:**

**APPROVED**

Deputy Mayor Pro Tem Halbert moved to appoint Councilmember Bradley, Councilmember Brandon and Mayor Pro Tem Daugherty. Councilmember Grant seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

Deputy Mayor Pro Tem Halbert moved to approve the descriptions of the Boards and Commissions with the addition the last section of the Composition/Terms of the Animal Shelter Advisory Committee to add “**each** year during the appointment process in **November/December**”. Councilmember Bradley seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

- I. Consider and take action, if any, on the 2012 November and December City Council meeting schedule.

**COUNCIL ACTION:**

**APPROVED**

Councilmember Grant moved to approve November 13<sup>th</sup>, November 27<sup>th</sup>, December 11, 2012 and January 2, 2013 as future council meeting dates. Mayor Pro Tem Daugherty seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

**8. CITY MANAGER/STAFF REPORTS**

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

- North Murphy Road
- October 19<sup>th</sup>, Planning and Zoning Training work shop;
- October 25<sup>th</sup>, Ground Breaking for Central Park;
- Early Voting Begins October 22<sup>nd</sup> - City Hall Community Room;
- October 27<sup>th</sup>, Murphy Fire and Rescue Open House;
- October 30<sup>th</sup>, Animal Shelter Work Session;
- November 1<sup>st</sup>, Boards, Commission and Volunteer Appreciation Dinner at 6 pm, Murphy Community Center;
- November 2<sup>nd</sup>, Employee Appreciation and Holiday Luncheon, 11am to 2pm, Murphy Community Center;
- November 6<sup>th</sup>, Election Day

**9. EXECUTIVE SESSION**

At 8:23 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:

§ 551.074 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 8:30 p.m., 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 - City Manager.

<b>COUNCIL DIRECTION</b>	<b>ACTION:</b>	<b>STAFF</b>
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Councilmember Brandon moved to direct the City Manager and the City Attorney to develop a policy related to the City Manager roles and the City Secretary roles using the City Secretary's job description as a baseline. Mayor Pro Tem Daugherty seconded the motion. For: Unanimous. Against: None. The motion carried by a vote of 6 to 0.

**11. ADJOURNMENT**

With no further business, the meeting was adjourned at 8:31 p.m.

APPROVED BY:

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Bret M. Baldwin, Mayor

ATTEST:

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Kristi Gilbert, City Secretary

Exhibit "A" to the October 16, 2012 City Council Minutes

CITY OF MURPHY  
Ethics Review Commission

Recommendations, Requests and Notifications

A. Pursuant to the City of Murphy Code, Chapter 2 - Administration, Article IX - Code of Ethics, Section 2-513 (a)(4)(f), the Ethics Review Commission requests the City Council to consider the following recommendations that were approved by the Commission at its meeting held on Thursday, July 19, 2012:

1. Amend Article IX Code of Ethics, Section 2-513, to require all employees and City officials to answer any inquiries of the Ethics Review Commission.
2. Amend Article IX Code of Ethics, Section 2-501 Definitions, to include the Municipal **Development District in the definition of "City Official."**
3. Amend Article IX Code of Ethics, Section 2-518, to require all City employees and City officials to receive a copy of the Code of Ethics and to sign for their receipt of their copy. [Not just to make it available.]
4. Approve the Confidentiality and Non-Disclosure Agreement approved by the Ethics Review Commission on July 19, 2012.
5. Approve the Ethics Review Commission Ethics Complaint form.

B. Pursuant to City of Murphy Code, Chapter 2 - Administration, Article IX - Code of Ethics, Section 2-513, the Ethics Review Commission requests the following administrative support from the City:

1. City Secretary or designee to receive requests for agenda items outside of an open meeting and to prepare, post, and deliver the agendas for the meetings of the Ethics Review Commission meeting (in order to avoid potential violations of the Open Meetings Act by members of the Commission).

C. Pursuant to City of Murphy Code, Chapter 2 - Administration, Article IX - Code of Ethics, Section 2-513, the Ethics Review Commission advises the City Council of the resignation of Chairperson Gena Misouria effective at the end of the Commission meeting on July 19, 2012; **Chairperson Misouria's term would have continued through December 31, 2013.**