

MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas

July 17, 2012
6:00 P.M.

1 CALL TO ORDER

Mayor Pro Tem Daugherty called the meeting to order at 6:05 p.m.

2 INVOCATION & PLEDGE OF ALLEGIANCE

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

3 ROLL CALL & CERTIFICATION OF A QUORUM

Secretary Nemer certified a quorum with the following present:

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

Mayor Bret Baldwin arrived at 6:16 p.m.

4 PUBLIC COMMENTS

No public comments were submitted.

5 PRESENTATIONS

• June Financial Reports

Finance Director Linda Truitt presented the financial reports to Council. Councilmember Halbert asked staff to clarify the MDD/4A funding as it is related to reporting for sales tax. City Manager Fisher stated that the MDD is collecting the same amount as the 4A, but explained that it is reported into a separate fund. He stated as of June 2012, a ½ cent sales tax is reported to a separate funding district (MDD for ½ cent). Only the City's 1 cent and the MCDC – 4B ½ cent is now reported under the City of Murphy.

6 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.

6.1 Approval of the Minutes from the June 19 and July 3, 2012, Regular City Council Meetings and the July 10, 2012, Special City Council Meeting.

Council Action

Councilmember Halbert moved to approve the Minutes with the corrections as emailed by the City Secretary. Councilmember Bradley seconded the motion. A vote was taken and passed, 6-0 with Mayor Baldwin absent for this vote.

7 **RESOLUTION APPROVAL**

- 7.1 Consider and/or act on a proposed resolution authorizing the City Manager to execute a contract with Blue Cross Blue Shield for group medical insurance with an effective date of September 1, 2012.

Council Action

Councilmember Bradley abstained from the discussion and vote on this item due to a conflict of interest on file with the City Secretary's office. After clarification that there is no change in premiums or coverage, Councilmember Richmond moved to approve as presented. Councilmember Halbert seconded the motion. A vote was taken and passed, 6-0. Mayor Baldwin arrived at 6:16 p.m. and voted on this item.

- 7.2 Consider and/or act upon approval of a resolution authorizing the city manager to sign an Inter Local Agreement (ILA) with the City of Mesquite for cooperative purchasing of various goods and services.

Council Action

Councilmember Daugherty moved to approve as presented. Councilmember Richmond seconded the motion. A vote was taken and passed, 7-0.

8 **PUBLIC HEARINGS**

- 8.1 Hold a public hearing and take no action on 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 Fisher explained to Council that the Public Hearing should be conducted because it was published as required, but asked that the Public Hearing be continued until August 7 because the item is being considered again by Planning and Zoning on July 23 and will then come back to Council at the August 7 meeting.

Council Action

Mayor Baldwin opened the Public Hearing at 6:20 p.m. A representative from Del Taco addressed Council and stated the applicant understands the process and has no issues with it. With no further comments, Mayor Baldwin stated that the Public Hearing would continue on August 7, 2012.

- 8.2 Hold a public hearing and consider and/or act upon approval of an ordinance authorizing a SUP (Specific Use Permit) for a Hospital Facility and approval of a Concept Plan on the property zoned NS (Neighborhood Service) District and located at the northeast corner of FM 544 and Heritage Parkway.

Public Hearing

Mayor Baldwin opened the Public Hearing at 6:23 p.m. Dr. John Buck, representing

Emerus, addressed Council and explained the concept of the proposed facility. He explained that it is an emergency facility that will primarily accept patients who arrive on their own rather than patients transported by ambulance. Dr. Buck also stated that the facility is affiliated with Baylor. After the presentation, the applicant and the civil engineer for the project answered questions from Council.

Mayor Baldwin inquired if the power lines would be buried. Dr. Buck stated that they had not considered it but would not be opposed to having them buried.

Councilmember Grant asked how committed Baylor is to the project. Dr. Buck stated that Baylor has 51% interest and is fully committed.

Mayor Baldwin clarified that Murphy ambulances would not be transporting patients to the facility but would be able to transport patients from the facility to another hospital if needed. Dr. Buck explained that transporting patients would be to the City's discretion in consultation with the City's and the facility Medical Director.

Councilmember Daugherty asked if the building would be built on street level or at the current grade. The civil engineer stated that it would be on a grade.

Public Comments

Mr. Don Kiertscher addressed Council in favor of the proposed facility noting use to the community, aesthetics, and the market for maintaining this type of facility.

With no further comments, Mayor Baldwin closed the Public Hearing at 6:40 p.m.

Council Action

Councilmember Halbert recused herself from the discussion and vote on this item stating a conflict of interest because she serves on the Methodist Richardson Foundation Board of Directors.

Councilmember Grant moved to approve as presented. Councilmember Bradley seconded the motion. A vote was taken and passed, 5-1 with Councilmember Daugherty opposed.

9 OTHER ITEMS

- 9.1 Consider and/or act on the application of CVS PHARMACY requesting approval of a construction plat on property zoned PD (Planned Development) District No. 12-06-915 for Retail Uses located at SWC FM 544 and McCreary Road.

Council Action

Councilmember Halbert moved to approve the construction plat pending staff approval of all engineering issues. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0.

- 9.2 Consider and/or act on the application of CVS PHARMACY requesting approval of a site plan on property zoned PD (Planned Development) District No. 12-06-915 for Retail Uses located at SWC FM 544 and McCreary Road.

Staff Comments

Community Development Director Kristen Roberts explained that the Lift Station has been

taken out of the site plan and will not be located on the property.

Council Discussion

There was some discussion about the size of the signage on the building and the extra signage. Mayor Baldwin also noted the location of the perimeter sidewalk is very close to the road and asked if it could be set back. The applicant agreed that the sidewalk could be set back from the road.

Council Action

Councilmember Bradley moved to approve pending staff approval of all engineering issues. Councilmember Halbert seconded the motion.

Mayor Baldwin moved to amend the motion to remove the extra signage. Councilmember Bradley seconded the motion to amend. A vote was taken and failed 2-5 with only Mayor Baldwin and Councilmember Brandon voting in favor.

A vote was taken on the main motion and passed, 7-0.

10 CITY MANAGERS REPORT

- July 19 – Special Meeting – FY 2013 Budget
- July 23 – July 27 – Early Voting Primary Runoff
- July 31 – Primary Runoff
- North Murphy Road Update

In addition to the above items, City Manager Fisher reported on the following:

- July 31 - Pre-construction meeting set for North Murphy Road
- Thursday, 3-5 p.m. is send off for City Secretary Aimee Nemer
- July 31 at 5 p.m. Budget Meeting
- Thank you to Chief Lee for filling in while City Manager was away
- McCreary Road construction will begin the end of the month
- July 26, 11-1p.m. - Chamber Business Seminar

11 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:

Council Action

Council convened into Executive Session at 7:00 p.m.

11.1 § 551.074. PERSONNEL MATTERS; CLOSED MEETING.

(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Secretary.

11.2 § 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED

MEETING. A governmental body may conduct a closed meeting 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.

- 11.3 § 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING. (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

12 RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provision of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

Council Action

Council reconvened into Regular Session at 8:05 p.m.

- 12.1 § 551.074. PERSONNEL MATTERS; CLOSED MEETING. (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – City Secretary.

- 12.2 § 551.072. DELIBERATION REGARDING REAL PROPERTY; CLOSED MEETING. A governmental body may conduct a closed meeting 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.

- 12.3 § 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS; CLOSED MEETING. (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

13 TAKE ANY ACTION AS A RESULT OF THE EXECUTIVE SESSION

Council Action

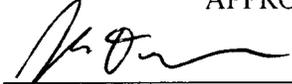
Councilmember Halbert moved to appoint Kristen Roberts as Acting City Secretary and to authorize the Mayor to make arrangements to hire an Interim City Secretary. Councilmember Daugherty seconded the motion. A vote was taken and passed, 7-0. No action was taken on the other Executive Session items.

14 ADJOURNMENT

With no further business, the meeting was adjourned at 8:06 p.m.



APPROVED BY:



John Daugherty, Mayor Pro Tem

ATTEST:



Nancy Meadows, Interim City Secretary