

MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF MURPHY
206 North Murphy Road
Murphy, Texas
July 6, 2010
6:00 P.M.

CALL TO ORDER

Mayor Pro Tem Daugherty called the meeting to order at 6:00 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

Secretary Nemer certified a quorum with all Councilmembers present except for Councilmember Mike Daniel who was absent and Mayor Baldwin who arrived at 6:00 p.m.

PUBLIC COMMENTS

No public comments were submitted.

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 June 21, 2010 Regular City Council Meeting.

Council Action

Councilmember Halbert moved to approve the June 21, 2010 Minutes. Councilmember Bradley seconded the motion. A vote was taken and passed, 5-0 with Mayor Baldwin and Councilmember Daniel absent.

INDIVIDUAL CONSIDERATION

- 1. Consider and/or act upon the recommendations from the Council Interview Panel regarding appointing or reappointing board members to the 4A Economic Development Corporation, 4B Community Development Corporation, Animal Shelter Advisory Board, Budgetary Finance Committee, Building and Fire Code Appeals Board, Board of Adjustments, Park and Recreation Board, and the Planning and Zoning Commission.**

Council Action

Mayor Pro Tem Daugherty requested a motion to table this item to later in the meeting when Mayor Baldwin was present for the discussion. Councilmember Halbert moved to table this item to later in the meeting. Councilmember Bradley seconded the motion. A vote was taken and passed 5-0 with Mayor Baldwin and Councilmember Daniel absent.

Council Action

Council went to Item 2 before returning to this item upon arrival of Mayor Baldwin. Councilmember Bradley moved to remove Item 1 from the table for discussion. Councilmember Daugherty seconded the motion. A vote was taken and passed 6-0 with Councilmember Daniel absent.

Council Action

Council convened into Executive Session under Section 551.074 at 6:31 p.m. Council reconvened into Regular Session at 7:29 p.m. No votes were taken in Executive Session.

Council Action

Councilmember Halbert moved to appoint the following:

4A –Mike Smith, David Cooper, and Charles Buescher to a term to commence immediately and end 2012;

4B –Eric Hemphill, Brian Jones, Brian Epstein to a term to commence immediately and end 2012;

BOA –Andrew Chase, Ty Holcomb, Scott Holden, and Christine Johnson to a term to commence immediately and end 2012 and Malkit Sroya as an alternate to fill an unexpired term ending 2011;

Bldg & Fire Code –Donald Decker to a term to commence immediately and end 2012;

Park Board –Jasmin Bayliss, Cary Walker, Julia Baldwin, and Paula Harper to a term to commence immediately and end 2012 and Brian Jones and Eric Lopez to fill an unexpired term ending 2011;

Planning & Zoning –Ty Holcomb, Gene Patterson, John McKay, and Stephanie Merrifield to a term to commence immediately and end 2012 and Gus Delaloye and Jane Jan as alternates to fill unexpired terms ending 2011;

Animal Shelter Advisory Committee – Tammy Drake (Animal Control Officer –no term), Lorraine Chalkley, Dave Brandon, and Buddy Russell to a term to commence immediately and end 2012, and Beverly Mueller and Stephanie Pennington to a term to commence immediately and end 2013.

Councilmember Richmond seconded the motion. A vote was taken and passed, 5-1 with Councilmember Bradley voting in opposition and Councilmember Daniel absent.

2. Presentation and discussion regarding preliminary landscape concept designs for the streetscape of FM 544 by MESA Design Group.

Council Discussion

There was no action on this item. Council expressed concerns regarding the proposed design and how it applies to future development. There was a consensus of Council that the proposed designs are a good plan, but more focus should be given to the medians and work with future development to incorporate the plan.

3. Consider and/or act upon authorizing the City Manager to enter into a contract with WHR Architects for Phase II design for the Old Murphy School Community Center project.

Council Discussion

Councilmember Halbert moved to authorize the City Manager to enter into a contract with WHR as reviewed by the City Attorney. Councilmember Richmond seconded the motion. A vote was taken and passed, 6-0 with Councilmember Daniel absent.

4. Discussion regarding the proposed Charter amendments.

Council Discussion

There was no action on this item. In addition to items of clarification for Section 3.07, 3.08, 4.04, and 7.14; Council requested clarification on Recall/Quorum issues and term limits for Board of Adjustments and Planning and Zoning Commission. Staff suggested a work session and discussion with the Charter Review Commission.

5. Discussion regarding the draft ethics ordinance pursuant to proposed Charter amendments.

Council Discussion

There was no action on this item. Councilmember Daugherty requested clarification and/or further discussion on Section 2, 5.14 regarding the complaint process and limiting the statute of limitations to 6 months rather than a year, Section 2, 5.16 regarding the hearing process, and defining “permissible gift”.

6. Discussion regarding the draft governance policy pursuant to proposed Charter amendments.

Council Discussion

There was no action on this item. There was Council discussion regarding the appointment of a media representative. Mr. Don Kiertschner addressed Council on this item expressing concerns on Section 2-605, I, 2 and 6; M, 1 and 5; and Section 2-6101 D. Mr. Kiertschner’s overall concerns were that the proposed policy limits council/citizen interaction and the democratic process.

CITY MANAGER/STAFF REPORTS

City Manager Fisher reported on the following:

- **Update on City Auction**
- **Report on Poochpalooza Donations -\$2400 collected and animals adopted**
- **N. Murphy Rd. -60% construction drawings received from TXDot.**

EXECUTIVE SESSION

§551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225

§551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation regarding notice of claim from Johnny Boles.

§551.072 Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property

§551.074 To deliberate the appointment, evaluation, reassignment, duties, discipline or dismissal of the City of Murphy Planning and Zoning Commissioners, Board of Adjustment Board Members, Murphy Economic Development Corporation Members, and Murphy Community Development Members.

Council Action

Council convened into Executive Session on Section 551.071 and 551.072 as listed above at 8:26 p.m.

RECONVENE INTO REGULAR SESSION

§551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation or settlement offer involving *Michael Cantrell v. City of Murphy, et al.*, Cause No. 6:09-cv-225

- §551.071 Consultation with City Attorney regarding pending litigation or contemplated litigation regarding notice of claim from Johnny Boles.
- §551.072 Deliberation regarding real property; to deliberate the purchase, exchange, lease, or value of real property
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Council Action

Council reconvened into Regular Session at 9:14 p.m. There were no votes in Executive Session and no action taken as a result of the Executive Session.

ADJOURNMENT

With no further action, the meeting was adjourned at 9:14 p.m.

APPROVED BY:

Bret M. Baldwin, Mayor

ATTEST:

Aimee Nemer, City Secretary