

Minutes

The City of Princeton

Regular City Council Meeting of December 10, 2012

The City Council of the City of Princeton, Texas, met in Regular Session in the Council Chamber of City Hall on December 10, 2012 at 7:00 p.m.

The following Councilmembers were present: Mayor Ken Bowers, Mayor Pro Tempore Steve Deffibaugh, Councilmember Bruce Beauchamp, Councilmember JM Caldwell Jr., Councilmember Tiffany Long and Councilmember Bill Glass. The following Staff Members were present: City Manager Derek Borg, Asst. City Manager/City Secretary Lesia Thornhill, Deputy City Secretary Tabatha Monk, City Attorney Bonnie Lee Goldstein, Lieutenant Michnick and Chief Waters.

Mayor **Bowers** called the **City Council Meeting to order at 7:07 PM.**

Mayor **Bowers** called roll, present were Councilmembers **Beauchamp, Glass, Long, Caldwell, Mayor Bowers and Mayor Pro Tempore Deffibaugh.**

Mayor **Bowers** then asked Mayor Pro Tempore **Deffibaugh** to lead the Council and audience in the invocation.

Mayor **Bowers** then asked Councilmember **Beauchamp** to lead the audience in the Pledge of Allegiance.

Mayor **Bowers** then announced **Citizen Appearance.** No one spoke.

Mayor **Bowers** then announced the Consent Agenda: All consent agenda items listed 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 request, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. "Discussion and possible approval of

minutes from the November 19, 2012 Special meeting”. “Discussion and possible action to approve filing with the Texas Comptroller of Public Accounts detailing legal authority to exercise eminent domain authority as required per Senate Bill 18 for the City Of Princeton”. “Discussion and possible action to approve the \$52,277.00 from the Community Development Corporation to be used for the completion of the Lois Nelson Public Library”. Councilmember **Long** asked that item 1 and 3 be removed from Consent Agenda for discussion. There was discussion regarding items 1 & 3. Mayor Pro Tempore **Deffibaugh** made a motion to approve the Consent Agenda. Councilmember **Caldwell** seconded the motion. The motion carried unanimously.

Mayor **Bowers** then announced the first item under the Regular Agenda: **(2012-157)** “Discussion and possible action to approve a Resolution to accept the donation of property being tracts 2, 3, 4 and 5 of the minor replat of tracts 2-5, Block 15, being a replat of portion of Block 15 of the Original Donation to the City of Princeton, an Addition to the City of Princeton, Collin County, Texas, according to the Plat thereof recorded in Clerk’s File No. 2006-248 of the Map and Plat Records of Collin County, Texas”. Councilmember **Beauchamp** thanked Mr. Copp. Mayor **Bowers** also thanked Mr. Copp. Mr. Borg explained what the plans were for this project and that the CDC would be funding most of the project. Councilmember **Beauchamp** made a motion to approve item number **2012-157**. Councilmember **Long** seconded the motion. The motion carried unanimously.

Mayor **Bowers** asked for a motion to take Executive Session out of order. Councilmember **Beauchamp** made a motion to adjourn into Executive Session. Councilmember **Long** seconded the motion. The motion carried unanimously.

Mayor **Bowers** announced the Council would adjourn into Executive Session citing the following: **Section 551.071 (2) "Texas Government Code"** Consultation with City Attorney. **Section 551.071 "Texas Government Code"** Pending or Contemplated litigation. **Section 551.074 (a) (1) "Texas Government Code"** Personnel.

Mayor **Bowers** adjourned into Executive Session at 7:14 p.m.

Mayor **Bowers** reconvened into Regular Session at 7:26 p.m.

Mayor **Bowers** then announced "Action pertaining to the Executive Session". Mayor Pro Tempore **Deffibaugh** made a motion that with regard to **Section 551.071 (2) Texas Government Code, B. Seek legal advice from Attorney regarding complaints received by Mayor, that during that section Mrs. Long be excluded from Executive Session for possibly potential adverse effect and Mayor Bowers asked if that included Staff also and Mayor Pro Tempore Deffibaugh said yes the motion included Staff also. Councilmember Beauchamp seconded the motion. Councilmember Long abstained from voting. The motion carried 4-0.**

Mayor **Bowers** announced City Council would be going back into Executive Session at 7:27 p.m. Councilmember **Long** and Staff remained in the Council chamber. After some time Mayor **Bowers** came out and asked Councilmember **Long** to join Executive Session then shortly after he came back out and asked Staff to join Executive Session also.

Mayor **Bowers** reconvened into Regular session at 9:32 p.m.

Mayor **Bowers** then announced "Action pertaining to the Executive Session".

**Councilmember Glass made a motion relative to Section 551.071, B. Seek legal advice from Attorney regarding complaints received by Mayor, that the City**

retains the law firm of Lynn, Ross, Smith & Ganaway, LLP as special legal counsel to investigate the complaints received by the Mayor. Councilmember **Beauchamp** seconded the motion. Councilmember **Long** abstained. The motion carried 4-0. Councilmember **Beauchamp** made a motion relative to Section 551.071, Item A, for Staff to proceed as directed and bring back additional information. Councilmember **Glass** seconded the motion. The motion carried unanimously. Councilmember **Beauchamp** made a motion relative to 551.074, Item A, for City Manager **Borg** to proceed as directed. Councilmember **Glass** seconded the motion. Mayor Pro Tempore **Deffibaugh** abstained. The motion carried 4-0.

Mayor **Bowers** then announced the second item under the Regular Agenda: (2012-158) "Discussion and possible action to approve an Ordinance amending the budget for fiscal year 2011/2012". Councilmember **Long** made a motion to table this item until Staff can bring back different language for the Ordinance at the January meeting. Councilmember **Glass** asked if they could move on and allow Legal Counsel review this item. Mayor said that since everyone seems to be alright with that they would move on. City Attorney, Bonnie Goldstein, advised that a city may amend the budget even in the absence of an emergency and this procedure was general practice and we have had audits and the auditors have never brought it to our attention. Mayor **Bowers** asked Ms. Goldstein in her opinion and she said she did not see anything wrong. Councilmember **Glass** made a motion to approve item number 2012-158. Councilmember **Caldwell** seconded the motion. Councilmember **Long** opposed. The motion carried 4-1.

Mayor **Bowers** then announced the third item under the Regular Agenda: (2012-159) "Discussion and possible action to approve an Ordinance amending the Rules of

Order and adopting an Ethics Code for the Mayor and City Council". Mayor **Bowers** explained that every two years the Rules of Order need to be looked into, updated or amended. Councilmember **Beauchamp** asked if he could have the floor. Mayor **Bowers** said yes he had the floor. Councilmember **Beauchamp** made a motion to approve item 2012-159 as written with an amendment and direction to Staff to add that you, Mayor Ken Bowers City of Princeton, are the only individual to interact with Staff being City Manager Borg, City Secretary Lesia Thornhill, Deputy City Secretary Tabatha Monk and the remainder of Staff. If the Council has any questions or concerns directed towards Staff and I mean everyone that works at the City of Princeton it needs to go through you. Mayor **Bowers** asked for a second and Councilmember **Long** asked to open it up for discussion. Mayor **Bowers** said he was asking for a second. Councilmember **Caldwell** seconded the motion. Councilmember **Long** opposed. The motion carried 4-1.

Mayor **Bowers** then announced the fourth item under the Regular Agenda: **(2012-160)** "Presentation and discussion by City Manager for the end of year report". City Manager, Derek Borg, presented the graphs from his presentation and reviewed a few details within the report. No action required.

Mayor **Bowers** then announced the fifth item under the Regular Agenda: **(2012-161)** "Discussion regarding a request from Councilmember Long s to the posting of the Public Information Act at City Hall". City Attorney briefed the Council on this item.

Mayor **Bowers** announced they would be going back to item **2012-158**.

Mayor **Bowers** then announced the sixth item under the Regular Agenda: **(2012-162)** "Request for items to be placed on a future agenda and NOT for discussion of

these requests". Councilmember **Long** requested the following: authority we have in a General A Law city to enact ordinances pertaining to advocating duties that would normally be reserved for Councilmembers and Mayors to other Officers as appointed by the City of Princeton, I would also like to add a further discussion of the manual that was put forth, and I would also like to discuss what our protocol is for approving legal expenses and who does that. Mayor asked if he had concurrence on any of these items. There was no concurrence. Councilmember **Long** said we didn't pass that ordinance and it had not been signed so it was not in effect. Mayor **Bowers** advised Councilmember **Long** that he did sign the Rules of Order and it was in effect.

Mayor **Bowers** then announced the first item under Report Agenda: City Manager briefed the Council on the following: Monte Carlo lighting and roadway (possible cost share on this project), City maps (Engineers working on), Memorial Park Tree lighting & Gazebo (thanked Stephanie Bowman for hard work on tree lighting and John Alexander for improvements to Gazebo), Community Park playground equipment (thanked John Alexander for applying and getting a grant for new equipment and it should be installed before the first of the year), Tocker Grant for Library (thanked Tabatha Monk & Cathy Dunkel for applying and getting almost \$50,000 for furniture for the Library), Ethics Code Ordinance (Mayor **Bowers** said he and Ms. Goldstein were working on this item), Report and receive direction regarding the receipt of letter from Martin Adler on SUP for bottling works (Mr. Anthony spoke and stated that the Administration opposed, Council suggested Mr. Ashley find different location in Princeton).

Mayor **Bowers** then announced City Council reports about items of community interest regarding which no action will be taken. No comments were made.

Councilmember **Beauchamp** made a motion to adjourn. Councilmember **Glass** seconded the motion. The motion carried unanimously.

Mayor **Bowers** adjourned the meeting at 10:33 p.m.

  
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Ken Bowers, Mayor

ATTEST:

  
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Lesia Thornhill, City Secretary

