

Minutes

The City of Princeton

Special City Council Meeting of September 17, 2012

The City Council of the City of Princeton, Texas, met in special session in the Council Chamber of City Hall on September 17, 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 Sr. 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, Fire Chief Mike Woody, Water/Wastewater Supervisor Tommy Mapp, Parks Supervisor John Alexander and Chief James Waters.

Mayor **Bowers** called the City Council Meeting to order at 7:00 PM.

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

Mayor **Bowers** then asked Councilmember **Caldwell** 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 August 13, 2012 meeting”. “Discussion and possible action to approve moving the October 8, 2012 meeting date to October 9, 2012 or October 15, 2012 in observance of the holiday (Columbus Day). “Discussion and possible action to authorize the City Manager to execute a Letter of Understanding agreement between the City of Princeton and Edward B. Peacock for Financial Consulting Services”. “Discussion and possible action to approve a Resolution authorizing the submission of the Texas Community Development Block Grant Program application to the Texas Department of Agriculture and authorizing the Mayor to act as the City’s executive officer and authorized representative in all matters pertaining to the City’s participation in the Texas Community Development Block Grant Program”. “Discussion and possible action to approve a Resolution committing matching funds in support of activities associated with the 2013-2014 sanitary sewer improvements proposed in an application to the Texas Department of Agriculture for the Texas Community Development Block Grant Program”. “Discussion and possible action to approve an agreement between the City of Princeton and Texas Department of Transportation for the temporary closure of state right of way for the purpose of the Homecoming Parade”. “Discussion and possible action to approve a Proclamation proclaiming October 2, 2012 as National Night Out”. Councilmember **Beauchamp made a motion to approve the Consent Agenda and holding the October meeting on October 9, 2012.** Councilmember **Glass seconded the motion. The motion carried unanimously.**

Mayor **Bowers** then announced the first item under the Special Agenda: **(2012-102)** “Presentation by Chief Waters for the following individuals in appreciation for their donations to the Princeton Police Department: Marvin Gathwright, Mark Holum and the

Masonic Lodge”. Chief Waters presented plaques of appreciation and did a power point presentation of the before and after pictures of the Police Department.

Mayor **Bowers** then announced the second item under the Special Agenda: **(2012-103)** “Discussion and possible action to accept the following donations for the Princeton Police Department: Princeton Masonic Lodge – Cornerstone - \$2,600.00, The Other Side Landscaping, Inc. (Mike Holum) – landscaping & labor - \$8,950.00, MCG Construction (Marvin Gathwright) – Flag Poles w/2 Flags - \$4,000.00”. Mayor Pro Tempore **Deffibaugh** made a motion to accept the donations. Councilmember **Caldwell** seconded the motion. The motion carried unanimously.

Mayor **Bowers** then announced the third item under the Special Agenda: **(2012-104)** “Second public hearing regarding a request from Performant Fitness, Brent Johnson, James Holliman and Nicole Holliman, owners, regarding a Specific Use Permit (SUP) for an Amusement, commercial (indoor) (Fitness Club) per the requirements of the City of Princeton Zoning Ordinance (Ordinance No. 2009-06-09) for the following tract of land described as Block 6, Tract 78, Abstract A0957 Hardin Wright Survey, 302 W. Princeton Drive, Suite A, Princeton, Texas (NW corner of W. Princeton Drive and Yorkshire)”.

Mayor **Bowers** opened the public hearing at 7:10 p.m.

James Holloman spoke for this item as well as Tiffany Long.

Mayor **Bowers** closed the public hearing at 7:12 p.m.

Mayor **Bowers** then announced the fourth item under the Special Agenda: **(2012-105)** “Discussion and possible action to approve an ordinance regarding a Specific Use Permit for Performant Fitness, located at 302 W. Princeton Drive, Suite A, Princeton,

Texas (NW corner of W. Princeton Drive and Yorkshire)". Mayor Pro Tempore **Deffibaugh made a motion to approve the ordinance.** Councilmember **Caldwell seconded the motion.** The **motion carried unanimously.**

Mayor **Bowers** then announced the fifth item under the Special Agenda: **(2012-106)** "Second public hearing regarding a request from Jim Copp for a Specific Use Permit for a Tanning Salon per the requirements of the City of Princeton Zoning Ordinance (Ordinance No. 2009-06-09) for the following tract of land described as Block 4, Lot 7, 8, 9, 10, 11 & 12, Princeton Original Donation, 513 N. 4th Street, Princeton, Texas".

Mayor **Bowers** opened the public hearing at 7:13 p.m.

No one spoke for or against.

Mayor **Bowers** closed the public hearing at 7:13 p.m.

Mayor **Bowers** then announced the sixth item under the Special Agenda: **(2012-107)** "Discussion and possible action to approve an ordinance regarding a request for a Specific Use Permit for a Tanning Salon to be located at 513 N. 4th Street, Princeton Texas". Mayor Pro Tempore **Deffibaugh made a motion to approve the Ordinance.** Councilmember **Glass seconded the motion.** The **motion carried unanimously.**

Mayor **Bowers** then announced the seventh item under the Special Agenda: **(2012-108)** "Second public hearing regarding a request from Native Contractors Inc. for a zoning of property from Commercial 1 "C1" to Manufacture 1 "M1", being a tract or parcel of land situated in the City of Princeton, Collin County, Texas, being part of the Hardin Wright Survey, Abstract No. 957, and being all of Lots 1 through 8 and 13 through 15 and part of lots 9 through 11 and 15 through 18 of Block 1 of the Original Town of Princeton according to the plat there for recorded in Volume 37, Page 456 of

the Deed Records of Collin County, Texas and being all of the east/west 20.00 foot wide abandoned alley and a part of the north/south 20.00 foot wide abandoned alley in said Block 1 and also being all of those tracts of land described as "tracts One through Six" in deed to Billy E. Wilder recorded in Volume 5151, Page 3067 of the Deed Records of Collin County, Texas and being more particularly described as follows: 1.803 acres of land, more or less".

Mayor **Bowers** opened the public hearing at 7:15 p.m.

No one spoke for or against this item.

Mayor **Bowers** closed the public hearing at 7:15 p.m.

Mayor **Bowers** then announced the eighth item under the Special Agenda: **(2012-109)** "Discussion and possible action to approve an ordinance amending the zoning ordinance by changing the zoning of approximately 1.803 acres of land in the Hardin Wright Survey, Abstract 957, Princeton, Collin County, Texas located at 611 N. 4th Street, Princeton, Texas currently zoned Commercial 1 "C1" and being re-zoned Manufacture 1 "M1". Councilmember **Caldwell made a motion to approve the Ordinance.** Mayor Pro Tempore **Deffibaugh seconded the motion.** The **motion carried unanimously.**

Mayor **Bowers** then announced the ninth item under the Special Agenda: **(2012-110)** "Second public hearing regarding a request from Jim Copp for a zoning of property from Single Family 2 "SF2" to Commercial 1 "C1", being a 0.4821 acre tract or parcel of land situated in the Hardin Wright Survey, Abstract No. 957, being all of Lots 13, 14 and 15 of Collin County, Texas, according to the map thereof recorded in Volume 37, Page 456, of the Deed Records of Collin County, Texas (D.R.C.C.T.), also being those tracts

of land conveyed to HESSIE MOZELL CHAPMAN STRICKLAND and RAMAY RAY CHAPMAN as recorded in Volume 3953, Page 1290, (D.R.C.C.T.), said 0.4821 acre tract of land being more particularly described as follows: 0.4821 of one acre of land (213 McKinney Street and 612 3rd Street)".

Mayor **Bowers** opened the public hearing at 7:18 p.m.

No one spoke for or against this item.

Mayor **Bowers** closed the public hearing at 7:18 p.m.

Mayor **Bowers** then announced the tenth item under the Special Agenda: **(2012-111)** "Discussion and possible action to approve an ordinance amending the zoning ordinance by changing the zoning of approximately 0.4821 acres of land in the Hardin Wright Survey, Abstract 957, Princeton, Collin County, Texas located at 213 McKinney Street and 612 3rd Street currently zoned Single Family 2 "SF2" and being re-zoned Commercial 1 "C1". Councilmember **Glass made a motion to approve the Ordinance.** Councilmember **Caldwell seconded the motion.** The motion carried **unanimously.**

Mayor **Bowers** then announced the eleventh item under the Special Agenda: **(2012-112)** "Presentation, discussion and possible action regarding a request from the Princeton Volunteer Fire Department to purchase a new grass truck out of the budget for fiscal year 2012/2013 to replace the used 1981 grass truck". Mayor Pro Tempore **Deffibaugh** stepped down for this item. Chief Mike Woody presented a power point presentation regarding this item. Council asked that Chief Woody, City Manager Borg and Councilmember Beauchamp work together to purchase a new grass truck that will

meet the needs of the Fire Department and still be within the city's price range. Mayor Pro Tempore **Deffibaugh** returned to the bench after this item.

Mayor **Bowers** then announced the twelfth item under the Special Agenda: **(2012-113)** "Public hearing regarding the adoption of the Fiscal Year 2012/2013 budget for the City of Princeton".

Mayor **Bowers** opened the public hearing at 7:41 p.m.

Tiffany Long spoke for this item.

Mayor **Bowers** closed the public hearing at 7:43 p.m.

Mayor **Bowers** then announced the thirteenth item under the Special Agenda: **(2012-114)** "Discussion and possible action regarding an ordinance of the City of Princeton Texas providing funds for the Fiscal Year 2012-2013 by approving the budget for said period and appropriating and setting aside the necessary funds out of the Fiscal Year for the operation of the departments and other various activities and improvements of the City". City Manager, Derek Borg, presented this item. Councilmember **Beauchamp made a motion to approve the budget for fiscal year 2012/2013.** Councilmember **Glass seconded the motion.** The **motion carried unanimously.**

Mayor **Bowers** then announced the fourteenth item under the Special Agenda: **(2012-115)** "Discussion and possible action to approve an Ordinance certifying the tax roll for 2012". Councilmember **Glass made a motion to approve the Ordinance.** Councilmember **Beauchamp seconded the motion.** The **motion carried unanimously.**

Mayor **Bowers** then announced the fifteenth item under the Special Agenda: **(2012-116)** "Discussion and possible action regarding an Ordinance adopting the Tax Rate of

.756932 for Fiscal Year 2012/2013". Mr. Borg spoke regarding this item.

Councilmember **Beauchamp made a motion to approve the tax rate.**

Councilmember **Glass seconded the motion.** Councilmember **Caldwell opposed.**

The **motion carried 3-1.**

Mayor **Bowers** then announced the sixteenth item under the Special Agenda:

(2012-117) "Second public hearing regarding an amendment to the City's Zoning Ordinance, Ordinance No. 2009-06-09, Section 4, Zoning District Map, to adopt a new Zoning District Map for the City of Princeton".

Mayor **Bowers** opened the public hearing at 8:13 p.m.

Tiffany Long spoke for this item.

Mayor **Bowers** closed the public hearing at 8:14 p.m.

Mayor **Bowers** then announced the seventeenth item under the Special Agenda:

(2012-118) "Discussion and possible action to amend the City's Zoning Ordinance, Ordinance No. 2009-06-09, Section 4, Zoning District Map to adopt a new Zoning District Map for the City of Princeton". Mr. Borg explained this was just a basic zoning map or you could say a starting point to get this project started. The map does reflect current zoning areas within the city. Mayor Pro Tempore **Deffibaugh made a motion to approve the map.** Councilmember **Beauchamp seconded the motion.** The **motion carried unanimously.**

Mayor **Bowers** then announced the eighteenth item under the Special Agenda:

(2012-119) "Discussion and possible action to approve an ordinance regarding a rate increase in the water rates, including a pass through from North Texas Municipal Water

District". Councilmember **Beauchamp made a motion to approve the Ordinance.**

Councilmember **Glass seconded the motion. The motion carried unanimously.**

Mayor **Bowers** then announced the ninetieth item under the Special Agenda: **(2012-120)** "Discussion and possible action to approve an ordinance regarding a rate increase in the wastewater rates and raising the cap from 10,000 to 12,000 gallons".

Councilmember **Beauchamp made a motion to approve the Ordinance.**

Councilmember **Glass seconded the motion. Councilmember Caldwell opposed.**

The **motion carried 3-1.**

Mayor **Bowers** then announced the twentieth item under the Special Agenda: **(2012-121)** "Discussion and possible action regarding an ordinance, amending the Comprehensive Fee Ordinance, Ordinance No. 2010-03-30-03, for regulating and assessing service charges, providing for collection of fees". Mr. Borg explained this item was being updated due to the water/wastewater increases. Councilmember **Beauchamp made a motion to approve. Councilmember Caldwell seconded the motion. The motion carried unanimously.**

Mayor **Bowers** then announced the twenty-first item under the Special Agenda: **(2012-122)** "Discussion and possible action regarding clarification on Ordinance 2004-10-12-05 as to water cutoffs due to non-pay or noncompliance of ordinance". City Manager explained this item was being brought back at the request of the Council for review and to give direction and clarification to Staff as to the enforcement of the Ordinance. After some discussion Council informed Staff that they should enforce the ordinance in as it is written. No action required.

Mayor **Bowers** then announced the twenty-second item under the Special Agenda: **(2012-123)** "Discussion and possible action regarding an update from the City Manager on the proposed lighting to be put in on Monte Carlo Boulevard". City Manager briefed the Council on the status of the lighting, expense, installation etc. Councilmember **Beauchamp** made a motion to approve and to have Texas New Mexico maintain lighting. Councilmember **Glass** seconded the motion. The motion carried unanimously.

Mayor **Bowers** then announced the twenty-third item under the Special Agenda: **(2012-124)** "Discussion and possible action regarding the repair of the College Street Lift Station forced main". Mr. Borg explained this was a very critical issue and there was an estimate in their packet to move forward immediately and correct this problem. Mayor Pro Tempore **Deffibaugh** made a motion to approve this item. Councilmember **Caldwell** seconded the motion. The motion carried unanimously.

Mayor **Bowers** then announced the twenty-fourth item under the Special Agenda: **(2012-125)** "Discussion and possible action to approve a Resolution supporting the Legislative activity and goals of the ATMOS Texas Municipalities before the Texas Legislature as they relate to the setting natural gas rates and regulation of gas utilities". Mayor announced this item would be taken into Executive Session for legal advice. Councilmember **Beauchamp** made a motion to approve this item. Mayor Pro Tempore **Deffibaugh** seconded the motion. The motion carried unanimously.

Mayor **Bowers** then announced the twenty-fifth item under the Special Agenda: **(2012-126)** "Request for items to be placed on a future agenda and NOT for discussion of these requests". Councilmember **Beauchamp** asked that the issue regarding the

380 landscaping be brought back. Councilmember **Caldwell** asked that the sidewalk at CVS be brought back as it seems to be too high and could be a hazard.

Mayor **Bowers** then announced the first item under Report Agenda: City Manager briefed the Council on the Stage 2 water restrictions remaining in effect. He advised that Parkview Heights road was open, retaining wall approved and Staff was continuing to work with Contractor and Developer. West Nile Virus, Staff was treating standing water and had some information for the citizens at the front counter of City Hall. Beautification program.

“City Council reports about items of community interest regarding which no action will be taken”. Councilmember **Caldwell** thanked the City Manager and the Public Works department for their help with an issue at Princeton Meadows. Mayor **Bowers** announced that he would not be signing the Tax Rate Ordinance and he wanted the City Secretary to be advised that he was making a statement of refusal for the record.

Mayor **Bowers** announced the Council would adjourn into Executive Session citing the following: **Section 551.071 (2) “Texas Government Code”** Consultation with City Attorney. “Old Princeton Tire Shop (118 E. Princeton Drive)” and item number “2012-125”.

Mayor **Bowers** adjourned into Executive Session at 8:54 p.m.

Mayor **Bowers** reconvened into Regular Session at 9:17 p.m.

Mayor **Bowers** then announced “Action pertaining to Executive Session”.

Councilmember **Beauchamp** made a motion for Staff to move forward verifying there was no appeal and proceed with tear down. Mayor Pro Tempore **Deffibaugh** seconded the motion. The motion carried unanimously.

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

Mayor **Bowers** adjourned the meeting at 9:18 p.m.



~~Ken Bowers, Mayor~~
Steven DetGibaurgh, Mayor Pro Tempore

ATTEST:



Lesia Thornhill, City Secretary

