

Minutes

The City of Princeton

Regular City Council Meeting of October 14, 2008

The City Council of the City of Princeton, Texas, met in regular session in the Council Chamber of City Hall on October 14, 2008 at 7:00 p.m.

The following Councilmembers were present: Mayor Steven Deffibaugh, Mayor Pro Tempore Billy Combest, Councilmember Rick Wheeler, and Councilmember Ken Bowers. The following Staff Members were present: City Administrator Lee Lawrence, Assistant City Administrator/City Secretary Lesia Thornhill, Deputy City Secretary Tabatha Monk, Permit Technician Kathy Morris, Fire Marshall Derek Borg, Public Works Director Jeff Cartwright, City Attorney Bonnie Goldstein and Chief Barnett. The following Councilmember's were absent: Councilmember Bruce Beauchamp and Councilmember J.M. Caldwell Sr.

Mayor **Deffibaugh** called the City Council Meeting to order at 7:09 PM.

Mayor **Deffibaugh** called roll, present were Mayor **Deffibaugh**, Mayor Pro Tempore **Combest**, Councilmember's **Wheeler** and **Bowers**. Absent were: Councilmember's **Beauchamp** and **Caldwell**.

Mayor **Deffibaugh** then led the Council and audience in the invocation.

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

Mayor **Deffibaugh** then announced **Citizen Appearance**. Nelma Hyde spoke regarding the speed limit on 4<sup>th</sup> Street and Fran DeArman announced that a question and answer forum regarding the proposed Home Rule Charter was scheduled for Tuesday, October 21, 2008, from 6:30 –8:30 p.m. in the Council Chamber of City Hall.

Mayor **Deffibaugh** then announced the Consent Agenda: a. 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. b. Discussion and possible approval of the City Council meeting minutes of August 26, 2008, c. Discussion and possible approval of the City Council meeting minutes of September 9, 2008, d. Discussion and possible approval of the City Council meeting minutes of September 16, 2008, e. Discussion and possible approval of the 2009 STEP grant for the Princeton Police Department. f. Discussion and possible approval of an Interlocal Agreement between the City of Princeton and Collin County for Animal Control Services, g. Discussion and possible approval of an Interlocal Agreement between the City of Princeton and Collin County for Animal Shelter Services. Councilmember **Wheeler made a motion to approve. Mayor Pro Tempore Combest seconded the motion. The motion carried unanimously.**

Mayor **Deffibaugh** then announced the first item under the Regular Agenda: **(2008-218)** "Presentation from Barry Bonds, Texas New Mexico Electric Power Company, to Cathy Dunkel in the amount of \$1,000.00 for park improvements". This item was removed from the agenda.

Mayor **Deffibaugh** then announced the first item under the Workshop Agenda: **(2008-219)** "Discussion of policy options in handling request from developer/property owner regarding Stiff Creek MHP property". Discussion as to whether or not the city would surrender regulations over the small portion of land in our ETJ. No action required.

Mayor **Deffibaugh** then announced the second item under the Workshop Agenda: **(2008-220)** "Discussion of an ordinance establishing regulations and requirements for

Parkland Dedication". City Administrator, Lee Lawrence, asked this item be postponed until the next meeting.

Mayor **Deffibaugh** then announced the third item under the Workshop Agenda: **(2008-221)** "Discussion regarding a request from Princeton ISD for variance from requirements on Chapter 29 of the International Building Code regarding number of water closets at PISD football stadium and discussion of Caldwell Street Improvements". Mr. Philip Anthony spoke on behalf of the PISD and Keith Ashley spoke on behalf of the issue regarding Caldwell Street. Mr. Ashley is the owner of Town Square. No action taken.

Mayor **Deffibaugh** then announced the fourth item under the Workshop Agenda: **(2008-222)** This item was passed because we were waiting on the City Engineer to arrive.

Mayor **Deffibaugh** then announced the first item under the 2<sup>nd</sup> Regular Agenda: **(2008-223)** "First public hearing regarding a voluntary annexation of property described as a tract of land situated in the S.D. Terry Survey, Abstract No. 890, Collin County, Texas, located on the east side of CR 447 immediately south of the intersection of CR 398 and CR 447 (1895 CR 447, Princeton, TX)".

Mayor **Deffibaugh** opened the public hearing at 8:06 p.m.

No one spoke for or against this item.

Mayor **Deffibaugh** closed the public hearing at 8:06 p.m.

Mayor **Deffibaugh** then announced the second item under the 2<sup>nd</sup> Regular Agenda: **(2008-224)** Discussion and possible approval of a contract modification for the FM 982 and 2<sup>nd</sup> Street waterline project". This item was passed until the City Engineer arrived.

Mayor **Deffibaugh** then announced the third item under the 2<sup>nd</sup> Regular Agenda: **(2008-225)** "Discussion and possible approval to accept final completion of the miscellaneous sanitary sewer projects 2008A". Mr. Lawrence spoke regarding this item.

Councilmember **Wheeler made a motion to approve.** Councilmember **Bowers seconded the motion.** The **motion carried unanimously.**

Mayor **Deffibaugh** then announced the fourth item under the 2<sup>nd</sup> Regular Agenda: **(2008-226)** "Discussion and possible approval of an Interlocal Agreement between the City of Princeton and Collin County concerning construction of roadway improvements on Monte Carlo Boulevard". Mr. Lawrence explained this necessary in order for the city to get their money from the County for the Monte Carlo project. Councilmember **Bowers made a motion to approve.** Councilmember **Wheeler seconded the motion.** The **motion carried unanimously.**

Mayor **Deffibaugh** then announced the fifth item under the 2<sup>nd</sup> Regular Agenda: **(2008-227)** "Second public hearing regarding a request from Auto Zone Inc., located at 202 E. Princeton Drive, for a specific use permit to allow for the installation of a pole sign as required by the City of Princeton's Sign Ordinance (Ordinance No. 2000-05-21) for property located in the Hardin Wright Survey, Abstract No. 957, Lots B-3 & C-2, Russell Wilson Addition, 0.9263 acre tract of land".

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

Andrew Robertson spoke for this item.

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

Mayor **Deffibaugh** then announced the sixth item under the 2<sup>nd</sup> Regular Agenda: **(2008-228)** "Discussion and possible approval of an ordinance providing for a specific use permit for Auto Zone, Inc., to permit installation of a pole sign on property located in the Hardin Wright Survey, Abstract No. 957, Lots B-3 & C-2, Russell Wilson Addition, 0.9263 acre tract of land, at 202 E. Princeton Drive, Princeton, Texas". Councilmember **Bowers made a motion to deny. Motion died for a lack of a second.**

Councilmember **Wheeler made a motion to approve.** Mayor Pro Tempore **Combest seconded the motion.** Councilmember **Bowers opposed the motion. Motion carried 2-1.**

Mayor **Deffibaugh** then announced the seventh item under the 2<sup>nd</sup> Regular Agenda: **(2008-229)** "Second public hearing regarding a request for zoning of property to Commercial 1 "C-1", being a 0.9263 acre tract of land situated in the Hardin Wright Survey, Abstract No. 957, City of Princeton, Collin County, Texas and being all of Lots B-3 and C-2, Russell Wilson Addition, an addition to the City of Princeton, Collin County, Texas according to the plat thereof recorded in Volume 1, page 141, Plat Records, Collin Count, Texas, also described as 202 East Princeton Drive".

Mayor **Deffibaugh** opened the public hearing at 8:24 p.m.

Robert Sneburg spoke for this item.

Mayor **Deffibaugh** closed the public hearing at 8:25 p.m.

Mayor **Deffibaugh** then announced the eighth item under the 2<sup>nd</sup> Regular Agenda: **(2008-230)** "Discussion and possible approval of an ordinance zoning property to Commercial 1 "C-1", being a 0.9263 acre tract of land situated in the Hardin Wright Survey, Abstract No. 957, City of Princeton, Collin County, Texas and being all of Lots B-3 and C-2, Russell Wilson Addition, an addition to the City of Princeton, Collin County, Texas according to the plat thereof recorded in Volume 1, Page 141, Plat Records, Collin County, Texas, also described as 202 East Princeton Drive".

Councilmember **Wheeler made a motion to approve.** Mayor Pro Tempore **Combest seconded the motion.** The **motion carried unanimously.**

Mayor **Deffibaugh** then announced the ninth item under the 2<sup>nd</sup> Regular Agenda: **(2008-231)** "Discussion and possible approval of an ordinance establishing regulations and requirement for Parkland Dedication". This item was passed to the next meeting.

Mayor **Deffibaugh** then announced the tenth item under the 2<sup>nd</sup> Regular Agenda: **(2008-232)** "Discussion and possible action on request by Princeton ISD for variance from requirements on Chapter 29 of International Building Code regarding number of water closets at PISD football stadium. Councilmember **Bowers made a motion to**

**approve.** Mayor Pro Tempore **Combest seconded the motion.** The **motion carried unanimously.**

Mayor **Deffibaugh** then announced eleventh item under the 2<sup>nd</sup> Regular Agenda: **(2008-233)** "Discussion and possible action regarding improvement to Caldwell Street, including associated drainage work". After some discussion with Staff, Mr. Ashley and the PISD Councilmember **Bowers made a motion to have staff move forward in obtaining information and estimates to work with the PISD and Mr. Ashley to improve Caldwell Street.** Councilmember **Wheeler seconded the motion.** The **motion carried unanimously.**

Mayor **Deffibaugh** then announced the twelfth item under the 2<sup>nd</sup> Regular Agenda: **(2008-234)** "Discussion and possible action on amendments to FY 2008 Budget and modification of FY 2009 Budget". Mr. Lawrence asked for clarification of a couple of issues regarding the modifications of FY 2009 Budget. The modifications needing clarification were the proposed 3% pay increase for employee and in the Police Department, Chief Barnett, requested that Administrative Office DeLeon be moved back to patrol and the Administrative Officer position be changed to a non-uniformed position of Administrative Assistant to the Chief. Councilmember **Bowers made a motion to approve the amendments and modifications.** Mayor Pro Tempore **Combest seconded the motion.** The **motion carried unanimously.**

Mayor **Deffibaugh** then announced the thirteenth item under the 2<sup>nd</sup> Regular Agenda: **(2008-235)** "Second public hearing regarding a voluntary annexation of property described as a tract of land situated in the S.D. Terry Survey, Abstract No. 890, Collin County, Texas, located on the east side of CR 447 immediately south of the intersection of CR 398 and CR 447 (1895 CR 447, Princeton, TX)".

Mayor **Deffibaugh** opened the public hearing at 8:50 p.m.

James Groland asked the question as to why both public hearing were being held on the same night. Mr. Lawrence explained this was because the last meeting was

cancelled due to lack of quorum, therefore, both meetings were being held to meet statutory requirements.

Mayor **Deffibaugh** closed the public hearing at 8:51 p.m.

Mayor **Deffibaugh** then announced the fourteenth item under the 2<sup>nd</sup> Regular Agenda: **(2008-236)** "First public hearing regarding a voluntary annexation of property situated in Collin County, Texas, part of the Hardin Wright Survey, Abstract No. 957, and being a part of a 46.545 acre tract described in a deed from Henry L. Bridgefarmer to Bruce Lutz, Trustee, and recorded in Volume 1018, page 612, of the Collin County Deed Records, and being more fully described as follows: 10.692 acres, North of the Teakwood Subdivision – Tickey Creek on West".

Mayor **Deffibaugh** opened the public hearing at 8:52 p.m.

No one spoke for or against this item.

Mayor **Deffibaugh** closed the public hearing at 8:53 p.m.

Mayor **Deffibaugh** then announced the fifteenth item under the 2<sup>nd</sup> Regular Agenda: **(2008-237)** "First public hearing regarding a voluntary annexation of property situated in the S.A. Roberts Survey, Abstract No. 774, and described in a deed from Bessie Heard to Miss Dale Heard recorded in Volume 328, Page 360 of the Collin County Deed Records and part of an 83 ¼ acre tract in the Thomas Jonett Survey, Abstract No. 473 and described in a deed from J.S. Heard to S.D. Heard recorded in Volume 250, page 102 of the Collin County Deed Records and being more further described as follows: 25.39 acres, (North on US Hwy. 380, land donated to City of Princeton)".

Mayor **Deffibaugh** opened the public hearing at 8:53 p.m.

No one spoke for or against this item.

Mayor **Deffibaugh** closed the public hearing at 8:53 p.m.

Mayor **Deffibaugh** then announced the sixteenth item under the 2<sup>nd</sup> Regular Agenda: **(2008-238)** "Discussion and possible action regarding drainage improvement to Avalon Drive". Mr. Lawrence updated the Council on the status of this item.

Councilmember **Bowers** announced that he lives in the Avalon Addition but it not involved this drainage issue. Mr. Lawrence stated Staff was still working on this project and would keep Council informed.

Mayor **Deffibaugh** announced the City Engineer had arrived and would now be discussing the following items: 2008-222 and 2008-224.

Mayor **Deffibaugh** then announced the first item under the Report Agenda "City Administrator".

Mr. Lawrence discussed the following: move the November 11, 2008 City Council meeting to Monday, November 10, 2008 due to the holiday on November 11, 2008, Open Meetings training for Councilmember's Bowers and Beauchamp on Saturday, October 25, 2008 at 8:00 a.m. in the Council Chamber, finally he briefed the Council on the new ruling by the Attorney General with regard to the "Report Agendas".

Mayor **Deffibaugh** then announced the second item under the Report Agenda "Mayor".

Mayor stated that based on the Attorney General's ruling he had no comments.

Mayor **Deffibaugh** then announced the third item under the Report Agenda "Council".

No comments.

Mayor **Deffibaugh** announced the Council would be going into Executive Session citing the following: **Section 551.071 (b) "Texas Government Code"** Consultation with City Attorney. **Section 551.071 (a) "Texas Government Code"** Pending or Contemplated litigation.

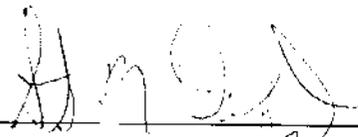
Mayor **Deffibaugh** adjourned into Executive Session at 9:25 p.m.

Mayor **Deffibaugh** reconvened into Regular Session at 10:06 p.m.

Mayor **Deffibaugh** then announced "Action pertaining to the Executive Session". No action required.

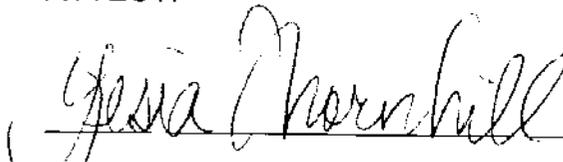
Councilmember **Wheeler** made a motion to adjourn. Councilmember **Bowers** seconded the motion. The motion carried unanimously.

Mayor **Deffibaugh** adjourned the meeting at 10:06 p.m.

  
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Steven Deffibaugh, Mayor

10-28-08  
Date

ATTEST:

  
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Lesia Thornhill, City Secretary

10/28/08  
Date