



## **Filing Receipt**

**Filing Date - 2023-06-12 03:30:52 PM**

**Control Number - 54377**

**Item Number - 14**

**DOCKET NO. 54377**

<b>PETITION OF MILLIGAN WATER</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SUPPLY CORPORATION AND THE</b>	<b>§</b>	
<b>CITY OF PRINCETON FOR APPROVAL</b>	<b>§</b>	
<b>OF SERVICE AREA CONTRACT</b>	<b>§</b>	<b>OF TEXAS</b>
<b>UNDER TEXAS WATER CODE § 13.248</b>	<b>§</b>	
<b>AND TO AMEND CERTIFICATES</b>	<b>§</b>	
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	
<b>IN COLLIN COUNTY</b>	<b>§</b>	

**AMENDED PETITION IN RESPONSE TO ORDER NO. 4 REQUIRING  
CLARIFICATION, FOR APPROVAL OF SERVICE AREA CONTRACT UNDER  
TEXAS WATER CODE § 13.248, AND TO AMEND CERTIFICATES OF  
CONVENIENCE AND NECESSITY IN COLLIN COUNTY**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Milligan Water Supply Corporation (“Milligan WSC” or “Petitioner”), and hereby files this Amended Petition in Response to Order No. 4 Requiring Clarification, for Approval of Service Area Contract under Texas Water Code (“TWC”) § 13.248 and to Amend Certificates of Convenience and Necessity (“CCN”) in Collin County (“Amended Petition”).

On June 6, 2023, the ALJ filed Order No. 4, requiring Petitioners to respond to the issues raised in Order No. 4, and if necessary, include a revised petition by June 20, 2023. Therefore, this pleading is timely filed. The Amended Petition is submitted to provide clarification related to the service areas to be transferred in this docket, which were inadvertently mislabeled in the original petition filed on November 28, 2022. Paragraphs 8-9 in the Background section below, as well as corresponding exhibit titles, have been revised in the Amended Petition and now contain the correct transfer areas consistent with the transfer areas in the Agreement Designating Retail Water Service Territory. Additionally, a new Paragraph 10 below provides clarification on the service areas to be transferred. No other changes have been made in the Amended Petition other than conforming changes related to the service area designations.

In support of the Amended Petition, Petitioners would respectfully show as follows:

**A. Background**

1. Milligan WSC and the City of Princeton (“City”) are both “retail public utilities” as defined by TWC § 13.002(19) and 16 Texas Administrative Code (“TAC”) § 24.3(31).

2. Milligan WSC is authorized to provide retail water service in Collin County under CCN No. 10188.

3. The City is authorized to provide retail water service in Collin County under CCN No. 13195.

4. Lennar Homes of Texas Land and Construction, Ltd. (“Lennar”) is the owner of approximately 100 acres of land located within Milligan WSC’s Water CCN (“Tract 1”) and the owner of approximately 82 acres of land located in the City’s Water CCN (“Tract 2”).

5. Milligan WSC and the City have determined that it is in the best interest of each entity that a portion of Milligan WSC’s and the City’s respective service areas be transferred to each other through contract pursuant to TWC § 13.248 and 16 TAC § 24.253. By apportioning the service areas, Milligan WSC and the City will enhance planning and the development of capital improvement programs and will have more definitive water service planning, which will benefit the public health, safety, and welfare of their respective present and future customers within each entity’s water service areas.

6. Milligan WSC and the City have entered into an Agreement Designating Retail Water Service Territory (the “Agreement”). The Agreement is attached to this Amended Petition as **Exhibit 1**.

7. Attached as **Exhibit 2** is a large-scale general location map identifying the transfer area in reference to the nearest city.

8. The Agreement provides for the transfer of water service territory, facilities, and customers from the City (“Transfer Area 1”) to Milligan WSC. The area to be transferred is identified on the maps attached to this Amended Petition as **Exhibit 3-A** (“Transfer Area 1”).

9. The Agreement provides for the transfer of water service territory, facilities, and customers from Milligan WSC (“Transfer Area 2”) to the City. The area to be transferred is identified on the maps attached to this Amended Petition as **Exhibit 3-B** (“Transfer Area 2”).

10. Petitioners filed supplemental documentation in this docket as follows: mapping files on January 24, 2023; sworn affidavits confirming acreage on February 7, 2023; and consent forms concurring with the map and certificates on May 8, 2023. These supplemental filings should provide clarification on the transfer areas, acreage, and mapping for the requested transfer under the Agreement.

11. The City Council of the City of Princeton considered and approved the Agreement on September 12, 2022. A copy of the agenda and minutes (Consent Agenda Item, Page 2: CCN Agreement (Cypress Creek)) from the City of Princeton’s City Council Meeting are attached to this Amended Petition as **Exhibit 4**.

12. The Board of Directors of Milligan WSC approved the Agreement on September 14, 2022. A copy of the September 14 agenda and minutes (Meeting Item 4.b.) from Milligan WSC’s Board of Director’s Meeting, as well as the minutes from the October 12, 2022 Board Meeting approving the September minutes, are attached to this Amended Petition as **Exhibit 5**.

13. No existing customers of Milligan WSC or the City will be transferred under the Agreement or pursuant to this Amended Petition.

## **B. Request for Transfer/Decertification**

1. Pursuant to 16 TAC § 24.253(b), the following information is included with this

Amended Petition:

- a. a copy of the Agreement, which is attached to this Amended Petition as **Exhibit 1**;
- b. maps of the requested areas in accordance with 16 TAC § 24.257(a), which are attached to this Amended Petition as **Exhibits 2 and 3A-3B**, as well as additional digital mapping files;
- c. copies of the City's agenda and minutes of its September 12, 2022 City Council Meeting approving the execution of the Agreement, which are attached as **Exhibit 4**;
- d. copies of Milligan WSC's agenda and minutes of its September 14, 2022 Board Meeting approving the execution of the Agreement, as well as the minutes of its October 12, 2022 Board Meeting approving the September 14 meeting minutes, which are attached as **Exhibit 5**;
- e. The number of customers to be transferred, if any; and
- f. Notice information in accordance with 16 TAC § 24.253(c).

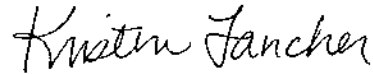
2. Petitioners request that the Public Utility Commission (the "Commission") approve this Amended Petition and decertify Transfer Area 1 from the City's CCN No. 13195 and include Transfer Area 1 in Milligan WSC's CCN No. 10188. Petitioners further request that the Commission decertify Transfer Area 2 from Milligan WSC's CCN No. 10188 and include Transfer Area 2 in the City's CCN No. 13195.

### **C. Conclusion and Prayer**

WHEREFORE, PREMISES CONSIDERED, Petitioners respectfully request that the Commission approve the Agreement as provided under TWC § 13.248 and 16 TAC § 24.253, and that the Commission enter an order transferring Transfer Area 1 to Milligan WSC's CCN No. 10188 and transferring Transfer Area 2 to the City's CCN No. 13195, as requested, and that all other orders, acts, procedures, and relief be granted as necessary to enforce the Agreement.

Respectfully submitted,

FANCHER LEGAL, PLLC  
6136 Frisco Square Blvd., Suite 400  
Frisco, Texas 75034  
Phone: (469) 925-0022



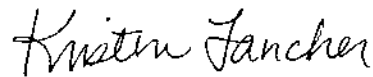
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KRISTEN O. FANCHER  
State Bar No. 24065845  
Email: kf@fancherlegal.com

**ATTORNEY FOR PETITIONER  
MILLIGAN WSC**

**CERTIFICATE OF SERVICE – DOCKET NO. 54377**

I certify that notice of the filing of this document was provided to all parties of record via electronic mail on June 12, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.



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Kristen Fancher

**EXHIBIT 1**  
**AGREEMENT DESIGNATING RETAIL WATER**  
**SERVICE TERRITORY**

# **EXHIBIT 1**

## **AGREEMENT DESIGNATING RETAIL WATER SERVICE TERRITORY**

**THIS AGREEMENT DESIGNATING RETAIL WATER SERVICE TERRITORY (this "Agreement") is made and executed by and between Milligan Water Supply Corporation ("Milligan WSC"), and the City of Princeton, Texas (the "City"). Milligan WSC and the City may be individually referred to herein as a "Party" or collectively referred to herein as the "Parties."**

### **I. RECITALS**

**WHEREAS, Milligan WSC is a water supply corporation in Texas and holds water Certificate of Convenience and Necessity ("CCN") No. 10188 ("Milligan WSC's Water CCN"); and**

**WHEREAS, the City is a municipal corporation in Texas and holds water CCN No. 13195 (the "City's Water CCN"); and**

**WHEREAS, Lennar Homes of Texas Land and Construction, Ltd. ("Lennar") owns approximately 100 acres of land located within Milligan WSC's Water CCN ("Tract 1"); and**

**WHEREAS, Lennar owns approximately 82 acres of land located adjacent to Milligan WSC's Water CCN and within the City's Water CCN ("Tract 2" and together with Tract 1, the "Property"); and**

**WHEREAS, the current boundary lines of the City's Water CCN and Milligan WSC's Water CCN do not align with Lennar's proposed development of the Property, and the Parties wish to adjust their respective CCN boundary lines, as shown on Exhibit "A" attached hereto, to prevent any of Lennar's proposed lots from falling within multiple CCN boundaries; and**

**WHEREAS, Lennar and the City have reached an agreement regarding the provision of retail water service to Tract 1 and the transfer of the City's certificated rights over portions of Tract 1 to Milligan WSC's CCN No. 10188; and**

**WHEREAS, Lennar and Milligan WSC have reached an agreement regarding the provision of retail water service to Tract 2 and the transfer of Milligan WSC's certificated rights over portions of Tract 2 to the City's Water CCN No. 13195; and**

**WHEREAS, by apportioning service area, the Parties will enhance the planning and development of capital improvement programs and water services to be provided to the respective areas; and**

**WHEREAS, this Agreement will accomplish legitimate public purposes of the Parties and will permit more dependable water service planning that will benefit the public health, safety and welfare of their respective present and future customers within each Parties' service area; and**



NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained in this Agreement, including the recitals set forth above, and other good and valuable consideration, the receipt of which is hereby acknowledged, by their representatives affixing signatures below, Milligan WSC and the City agree as follows:

## **II. TERMS OF AGREEMENT**

### **2.1 Transfer Area 1.**

(a) The City hereby agrees to decertify the portion of the City's Water CCN identified on the map attached hereto and incorporated herein for all purposes as Exhibit "B" and transfer said portion of Water CCN identified on Exhibit "B" to Milligan WSC.

(b) The area within the City's Water CCN to be transferred from the City to Milligan WSC identified in Exhibit "B" is designated as the "Transfer Area 1."

### **2.2 Transfer Area 2.**

(a) Milligan WSC hereby agrees to decertify the portion of Milligan WSC's Water CCN identified and incorporated herein for all purposes as Exhibit "C" and transfer said portion of Water CCN identified on Exhibit "C" to the City.

(b) The area within Milligan WSC's Water CCN to be transferred from Milligan WSC to the City identified on Exhibit "C" is designated as the "Transfer Area 2."

**2.3 Transfer to Milligan WSC.** The City and Milligan WSC agree that, on and after the Effective Date of this Agreement, Milligan WSC shall have the sole right to provide retail water service within Transfer Area 1, and the City will have no further obligation or right to provide retail water service to any current or future customers in Transfer Area 1.

**2.4 Transfer to the City.** Milligan WSC and the City agree that, on and after the Effective Date of this Agreement, the City shall have the sole right to provide retail water service within Transfer Area 2, and Milligan WSC will have no further obligation or right to provide retail water service to any current or future customers in Transfer Area 2.

**2.5 No Customers and No Facilities in the Transfer Area 1.** As of the Effective Date, the City serves no customer connections in Transfer Area 1 and owns no facilities in Transfer Area 1.

**2.6 No Customers and No Facilities in the Transfer Area 2.** As of the Effective Date, Milligan WSC serves no customer connections in Transfer Area 2 and owns no facilities in Transfer Area 2.

**2.7 Amendment of CCNs.** Within sixty (60) days after the Effective Date of this Agreement, Milligan WSC shall prepare and file a petition with the Public Utility Commission of Texas ("PUC") pursuant to Texas Water Code § 13.248 requesting that the PUC designate areas and

customers to be served consistent with this Agreement and incorporate this Agreement into the respective CCNs of the Parties ("Section 13.248 Petition"). Milligan WSC shall pay all costs and expenses in association with the preparation and prosecution of the Section 13.248 Petition. Milligan WSC shall endeavor to obtain PUC approval of the CCN transfers contemplated herein in an expeditious manner and the City will reasonably cooperate with Milligan WSC by providing any existing information in the City's possession requested by or on behalf of Milligan WSC needed to complete, file, or review the Section 13.248 Petition. Notwithstanding the foregoing, the City shall not be required to incur any costs or expenses to create new information requested by Milligan WSC, but agrees to request that its consultants prepare any such information so long as Milligan WSC pays all fees, costs and expenses associated therewith. The Parties agree that the Section 13.248 Petition shall be limited to Transfer Area 1 and Transfer Area 2 only, and shall not seek to transfer any other portion of Water CCN into Milligan WSC's Water CCN or the City's Water CCN. Milligan WSC agrees to furnish a copy of the Section 13.248 Petition to the City for approval prior to filing the application with PUC.

**2.8 Effective Dates.** This Agreement is effective on the date of the last signatory of this Agreement and enforceable as between Milligan WSC and the City following execution by both Parties, and this date is referred to herein as the "Effective Date."

**2.9 Interim Service for Transfer Area 1.** The City agrees that in its sole discretion and at its sole risk, Milligan WSC may make available or furnish retail water service to Transfer Area 1 after the Effective Date and prior to PUC approval of the Section 13.248 Petition. Prior to PUC rendering a final decision on the Section 13.248 Petition, the City shall not furnish or make available retail water service within Transfer Area 1 except as otherwise required by PUC or by applicable law.

**2.10 Interim Service for Transfer Area 2.** Milligan WSC agrees that in its sole discretion and at its sole risk, the City may make available or furnish retail water service to Transfer Area 2 after the Effective Date and prior to PUC approval of the Section 13.248 Petition. Prior to PUC rendering a final decision on the Section 13.248 Petition, Milligan WSC shall not furnish or make available retail water service within Transfer Area 2 except as otherwise required by PUC or by applicable law.

**2.11 Termination.** Unless the Parties agree in writing to extend this Agreement, this Agreement shall terminate upon the date of a final decision by PUC in response to the Section 13.248 Petition.

### **III. MISCELLANEOUS**

**3.1 Section 13.248.** This Agreement shall be construed and interpreted in accordance with Section 13.248 of the Texas Water Code.

**3.2 Applicable Texas Law.** This Agreement shall be governed by and construed and enforced under the laws of the State of Texas.

3.3 Performance. The obligations and undertakings of each of the Parties to this Agreement shall be performed in Collin County, Texas. Except for matters within the jurisdiction of the PUC (or its successor), the Parties expressly agree that all judicial proceedings to enforce any of the provisions of this Agreement shall take place in Collin County, Texas.

3.4 Entire Agreement. This Agreement contains the entire agreement of Milligan WSC and the City with respect to the subject matter of the Agreement. No Agreement, statement, or promise made by any Party or to any employee, agent, or officer of any Party, that is not contained in this Agreement shall be valid, binding, or of any force or effect. Any amendments to this Agreement must be in writing and signed by the Parties.

3.5 Successors and Assigns. This Agreement shall be binding upon the Parties hereto and their respective successors, heirs, representatives, and assigns. This Agreement shall not be assigned by either Party without the prior written consent of the other Party.

3.6 Agreement Drafted Equally. This Agreement shall be deemed drafted equally by the Parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against either Party shall not apply.

3.7 Severability. Should any provision of this Agreement be declared void by a court of competent jurisdiction, the remaining provisions of this Agreement shall remain in full force and effect.

3.8 Attorneys' Fees. In the event of any suit or other adjudication between the Parties to enforce any claim arising out of this Agreement, or to interpret the terms of this Agreement, the prevailing Party shall be entitled to recover its fees, damages, costs, attorneys' fees, and such other and further relief from the non-prevailing Party, general or special, at law or in equity, to which the prevailing Party may show itself justly entitled.

3.9 Covenant of Authority. The respective signatories to this Agreement covenant that they are fully authorized to sign this Agreement on behalf of their respective Party.

3.10 Notice. Any notice required or permitted hereunder shall be in writing and shall be deemed to be delivered on the date received if delivered by hand to the address shown hereinafter for Milligan WSC or the City, as appropriate, or such notice shall, if deposited in the mail, be deemed to be delivered, whether actually received or not, on the first business day after having been deposited in the United States mail, postage prepaid, registered or certified mail, return receipt requested, addressed to Milligan WSC or the City, as appropriate, at the address shown hereinafter. The addresses for Milligan WSC or the City for all purposes under this Agreement shall be the following:

If to Milligan WSC:  
Milligan Water Supply Corporation  
ATTN: Candi Blisard  
1400 S. Bridgefarmer Rd.  
McKinney, TX 75069

**(972) 542-1143**

**If to the City:  
City of Princeton  
ATTN: City Manager  
2000 E Princeton Drive  
Princeton, TX 75407  
(972) 736-2416**

**The Parties hereto shall have the right from time to time to change their respective addresses, and each shall have the right to specify as its address any other address within the United States of America by at least five (5) days' written notice to the other party.**

**IN WITNESS WHEREOF, this Agreement has been duly executed in multiple counterparts (each of which is to be deemed original for all purposes) by the Parties on the date appearing by each Parties signature.**

**MILLIGAN WATER SUPPLY  
CORPORATION**

BY: Donna J. Petree  
NAME: Donna J. Petree  
TITLE: President

Date: 9/14/2022

ATTEST:

[Signature]  
Board Secretary, Milligan Water Supply Corporation



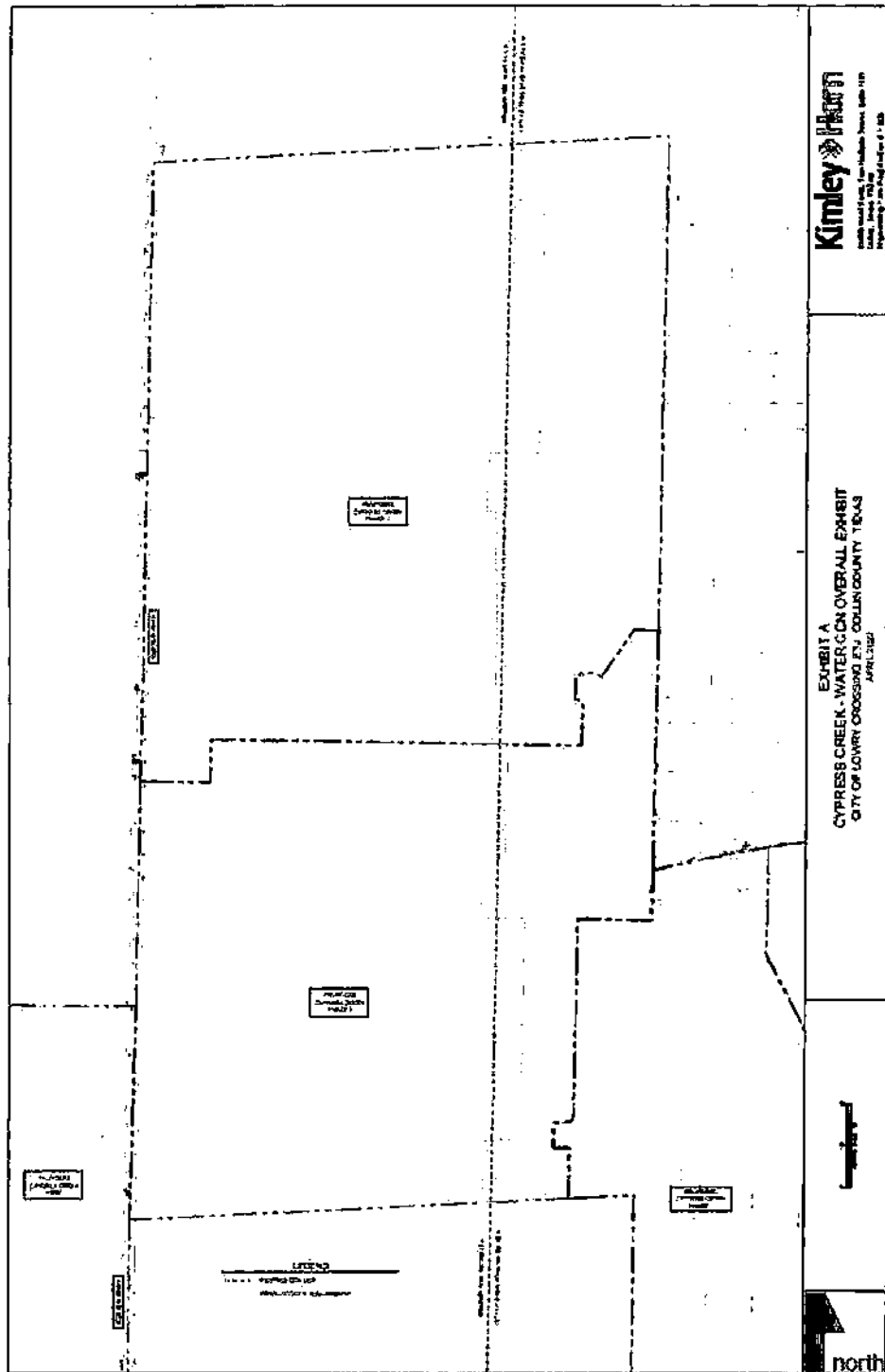
**CITY OF PRINCETON**

BY: [Signature]  
~~Brianna Chacon~~ Shirley DeWitt  
Mayor, City of Princeton  
~~Pro Tempore~~  
Date: 9/13/22

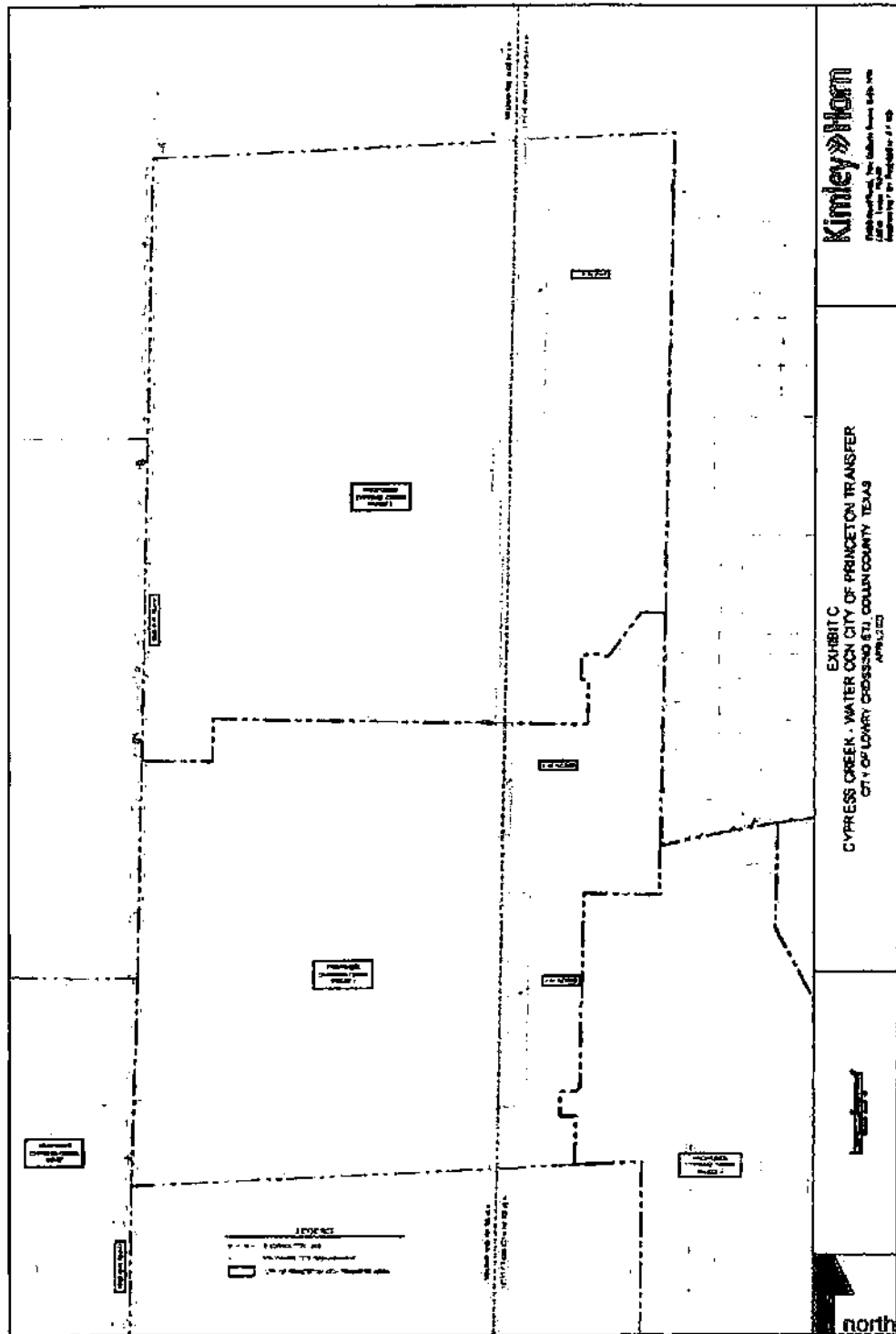
ATTEST:

Amber Anderson  
City Secretary

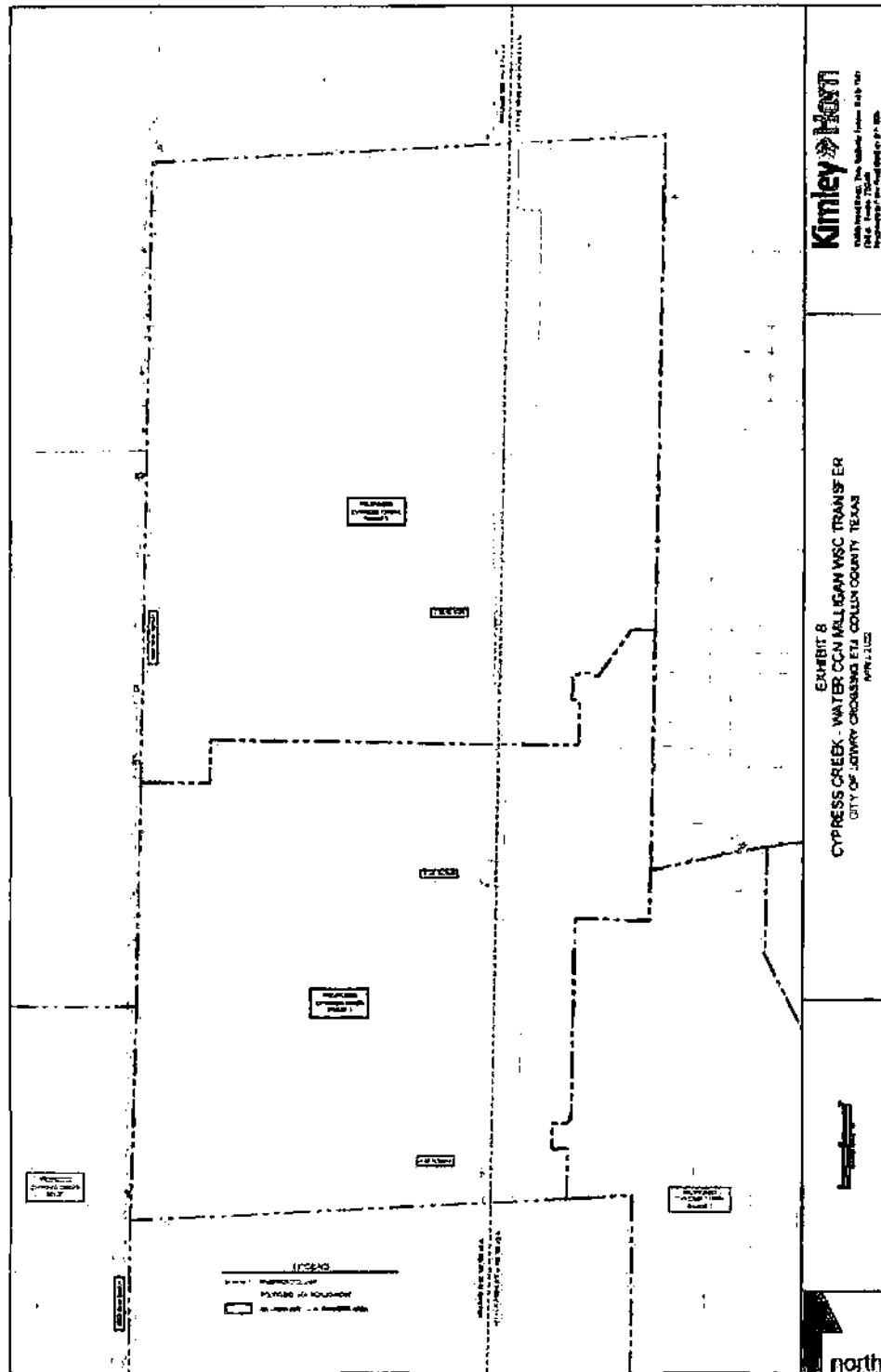
**EXHIBIT "A"**  
**THE PROPERTY**



# EXHIBIT "B" TRANSFER AREA 1

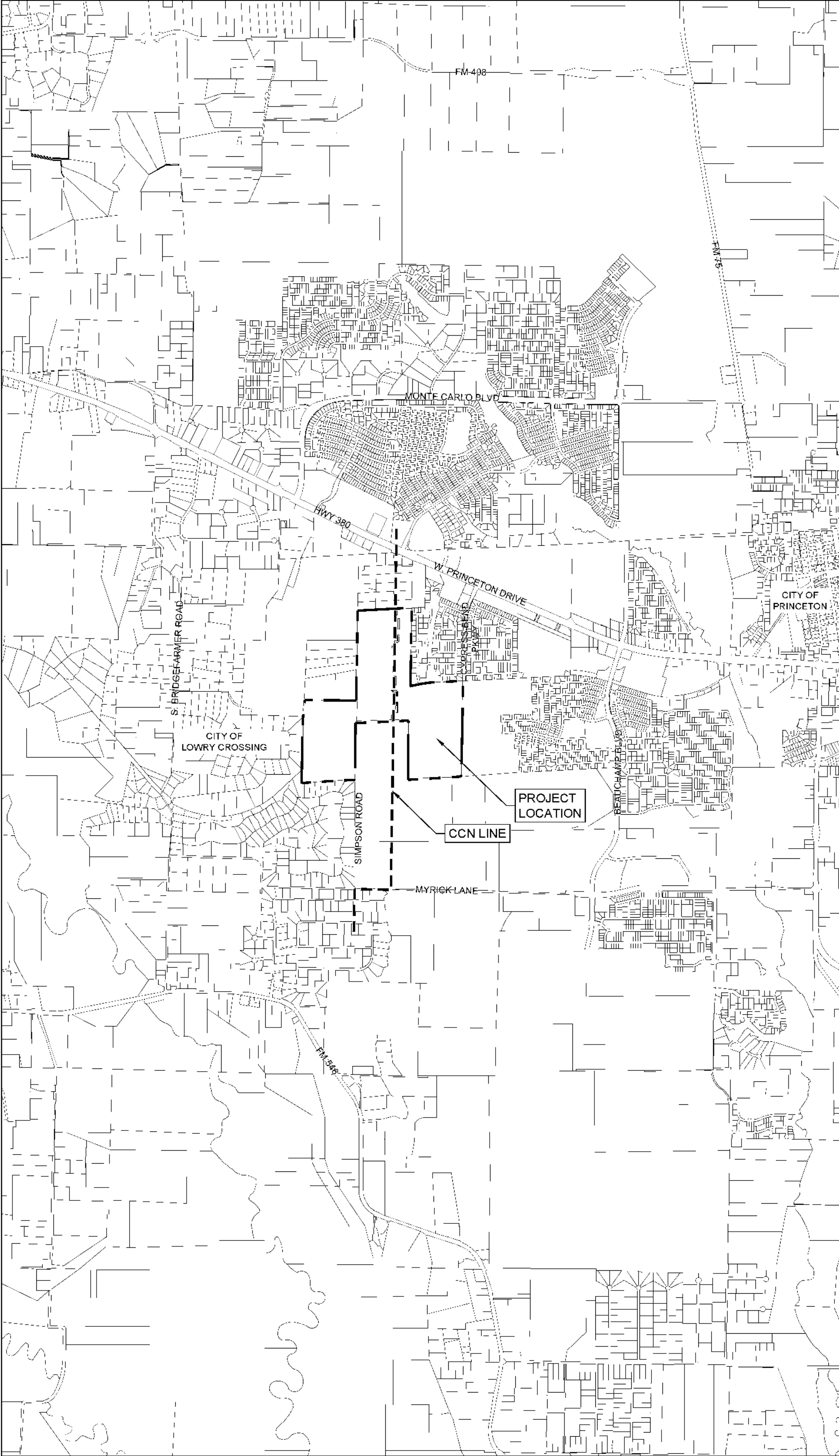



# EXHIBIT "C" TRANSFER AREA 2





**EXHIBIT 2**  
**GENERAL LOCATION MAP**





north

0 2000' 4000'

GRAPHIC SCALE 2000'

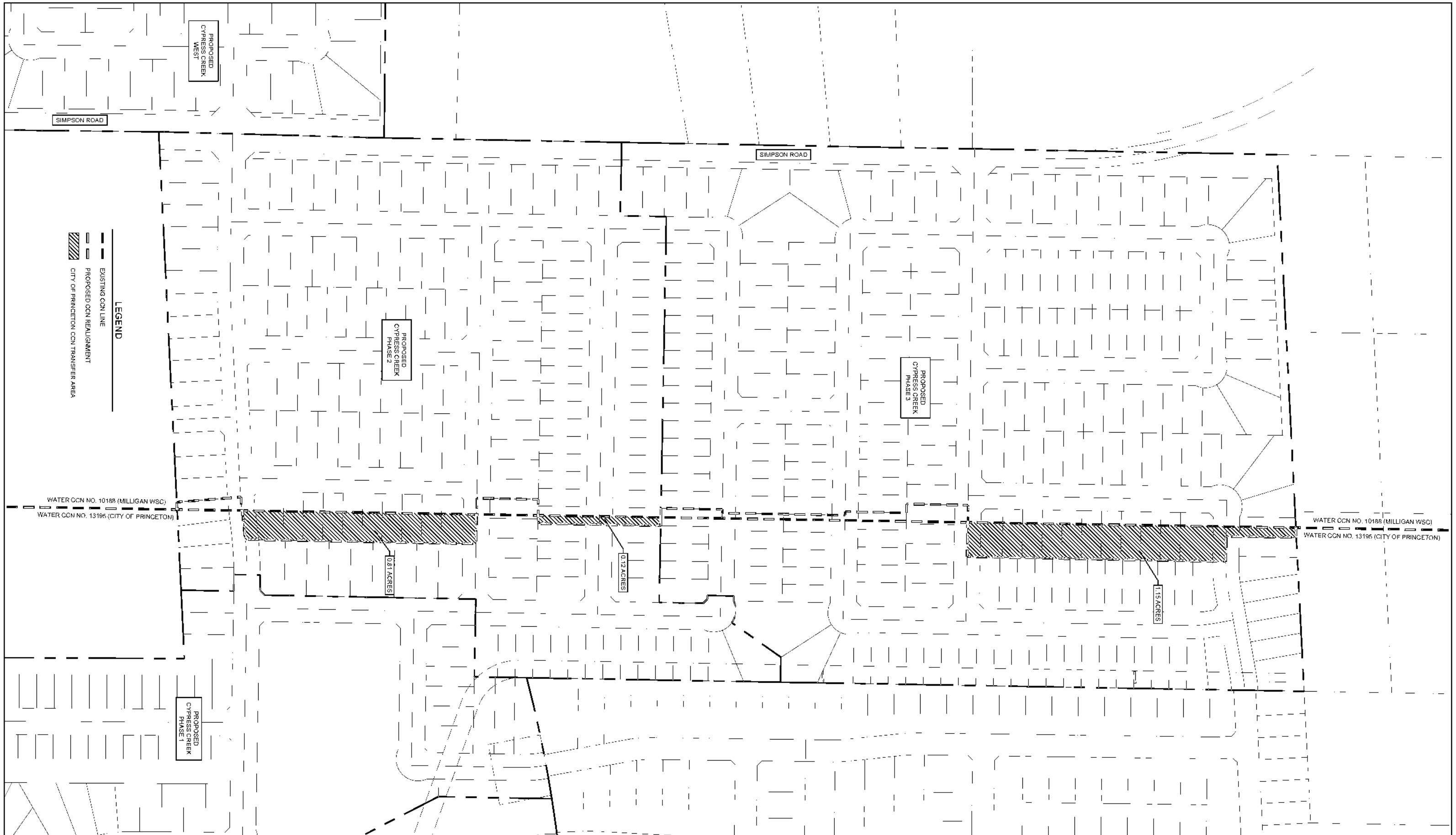
APPLICATION TO TRANSFER AREAS BETWEEN CCN NO. 13195 (CITY OF PRINCETON)  
AND CCN NO. 10188 (MILLIGAN WSC)  
CITY OF LOWRY CROSSING ETJ, COLLIN COUNTY, TEXAS

OCTOBER 2022

**Kimley»Horn**

13455 Noel Road, Two Galleria Tower, Suite 700  
Dallas, Texas 75240  
Engineering Firm Registration # F-928

**EXHIBIT 3-A**  
**MAP OF TRANSFER AREA 1 – CITY OF**  
**PRINCETON TO MILLIGAN WSC**

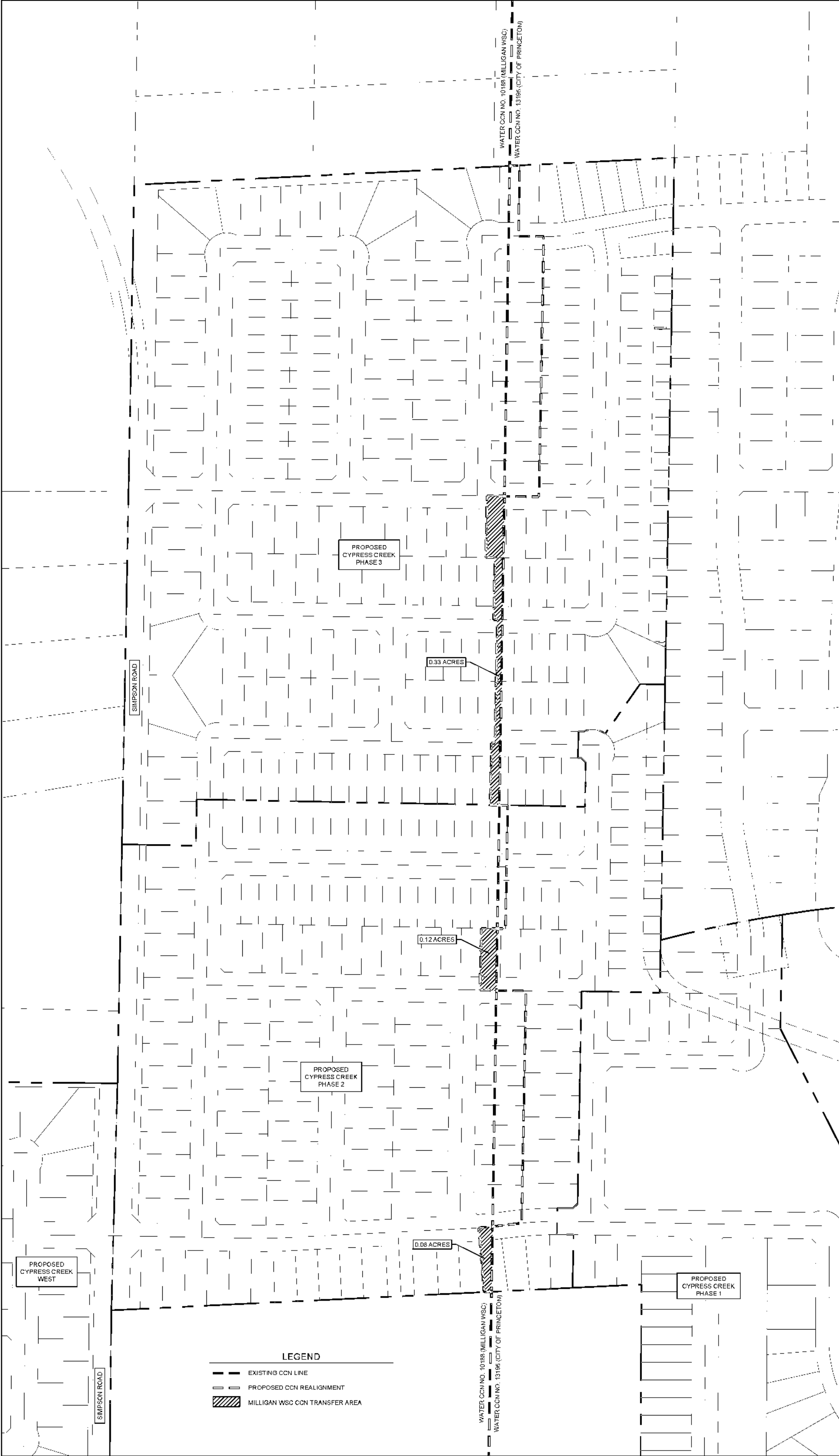


REQUESTED AREA TO TRANSFER CCN NO. 13195 (CITY OF PRINCETON)  
TO CCN NO. 10188 (MILLIGAN WSC)  
CITY OF LOWRY CROSSING ETJ, COLLIN COUNTY, TEXAS  
OCTOBER 2022

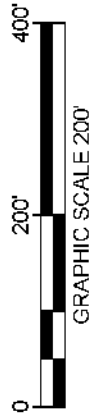
**Kimley»Horn**

13455 Noel Road, Two Galleria Tower, Suite 700  
Dallas, Texas 75240  
Engineering Firm Registration # F-928

**EXHIBIT 3-B**  
**MAP OF TRANSFER AREA 2 – MILLIGAN WSC TO**  
**CITY OF PRINCETON**



REQUESTED AREA TO TRANSFER CCN NO. 10188 (MILLIGAN WSC)  
 TO CCN NO. 13195 (CITY OF PRINCETON)  
 CITY OF LOWRY CROSSING ETJ, COLLIN COUNTY, TEXAS  
 OCTOBER 2022



north

**EXHIBIT 4**  
**CITY COUNCIL OF THE CITY OF PRINCETON**  
**MEETING AGENDA AND MINUTES**  
**SEPTEMBER 12, 2022**



# PRINCETON

## TEXAS

### NOTICE OF CITY COUNCIL MEETING AND AGENDA THE CITY OF PRINCETON, TEXAS September 12, 2022

The City Council of the City of Princeton will meet in Regular Meeting Session on September 12, 2022 at 6:30 PM Princeton Municipal Center 2000 East Princeton Drive Princeton, TX 75407 to discuss the following

**Honorable Brianna Chacon,**  
*Mayor*

**Honorable Steven Deffibaugh,**  
*Mayor Pro Tempore, Place 5*

**Bryan Washington,**  
*Councilmember, Place 3*

**David Kleiber,**  
*Councilmember, Place 1*

**Keven Underwood,**  
*Councilmember, Place 4*

**Marlo Obera,**  
*Councilmember, Place 2*

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#### CALL TO ORDER

#### ROLL CALL

Brianna Chacon  
Steven Deffibaugh  
David Kleiber  
Marlo Obera  
Bryan Washington  
Keven Underwood

#### INVOCATION

#### PLEDGE OF ALLEGIANCE

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

#### PUBLIC APPEARANCE



Speakers are allowed 3 minutes to speak. The Council is unable to respond to or discuss any issues that are brought up during this section that are not on the agenda, other than to make statements of specific factual information in response to a speaker's inquiry or to recite existing policy in response to the inquiry.

## **MAYORS COMMENTS**

## **CONSENT AGENDA**

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 requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

### **Minutes**

Discussion and possible action regarding the minutes of August 22, 2022, Regular City Council Meeting.

CC Minutes 08.22.2022.pdf

### **CCN Agreement (Cypress Creek)**

Discussion and possible action regarding an agreement between the City of Princeton and Milligan Water Supply Corporation designating retail water service territory.

Agreement Designating Retail Water Service Territory (City of Princeton and Milligan WSC)(final approval).pdf for

### **Resolution 2022-09-12-R01 PCDC (bylaws term limits)**

Discussion and potential action to adopt Resolution 2022-09-12-R01, adopting and ratifying an amendment to the bylaws for the Princeton Community Development Corporation to eliminate outdated references to term limits for board members.

Resolution No. 2022-09-12-R01- amending PCDC bylaws term limits.pdf

## **REGULAR AGENDA**

### **2022- CDC/EDC Budget**

245 Discussion and possible action regarding the CDC/EDC budget, requested by Councilmember Kleiber.

### **2022- Resolution 2022-09-12-R (Hazard Mitigation Plan)**

246 Discussion and possible action regarding Resolution 2022-09-12-R, the adoption of the Collin County Hazard Mitigation Plan.

MITIGATION PLAN RESOLUTION NO. 2022-09-12-R.pdf

FInal with Resolution Collin County Emailed.pdf

### **2022- Community Development Corporation**

247 Discussion and possible action regarding the appointments and/or reappointments to the Community Development Corporation.

**2022- Public Hearing (Proposed Tax Rate)**

**248** Public hearing regarding the adoption of the proposed tax rate of \$0.534543 for the City of Princeton fiscal year 2022-2023.

Tax Rate - Proposed.pdf

**2022- Public Hearing (FY 2022-2023 Budget)**

**249** Public hearing regarding the adoption of the Fiscal Year 2022-2023 budget for the City of Princeton.

FY24 Proposed Annual Budget.pdf

**2022- Ordinance 2022-09-12 (Proposed Tax Rate)**

**250** Discussion and possible action regarding Ordinance 2022-09-12, adopting the City of Princeton tax rate of \$0.534543 for fiscal year 2022-2023.

ORDINANCE 2022-09-12 ADOPTING 2022 TAX RATE C14004D20220831DO2.pdf

**Ordinance 2022-09-12-01 (FY2023 Budget)**

**2022-  
251** Discussion and possible action regarding Ordinance 2022-09-12-01, adopting the FY2023 Operating Budget for the City of Princeton and Exhibit A.

ORDINANCE 2022-09-12-01 Adopting FY2022-2023 Budget C14004D20220831DO2.pdf  
0000 - FY23 Operating Budget.pdf

**Ordinance 2022-09-12-02 (Ratifying Budget and Tax Rate)**

**2022-  
252** Discussion and possible action regarding Ordinance 2022-09-12-02, ratifying the fiscal year 2022-2023 Budget and Tax Rate for the City of Princeton.

ORDINANCE 2022-09-12-02 RATIFYING FY2022-2023 BUDGET.pdf

**2022- Public Hearing (Garden Homes of Venice)**

**253** Conduct a public hearing regarding a request received from Abdul Mohammed, East Melissa LLC, for the voluntary annexation of property Being tract A of land situated in the Rufus Sewell Survey, abstract No. 873 in Collin County, and Being tract B of land situated in the Carter T. Clift, Abstract No. 162, Collin County, Texas, and being a portion of land described in deed to Azre, LLC as recorded under Volume 6008 Page 1654 (hereinafter referred to as "Azre tract" of the Official Public Records of Collin County, Texas (O.P.R.C.C.T., and being more particularly described as follows: 104.613 acres of land, more or less.

PH Notice Annexation Garden Homes of Venice.pdf

**2022- Ordinance 2022-09-12-03 (Voluntary annexation)**

**254** Discussion and possible action regarding the voluntary annexation of a 104.613 acres of land situated in the Rufus Sewell Survey, abstract No. 873 & the Carter T. Clift Survey, Abstract No. 162, Collin County, Texas. (Garden Homes of Venice

Garden Homes of Venice - Annexation Ordinance No.2022-09-12-03 (002).pdf

**2022- CR 409**

**255** Discussion and possible action for the City of Princeton to confirm and accept the cost share estimate and authorize Collin County to invoice the project once the work is completed.

**2022- Chamber of Commerce**

**256** Discussion and possible action regarding the City of Princeton being a member of the Chamber of Commerce, requested by Councilmember Kleiber.

**2022- Beauchamp Blvd**

**257** Update and discussion regarding Beauchamp Blvd, requested by Councilmember Obera.

**2022- Future Agenda Items**

**258** Possible action to approve request for items to be placed on a future agenda and NOT for discussion of these requests.

## **EXECUTIVE SESSION**

Executive Session: Under terms of Chapter 551 of Texas Government Code the City Council may enter into CLOSED SESSION or Executive Session to discuss the following:

Section 551.071 (2) Texas Government Code. Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter on any posted agenda items.

## **ACTION PERTAINING TO EXECUTIVE SESSION**

### **REPORT AGENDA**

- 1) Next Regular City Council Meeting, Monday, September 26, 2022, @ 6:30 p.m.
- 2) Nov. 8, 2022 Special Election – Consideration of Adoption of a Home Rule Charter
- 3) Sept. 1<sup>st</sup>-30<sup>th</sup> Peanut Butter Drive-The City of Princeton is participating in the annual North Texas Food Bank peanut butter drive that is being held throughout September, with a goal of receiving 500,000 pounds of peanut butter donations to help feed hungry children and families. There will be boxes located at all city building.
- 4) Oct 1<sup>st</sup> Floating Jack-o'-lanterns and a movie in the park
- 5) Oct 4<sup>th</sup> @ 8:30 a.m. Memorial Bench Dedication in Remembrance of Cathy Dunkel
- 6) Oct 22<sup>nd</sup> Annual Fall Fest

### **CC REPORT AGENDA**

City Council reports about items of community interest regarding which no action will be taken.

## **ADJOURNMENT**

## **CERTIFICATE**

I hereby certify the above Notice of Meeting was posted at the Princeton Municipal Center and copies thereof were delivered to the Mayor, Mayor Pro-Tempore and Councilmembers.

**Amber Anderson** Digitally signed by Amber Anderson  
Date: 2022.09.09 08:03:17 -05'00'

Amber Anderson, City Secretary

## **STATEMENT FOR ADA COMPLIANCE**

The City of Princeton acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. Thus, in order to assist individuals with disabilities who require special services (i.e., sign interpretation services, alternative audio/visual devices, and amanuenses) for participation in or access to the City of Princeton sponsored public programs, services and/or meetings, the City requests the individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Amber Anderson, City Secretary, or other designated official at 972-734-2416. The City Council reserves the right to consult in executive session with its attorney and to receive legal advice regarding any item listed on this agenda pursuant to Section 551.071(b).

## Minutes

### The City of Princeton

#### City Council Meeting of September 12, 2022

The City Council of the City of Princeton, Texas, met in Regular Session on September 12, 2022, at 6:30 p.m. in the City Council Chamber at City Hall, located at 2000 E. Princeton Dr. Princeton, Texas 75407.

The following Councilmembers were present: Mayor Pro Tempore Steve Deffibaugh, Councilmember Marlo Obera, Councilmember David Kleiber, Councilmember Keven Underwood, and Councilmember Bryan Washington.

The following Councilmembers were absent: Mayor Brianna Chacon.

The following Staff Members were present: City Manager Derek Borg, City Secretary Amber Anderson, Director of Community Engagement Tenishea Turner, City Attorney David Overcash, Office Royalty, and Officer Rizzo.

Mayor Pro Tempore **Deffibaugh** called the City Council Meeting to order at 6:30 p.m.

Mayor Pro Tempore **Deffibaugh** called roll, present were Councilmembers **Washington, Kleiber, Underwood, and Obera.**

Stan Fike led the invocation.

Mayor Pro Tempore **Deffibaugh** then announced the Pledge of Allegiance.

Mayor Pro Tempore **Deffibaugh** then announced Public Appearance: The following is a list of speakers that spoke in order under Public Appearance: Carol Bird, John Kusterbeck, Elam Vaiyapuri, Stephanie Gregory, Mary Jane Gilliam, Lilli Skellen, and Monika Welch.

Mayor Pro Tempore **Deffibaugh** announced Mayors Comments: No comments.

Mayor Pro Tempore **Deffibaugh** 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. Items on the **Consent Agenda were Minutes:** Discussion and possible action regarding the minutes of the August 22, 2022, Regular City Council Meeting. **CCN Agreement (Cypress Creek):** Discussion and possible action regarding an agreement between the City of Princeton and Milligan Water Supply Corporation designating retail water service territory.

Councilmember **Obera** asked for **Resolution 2022-09-12-R01 PCDC (bylaws term limits):** to be removed from consent agenda. Councilmember **Obera made a motion to approve the Consent Agenda.** Councilmember **Underwood seconded the motion to approve.** The **motion carried 5-0.**

Mayor Pro Tempore **Deffibaugh** then announced the first item under the Regular Agenda: **Resolution 2022-09-12-R01 PCDC (bylaws term limits):** Discussion and potential action to adopt Resolution 2022-09-12-R01, adopting and ratifying an amendment to the bylaws for the Princeton Community Development Corporation to eliminate outdated references to term limits for board members. Councilmember **Obera made a motion to approve.** Councilmember **Washington seconded the motion to approve.** The **motion carried 5-0.**

Mayor Pro Tempore **Deffibaugh** then announced the second item under the Regular Agenda: **2022-245 CDC/EDC:** Budget Discussion and possible action regarding the CDC/EDC budget, requested by Councilmember Kleiber. No action taken.

Mayor Pro Tempore **Deffibaugh** then announced the third item under the Regular Agenda: **2022-246 Resolution 2022-09-12-R (Hazard Mitigation Plan):**

Discussion and possible action regarding Resolution 2022-09-12-R, the adoption of the Collin County Hazard Mitigation Plan. Councilmember **Underwood made a motion to approve**. Councilmember **Kleiber seconded the motion to approve**. The motion carried 5-0.

Mayor Pro Tempore **Deffibaugh** then announced the fourth item under the Regular Agenda: **2022-247 Community Development Corporation**: Discussion and possible action regarding the appointments and/or reappointments to the Community Development Corporation. Place 2. Councilmember **Obera** appointed John Ragan to place 2 Councilmember **Obera made a motion to approve the appointment**. Councilmember **Underwood seconded the motion**. The motion carried 5-0.

Mayor Pro Tempore **Deffibaugh** then announced the fifth item under the Regular Agenda: **2022-248 Public Hearing (Proposed Tax Rate)**: Public hearing regarding the adoption of the proposed tax rate of \$0.534543 for the City of Princeton fiscal year 2022-2023.

Mayor Pro Tempore **Deffibaugh opened the public hearing at 7:03 p.m.**

Mayor Pro Tempore **Deffibaugh closed the public hearing at 7:03 p.m.**

Mayor Pro Tempore **Deffibaugh** then announced the sixth item under the Regular Agenda: **2022-249 Public Hearing (FY 2022-2023 Budget)**: Public hearing regarding the adoption of the Fiscal Year 2022-2023 budget for the City of Princeton.

Mayor Pro Tempore **Deffibaugh opened the public hearing at 7:04 p.m.**

Mayor Pro Tempore **Deffibaugh closed the public hearing at 7:05 p.m.**

Mayor Pro Tempore **Deffibaugh** then announced the seventh item under the Regular Agenda: **2022-250 Ordinance 2022-09-12 (Proposed Tax Rate)**: Discussion and possible action regarding Ordinance 2022-09-12, adopting the City of Princeton tax

rate of \$0.534543 for fiscal year 2022-2023. Councilmember **Obera made a motion to approve.** Councilmember **Washington seconded the motion to approve.** The **motion carried 5-0.**

Mayor Pro Tempore **Deffibaugh** then announced the eighth item under the Regular Agenda: **2022-251 Ordinance 2022-09-12-01 (FY2023 Budget):** Discussion and possible action regarding Ordinance 2022-09-12-01, adopting the FY2023 Operating Budget for the City of Princeton and Exhibit A. Councilmember **Underwood made a motion to approve.** Councilmember **Kleiber seconded the motion to approve.** The **motion carried 5-0.**

Mayor Pro Tempore **Deffibaugh** then announced the ninth item under the Regular Agenda: **2022-252 Ordinance 2022-09-12-02 (Ratifying Budget and Tax Rate):** Discussion and possible action regarding Ordinance 2022-09-12-02, ratifying the fiscal year 2022-2023 Budget and Tax Rate for the City of Princeton. Councilmember **Underwood made a motion to approve.** Councilmember **Washington seconded the motion to approve.** The **motion carried 5-0.**

Mayor Pro Tempore **Deffibaugh** then announced the tenth item under the Regular Agenda: **2022-253 Public Hearing (Garden Homes of Venice):** Conduct a public hearing regarding a request received from Abdul Mohammed, East Melissa LLC, for the voluntary annexation of property Being tract A of land situated in the Rufus Sewell Survey, abstract No. 873 in Collin County, and Being tract B of land situated in the Carter T. Clift, Abstract No. 162, Collin County, Texas, and being a portion of land described in deed to Azre, LLC as recorded under Volume 6008 Page 1654 (hereinafter referred to as "Azre tract" of the Official Public Records of Collin County, Texas



(O.P.R.C.C.T., and being more particularly described as follows: 104.613 acres of land, more or less.

Mayor Pro Tempore **Deffibaugh** opened the public hearing at 7:11 p.m.

Mayor Pro Tempore **Deffibaugh** closed the public hearing at 7:23 p.m.

Mayor Pro Tempore **Deffibaugh** then announced the eleventh item under the Regular Agenda: **2022-254 Ordinance 2022-09-12-03 (Voluntary annexation):** Discussion and possible action regarding the voluntary annexation of a 104.613 acres of land situated in the Rufus Sewell Survey, abstract No. 873 & the Carter T. Clift Survey, Abstract No. 162, Collin County, Texas. (Garden Homes of Venice). Councilmember **Underwood** made a motion to approve. Councilmember **Obera** seconded the motion to approve. The motion carried 5-0.

Mayor Pro Tempore **Deffibaugh** then announced the twelfth item under the Regular Agenda: **2022-255 CR 409:** Discussion and possible action for the City of Princeton to confirm and accept the cost share estimate and authorize Collin County to invoice the project once the work is completed. Councilmember **Washington** made a motion to approve. Councilmember **Kleiber** seconded the motion to approve. The motion carried 5-0.

Mayor Pro Tempore **Deffibaugh** then announced the thirteenth item under the Regular Agenda: **2022-256 Chamber of Commerce:** Discussion and possible action regarding the City of Princeton being a member of the Chamber of Commerce, requested by Councilmember Kleiber. No action taken.

Mayor Pro Tempore **Deffibaugh** then announced the fourteenth item under the Regular Agenda: **2022-257 Beauchamp Blvd:** Update and discussion regarding Beauchamp Blvd, requested by Councilmember Obera. No action taken.

Mayor Pro Tempore **Deffibaugh** then announced the fifteenth item under the Regular Agenda: **2022-258 Future Agenda Items:** Possible action to approve request for items to be placed on a future agenda and NOT for discussion of these requests. (1) Councilmember **Kleiber** would like an update from the EDC Coordinator on how businesses are being brought to the City, and possibly why they don't want to come to the City. (Steps involved).

Mayor Pro Tempore **Deffibaugh** then announced Executive Session. Executive Session: Under terms of Chapter 551 of Texas Government Code the City Council may enter into CLOSED SESSION or Executive Session to discuss the following: Section 551.071 (2) Texas Government Code. Consultation with the City Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter on any posted agenda items. No action taken

Mayor Pro Tempore **Deffibaugh** then announced the Report Agenda: City Manager: **Derek Borg** spoke on the following items:

- 1) Next Regular City Council Meeting, Monday, September 26, 2022 @ 6:30 p.m.
- 2) Nov. 8, 2022, Special Election-Consideration of Adoption of a Home Rule Charter.
- 3) Sept. 1<sup>st</sup> – 30<sup>th</sup>, Peanut Butter Drive-The City of Princeton is participating in the annual North Texas Food Bank peanut butter drive that is being held throughout September, with a goal of receiving 500,000 pounds of peanut butter donations to help feed hungry children and families. There will be boxes located at all city buildings.
- 4) Oct 1<sup>st</sup> Floating Jack-o-lanterns and a move in the park.


- 5) Oct 4<sup>th</sup> @ 8:30 a.m. Memorial Bench Dedication in Remembrance of Cathy Dunkel.
- 6) Oct 22<sup>nd</sup> Annual Fall Fest.

Mayor Pro Tempore **Deffibaugh** then announced the City Council reports about items of community interest regarding which no action will be taken. Councilmember **Underwood** reported on the CPR training classes coming up.

Mayor Pro Tempore **Deffibaugh** asked for a motion of adjournment of the meeting.

Councilmember **Washington** made a motion to adjourn. Councilmember **Kleiber** second the motion. The motion carried 5-0.

The meeting adjourned at 7:43 p.m.

  
\_\_\_\_\_  
Steven Deffibaugh, Mayor Pro Tempore

ATTEST:

  
\_\_\_\_\_  
Amber Anderson, City Secretary



**EXHIBIT 5**  
**MILLIGAN WATER SUPPLY CORPORATION**  
**MEETING AGENDA AND MINUTES**

## **EXHIBIT 5**

**MILLIGAN WATER SUPPLY CORPORATION  
1400 S BRIDGEFARMER ROAD  
MCKINNEY, TEXAS 75069  
972-542-1143**

MILLIGAN WATER SUPPLY CORPORATION BOARD OF DIRECTORS WILL CONVENE AT THE ABOVE ADDRESS ON WEDNESDAY SEPTEMBER 14<sup>TH</sup>, 2022, AT 6:00 P.M.

AGENDA:

CALL TO ORDER.

DISCUSS AND ACT ON AGREEMENT DESIGNATING RETAIL WATER SERVICE TERRITORY BETWEEN MILLIGAN WSC AND THE CITY OF PRINCETON.

THE PRINCETON/LOWRY CROSSING CHAMBER OF COMMERCE WILL ATTEND TO CELEBRATE THE CORPORATION'S NEW MEMBERSHIP WITH A RIBBON CUTTING CEREMONY.

VOTE TO APPROVE THE PREVIOUS MEETING MINUTES.

VOTE TO ACCEPT THE CURRENT FINANCIAL REPORT.

REVIEW AND ACT ON WATER RATE INCREASE DUE TO A COST INCREASE IN WATER COST BY THE NTMWD.

ADJOURNMENT.

CANDI BLISARD

GENERAL MANAGER

\*Notice is hereby given that the Board of Directors of the Milligan Water Supply Corporation may discuss, consider, and take all necessary action, including expenditure of funds, regarding each of the agenda items listed.

\*At any time during the meeting, the Milligan Water Supply Corporation Board may adjourn into executive session on any of the items listed on the agenda, if at any time during the meeting an item meets the criteria which allow for executive session under Texas Government Code, Chapter 551, Subchapter D.

Milligan Water Supply Corporation  
Board of Directors Meeting  
1400 S Bridgefarmer Rd  
Mckinney, TX

Minutes of September 14<sup>th</sup>, 2022

1. Call to Order

President, Donna Petree called the meeting to order at 6:18pm.

2. Roll Call

In attendance was Donna Petree, Bob Pettit, June Pettit, Phillip Choate, Harold Hinsley, Brian Franze. & Adam Pagano.

General Manager, Candi Blisard was present. Josh Bethke, attorney was also present on behalf of Lennar.

3. Presentation/Comments by Members

a. none

4. Business Items

a. **The directors and staff joined the Chamber of Commerce to celebrate joining the Chamber with a ribbon cutting ceremony.**

b. **Discuss and vote on agreement designating retail water service territory between Milligan WSC and the City of Princeton.**

The directors reviewed the agreement. Milligan's attorney, Kristen Fancher has reviewed and approved the document. Josh Bethke stated that Lennar has agreed to bear all cost associated with this agreement. After discussion a motion to sign the agreement was made by Phillip Choate. Second by Bob Pettit. Motion passed (7-0).

c. **Vote to accept the minutes from the August 2022 business meeting.**

Bob Pettit made a motion to accept the minutes. Second by Phillip Choate. Motion passed (7-0).

d. **Vote to accept the financial report.**

Bob Pettit made a motion to accept the financial report. Second by Harold Hinsley. Motion passed (7-0).

e. **Due to an increase in cost by the NTMWD, Directors will review and act on a water rate increase to cover the increase.**

The directors reviewed different rate structures and agreed to apply the increase to the monthly minimum effective in the October billing cycle. The new monthly minimum will be \$43.60, all tiers remain the

same. A motion was made by Harold Hinsley, a second by Adam Pagano. Motion passed. (7-0)

**5. The meeting adjourned at 7:08p.m.**

Milligan Water Supply Corporation  
Board of Directors Meeting  
1400 S Bridgefarmer Rd  
Mckinney, TX

Minutes of October 12<sup>th</sup>, 2022

1. Call to Order

President, Donna Petree called the meeting to order at 6:12pm.

2. Roll Call

In attendance was Donna Petree, Bob Pettit, June Pettitt, Phillip Choate, Harold Hinsley, Brian Franze. & Adam Pagano.  
General Manager, Candi Blisard was present.

3. Presentation/Comments by Members

a. none

4. Business Items

a. **Vote to accept the minutes from the 2022 September business meeting.**

Bob Pettitt made a motion to accept the minutes. Second by Phillip Choate. Motion passed (7-0).

b. **Vote to accept the financial report.**

Harold Hinsley made a motion to accept the financial report. Second by Bob Pettitt. Motion passed (7-0).

c. **A request was made by Katy & Flavio Peres to allow the installation of an internet tower 90 feet from the office yard property line.**

Due to city ordinance Mr. & Mrs. Peres must receive permission from neighboring property due to the height of the structure. The directors agreed to allow the installation of the internet tower. Verona Network will be contacted to discuss listing MWSC as an additional insured on their policy. A motion was made by Bob Pettitt, a second by Harold Hinsley. Motion passed. (7-0)

d. **Discuss and vote on employee holiday bonus.**

After much discussion the directors agreed to give the employees a holiday bonus. The total approved budget for the bonus will be \$24,500, to be dispersed to all 6 employees. A motion was made by



Bob Pettit and seconded by Adam Pagano. Motion passed unanimously  
(7-0)

**5. The meeting adjourned at 7:12p.m.**

**Next meeting is scheduled for November 9<sup>th</sup> 2022, 6pm.**