

NOTICE OF
TOWN COUNCIL WORKSESSION, PUBLIC HEARING & REGULAR MEETING
TOWN OF PROVIDENCE VILLAGE, TEXAS
PROVIDENCE VILLAGE TOWN HALL
1745 FM 2931, PROVIDENCE VILLAGE, TEXAS 76227
MONDAY, FEBRUARY 9, 2015
7:00 P.M. Regular Session

MINUTES

REGULAR SESSION 7:00 p.m.

I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

Mayor Dave Shuck called the meeting to order at 7:03 p.m. Town Council members present were Alderman Lynn Jaco, Alderman Justin Steiner and Alderman Michael Jordan, being a quorum. Alderman Steve Miller and Mayor Pro-Tem Darren Vader were absent.

II. PLEDGE OF ALLEGIANCE

- a. United States Flag
- b. Texas Flag:
 - i. Honor the Texas Flag I pledge allegiance to thee Texas, one State under God, one and indivisible

Aldron, from Boy Scouts Troop 19, led the pledge.

III. INVOCATION:

Philip Mack Furlow led the invocation.

IV. OPEN FORUM:

Open Forum is for information only. The Council can take no action. No charges and/or complaints will be heard against any elected official, appointed official or employee of the Town unless presented in writing as prescribed in Chapter 22, paragraph 22.043 of the Local Government Code. Speaking time will be limited to three (3) minutes.

**Please note* Anyone wishing to furnish the Town Council with copies/handouts regarding their item of interest must provide 9 copies and present them to the Town Secretary for distribution to the Town Council.*

Joyce Vann, a resident at 10204 Franklin Dr., provided the Town Council with pictures and a presentation relating to need to make Post Oak Place a one-way street for safety reasons.

Don Fisher, with the Providence HOA, reported that they had the largest crowd for the recent Pancake Breakfast. Further announced that Family Bingo was limited to the first 100 and that there were 2 seats up for re-election on the HOA board.

There were no further requests to address the Town Council in open forum. Alderman Steiner motioned to close open forum; Alderman Jordan seconded. Motion carried: 3 in favor; 0 opposed.

V. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

- a. Monthly Reports from Committees: Communications, Emergency Preparedness, HOA, Ordinance, Public Safety and Transition

Communication Committee –Nothing to report.

Emergency Preparedness Committee – Nothing to report.

HOA – Nothing to report.

Ordinance Committee – To be discussed later on the agenda.

Public Safety Committee – Nothing to report.

Transition Committee –Mayor Shuck gave a summary of three projects, including fire hydrants being repainted, drainage clean-up and retaining wall repairs.

- b. Staff Reports

Code Enforcement – Mike Carroll gave a summary of his written report.

Law Enforcement – Captain Douglas Lee and Deputy Mauricio Torres were present.

Deputy Torres reported that he has noticed a lot of opportunities for burglaries, including open garage doors, etc. Deputies Torres and Lara have been using social media to inform citizens of precautions. Also reported that they are attempting to start a Neighborhood Watch Program. Mayor Shuck spoke about the “Meet & Greet” event.

Town Secretary/Municipal Court – Jenny Sawyers provided a summary of municipal court activities.

Alderman Steiner motioned to close the committee and staff reports; Alderman Jaco seconded. Motion carried: 3 in favor; 0 opposed.

VI. CONSENT AGENDA – Items are considered self-explanatory and will be enacted with one motion. There will be no separate discussion of these items unless so requested by at least one member of the Town Council.

- a. Minute Approval – None
- b. Treasury Report

- c. Pay Bills
- d. Approve Purchase Orders

Alderman Jaco motioned to approve the consent agenda; Alderman Steiner seconded. Motion carried: 3 in favor, 0 opposed.

VII. ACTION ITEMS

Mayor Shuck stated that the Council would discuss Action Item (c) first in order to accommodate the attendance by Captain Lee from the DCSO.

- c. Consider, discuss and act upon approval of Joint Interlocal Cooperation Agreement for Full Time Law Enforcement Patrol Services between Denton County and the Town of Providence Village for fiscal year 2014-15.

Captain Lee reported that the vehicle owned by the Town, which was donated back in 2010, has been reassigned to Deputy Linnell and was available to answer any questions regarding the ICA for law enforcement personnel. It was noted that the current mayor's name needed to be amended in the contract. Alderman Jaco motioned to amend the Joint Interlocal Cooperation Agreement for Full Time Law Enforcement Patrol Services between DCSO and Town to include the current mayor's name; Alderman Steiner seconded. Motion carried: 3 in favor, 0 opposed.

Alderman Jordan motioned to approve the amended Joint Interlocal Cooperation Agreement for Full Time Law Enforcement Patrol Services between DCSO and the Town, as amended; Alderman Jaco seconded. Motion carried: 3 in favor, 0 opposed.

- a. Consider, discuss and act upon approval of 2013-14 Fiscal Year Budget Audit Report as presented by William C. Spore, P.C.

Alderman Steiner motioned to approve the 2013-14 Fiscal Year Budget Audit Report; Alderman Jaco seconded. Motion carried: 3 in favor, 0 opposed.

- b. Consider, discuss and act upon approval of Joint Election Agreement and Contract for Election Services between the Town of Providence Village and Denton County Elections Administrator for general and special election on May 9, 2015.

Alderman Jaco motioned to approve Joint Election Agreement and Contract for Election Services between the Town and Denton County Election Administrator; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

- d. Consider, discuss and act upon approval of Special Event Permit Application No. 14-00076-02 from Providence HOA for the Easter Eggstravaganza event at the Providence Community Center on April 4, 2015.

Alderman Jaco motioned to approve Special Event Permit Application No. 14-00075-02 with the stipulation of appropriate food vendor inspections being conducted; Alderman Steiner seconded. Motion carried: 3 in favor, 0 opposed.

- e. Consider, discuss and act upon approval of Providence Village Water Control & Improvement District's Protected Tree Removal Permit Application as outlined in the Tree Survey and Assessment of Street Parkway Trees prepared by Tree Shepherds.

Scott Geer, Owner of Tree Shepherds, presented his Tree Survey and Assessment of Street Parkway Trees, with specific focus on the parks and main entrances at Lakeview and Cape Cod Blvd. There was extensive discussion regarding the tree ordinance and Alderman Jordan recommended that the ordinances should be amended before action is taken. There was further discussion regarding the seasonal timing for tree trimming. Alderman Steiner motioned to move the action item to a special meeting to be held on February 16, 2015; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

- f. Conduct first public hearing to receive input on Ordinance No. 2015-066, an ordinance adopting the North Central Texas Council of Governments Public Works Construction Standards.

Alderman Steiner motioned to close regular session and open public hearing; Alderman Jaco seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed regular session and convened into public hearing at 8:32 p.m.

Philip Mack Furlow, Town Attorney, read aloud the contents of Ordinance No. 2015-066. Mayor Shuck opened the floor to those wishing to speak for or against the ordinance. There were no requests to discuss the ordinance in public hearing. Alderman Steiner motioned to close public hearing and reconvene into regular session; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed public hearing and reconvened into regular session at 8:37 p.m.

- g. Consider, discuss and act upon approval Ordinance No. 2015-066 adopting the North Central Texas Council of Governments Public Works Construction Standards.

Alderman Jaco motion to approve Ordinance No. 2015-066 adopting the North Central Texas Council of Governments Public Works Construction Standards; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

- h. Conduct first public hearing to receive input on Ordinance No. 2015-067, an ordinance adopting provisions relating to the responsibilities of sidewalk maintenance, repair and liability within the Town of Providence Village.

Alderman Jordan motioned to close regular session and open public hearing; Alderman Steiner seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed regular session and convened into public hearing at 8:38 p.m.

Philip Mack Furlow noted that the current version of Ordinance No. 2015-067 needed to be amended so that a Trail System is defined as a sidewalk and then read aloud a summary of Ordinance No. 2015-067. Mayor Shuck opened the floor to those wishing to speak for or against the ordinance. Don Fisher, President of the Providence HOA, asked about the potential for HOA liability under the proposed ordinance and was against same. Greg Hugie, a director with the Providence Village WCID stated that he agreed with Mr. Fisher's comments. There were no further requests to discuss the ordinance in public hearing. Alderman Jordan motioned to close public hearing and reconvene into regular session; Alderman Jaco seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed public hearing and reconvened into regular session at 8:51 p.m.

- i. Consider, discuss and act upon approval Ordinance No. 2015-067 adopting provisions relating to the responsibilities of sidewalk maintenance, repair and liability within the Town of Providence Village.

Alderman Steiner motioned to approve Ordinance No. 2015-067, known as the Sidewalk Ordinance, with the appropriate amendment to include a trail system in the definition of a sidewalk; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

- j. Conduct first public hearing to receive input on Ordinance No. 2015-068, an ordinance adopting provisions relating to landscaping requirements within the Town of Providence Village.

Alderman Jordan motioned to close regular session and open public hearing; Alderman Steiner seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed regular session and convened into public hearing at 8:58 p.m.

Philip Mack Furlow read aloud a summary of Ordinance No. 2015-068. Mayor Shuck opened the floor to those wishing to speak for or against the ordinance. There were no requests to discuss the ordinance in public hearing. Alderman Jaco motioned to close public hearing and reconvene into regular session; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed public hearing and reconvened into regular session at 9:08 p.m.

- k. Consider, discuss and act upon approval Ordinance No. 2015-068 adopting provisions relating to landscaping requirements within the Town of Providence Village.

Several proposed revisions were discussed. Alderman Steiner motioned to amend section 6A of the ordinance by removing last sentence referring to penalty for replanting of a tree; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

Alderman Jaco motioned to further amend the ordinance in Section 3, last paragraph, by removing the reference to owner's being responsible for making revisions to street or utility improvements; Alderman Steiner seconded. Motion carried: 3 in favor, 0 opposed.

Alderman Steiner motioned to approve Ordinance No. 2015-068, as amended; Alderman Jaco seconded. Motion carried: 3 in favor, 0 opposed.

- l. Consider, discuss and act upon Joint Boundary Ordinance between the Town of Providence Village, Texas and the Town of Cross Roads, Texas and approval of an Interlocal Agreement setting forth Corporate Boundaries and Extraterritorial Jurisdiction of the Towns and providing for certain agreements and adjustments to the boundaries and extraterritorial jurisdiction of the Towns.

Philip Mack Furlow gave a summary of the Joint Boundary Ordinance and discussions relating to the ETJ agreement between the Town and Cross Roads. This item was table to be discussed in the upcoming special council meeting.

- m. Conduct public hearing to receive input regarding Home Rule Charter, as approved by the Home Rule Charter Commission and to be placed on a special election ballot to be presented to the registered voters on May 9, 2015.

Alderman Jaco motioned to closed regular session and convene into public hearing; Alderman Steiner seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed regular session and convened into public hearing at 9:22 p.m.

Philip Mack Furlow gave a summary of the Home Rule Charter, its development and ultimate presentation to the Town Council to be placed on May 9, 2015 election ballot. Mayor Shuck opened the floor to those wishing to speak for or against the Home Rule Charter. There were no requests to address the Council in the public hearing. Alderman Jaco motioned to close public hearing and reconvene into regular session; Alderman Steiner seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed the public hearing and reconvened into regular session at 9:30 p.m.

- n. Consider, discuss and act upon appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of Town Secretary, Town Treasurer and Municipal Court Clerk.

Mayor Shuck announced that this matter would be addressed in executive session and he expected action to be taken following executive session.

- o. Consider and discuss Section 13.255 action against Mustang Special Utility District.

Philip Mack Furlow reported that a ruling from PUC was expected soon. The PVWCID did file a motion to intervene and that a decision should be rendered by May 7th. The PUC did not believe the application to be administrative complete.

- p. Discuss legal and administrative status involving CCN and asset transfer from Providence Village Water Control and Improvement District to Mustang Special Utility District.

Philip Mack Furlow stated there was nothing to report.

- q. Identify agenda items to be discussed at future meeting.

- 1. Post Oak Lane being declared one-way street; and
- 2. Revisions to the zoning and subdivision ordinances.

Alderman Jaco motioned to close Town Council regular session and convene into executive session; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed regular session meeting at 9:36 p.m. and convened into Executive Session at 9:42 p.m.

VIII. EXECUTIVE SESSION

The Town Council will convene into executive session pursuant to Texas Government Code Sections 551.074, Personnel Matters, and 551.071, Consultation with Attorney, to seek the advice of the Town Attorney or other legal counsel concerning pending or contemplated litigation or on a matter in which the duty of the attorney(s) to the Town under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act.

- a. Consider, discuss and act upon appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of Town Secretary, Town Treasurer and Municipal Court Clerk.
- b. Consider and discuss Section 13.255 action against Mustang Special Utility District.

- c. Discuss legal and administrative status involving CCN and asset transfer from Providence Village Water Control and Improvement District to Mustang Special Utility District.

Alderman Steiner motioned to closed executive session and reconvene into Town Council regular session; Alderman Jaco seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed executive session at 10:06 p.m. and reconvened regular session meeting at 10:07 p.m.

IX. RECONVENE INTO OPEN SESSION

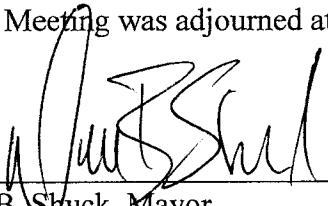
- a. Consider and act upon items discussed in Executive Session.

Alderman Jaco motioned to reassign Connie Hansen's to Town Secretary and Court Administrator and raise her salary by 5% to \$55,440 annually; Alderman Steiner seconded. Motion carried: 3 in favor, 0 opposed.

X. ADJOURNMENT

Alderman Jaco motioned to adjourn the Town Council meeting; Alderman Jordan seconded. Motion carried: 3 in favor, 0 against.

Meeting was adjourned at 10:09 p.m.



David B. Shuck, Mayor

5/11/2015
Date Minutes Approved



Connie S. Hansen, TRMC
Town Secretary

5/11/15
Date Minutes Approved

