

NOTICE OF  
TOWN COUNCIL WORKSESSION, PUBLIC HEARING & REGULAR MEETING  
TOWN OF PROVIDENCE VILLAGE, TEXAS  
PROVIDENCE COMMUNITY CENTER  
9400 WATERMAN DRIVE  
**MONDAY, April 25, 2011**  
7:00 P.M. Regular Session

**MINUTES**

**REGULAR SESSION 7:00 p.m.**

**I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:**

Mayor Roberson called the meeting to order at 7:01 p.m. Town Council members present were Alderman Eddie Army, Alderman Lisa Garcia, Alderman Earnest Law, Mayor Pro-Tem Mike Thompson and Alderman Mark McCullough.

**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

**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.*

Don Fisher introduced himself as a new member of the Providence Village HOA board, along with an introduction of Lawrence Griffin and Justin Lambert who were also present. Mr. Fisher asked the Town Council how the HOA could help the Town Council with the water district issue and wanted an explanation regarding the situation. The HOA board had been advised that attorney's fees relating to the CCN

matter would be costly and wanted to know if there was the possibility for the HOA to work jointly with the Town Council to keep the legal fees and costs at a minimum. Following advice from the Town Attorney, Mayor Roberson stated a summary of the transaction which involves the PVWCID and Mustang SUD having dual CCN's for water services to Providence Village. Mustang has requested approval to transfer the CCN's to Mustang SUD and the Town of Providence Village has filed an objection with the TCEQ and has requested a public hearing. TCEQ will review the objection and then determine if a public hearing should be held. Mayor Roberson further stated that the major objection to the transfer is based on Mustang SUD obtaining the current infrastructure developed by PVWCID and currently being paid for by the residents of Providence Village. If the transfer is approved, Mustang SUD will obtain the entire infrastructure without any payment to PVWCID and the residents of Providence Village will continue to pay for the infrastructure to the WCID. Furthermore, water rates will go up and the school district and residents will pay considerably more and it ultimately impacts all of the citizens, which makes it a concern of the Town Council.

Town attorney, Philip Mack Furlow, noted that the objection filed with TCEQ is of public record and can be obtain through open records request.

Mayor Pro-Tem Thompson moved to close open forum; Alderman McCullough seconded. Motion carried: 5 in favor; 0 opposed.

Mayor Roberson stated that in order to accommodate time constraints and responsibilities of guests, the agenda order would be modified and Action Items (b), (c) and (d) would be addressed.

## **VII. ACTION ITEMS**

b. Oath of Office of Municipal Clerk

Judge Arthur Maldonado administered the Oath of Office and Connie Hansen was sworn into office as Municipal Clerk.

c. Oath of Office of Municipal Judge

Connie Hansen administered the Oath of Office and Arthur Maldonado was sworn into office as Municipal Judge.

d. Oath of Office of Town Prosecutor

Connie Hansen administered the Oath of Office and Stephanie M. Berry was sworn into office as Town Prosecutor.

**V. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:**

- a. Monthly Reports from Communications Committee, HOA Committee, Water Committee, Ordinance Committee and Finance Committee

Communication Committee – Nothing to report.

HOA Committee – Alderman McCullough announced that new members had been elected to the HOA board and that Mayor Pro-Tem Thompson made a State of Town address during the annual HOA meeting.

Water District Committee – Nothing to report.

Ordinance Committee – Mayor Pro-Tem Thompson stated nothing to report at this time, items will be addressed later on the agenda.

Finance Committee – Alderman Army and Alderman Garcia reported that the finance committee had a meeting scheduled for Wednesday evening and any information would be reported at the next Town Council meeting.

- b. Staff Reports

Connie Hansen, Town Secretary, referred the Mayor and Council to the reported provided in the meeting binders. Mayor Roberson discussed the citizen's inquiry regarding an emergency response system and other options for warning residents. There was a brief discussion regarding the pros and cons of utilizing a warning system and the intended purposes of same.

Julie Fort, Special Counsel, provided the Town Council with a copy of the Request for a Hearing sent to TCEQ. Ms. Fort stated that due to the size of the file, it was not feasible to try and forward an electronic copy to Town Council members. Ernie Law asked what the chances were of getting the hearing granted to which Ms. Fort responded that there was a 50/50 chance since the request is one of the stronger requests. Ms. Fort further indicated that when she spoke with the representative at the TCEQ, it was apparent that he had already heard one side of the argument. For the benefits of the attendees of the council meeting, Mayor Roberson reiterated some of the argument points outlined in the request for hearing.

Philip Mack Furlow, Town Attorney, reported that he is still working with the PUC. The person Philip Mack Furlow is working with is a right-of-way representative and is not familiar with the line access fee matter. Philip Mack Furlow is still waiting on data from PUC. They only have to deal with this matter whenever there is a new city or town and so it takes the PUC time to gather the necessary information to address the issue. Mr. Furlow further reported that he continues working with WCID on amendments to the ICA.

Alderman Garcia motioned to close the committee and staff reports; Mayor Pro-Tem Thompson seconded. Motion carried, 5 in favor, 0 against.

**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: 04/11/11
- b. Pay Bills

Mayor Roberson announced that item (b) entitled Pay Bills would be moved and discussed after Executive Session.

Alderman Garcia motioned to approve the minutes of the April 11, 2011 meeting; Alderman McCullough seconded. Motion carried, 5 in favor, 0 against.

**VIII. ACTION ITEMS**

- a. Consider and act upon Providence Village HOA’s request for waiver of the fireworks permit fee relating to the 4<sup>th</sup> of July fireworks show contemplated by Providence Village HOA

Alderman McCullough moved that the Town Secretary issue a waiver to the Providence Village HOA to host a 4<sup>th</sup> of July fireworks show; Mayor Pro-Tem Thompson seconded. Motion carried, 5 in favor, 0 against.

- e. Consider and act upon Town Secretary/Municipal Clerk’s attendance at the New Clerk Program conducted by the Texas Municipal Courts Education Center the week of July 18-21, 2011

Following a brief discussion regarding additional costs and means of travel to the training course, Alderman Garcia motioned to approve the Town Secretary’s attendance at the New Clerk Program the week of July 18-21, 2011 and to authorize payment of the \$200.00 course fee, which included hotel accommodations; Mayor Pro-Tem Thompson seconded. Motion carried, 5 in favor, 0 against.

Mayor Pro-Tem Thompson motioned to close the Town Council regular session meeting and convene into executive session; Alderman McCullough seconded. Motion carried: 5 in favor, 0 against. Mayor Roberson closed regular session meeting and convened Executive Session at 7:45 p.m.

**VIII. EXECUTIVE SESSION**

The Town Council will convene into executive session pursuant to Texas Government Code Section 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 and pursuant to Texas Government Code Section 551.074, Personnel Matters.

Consent Agenda item (b) and Action Items (f), (g), (h) and (i) were discussed in Executive Session. Mayor Pro-Tem Thompson motioned to close executive session and reconvene into Town Council regular session; Alderman McCullough seconded. Motion carried: 5 in favor, 0 against.

**IX. RECONVENE INTO OPEN SESSION**

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

Mayor Roberson closed executive session and reconvened Town Council regular session at 8:33 p.m.

**X. ACTION ITEMS (Cont'd)**

- f. Consider and act upon establishment of Building Permitting and Inspections.

Following discussion in executive session, item was tabled and no action was taken.

- g. Consider and act upon establishment of physical office location and hours of operation.

Following discussion in executive session, the item was tabled and no action was taken.

- h. Consider and act upon Ordinance pertaining to Solicitation.

Following discussion in executive session, item was tabled and no action was taken.

- i. Consider and act upon Law Enforcement interlocal agreement.

Alderman Garcia moved to approve the Law Enforcement Interlocal Agreement; Mayor Pro-Tem Thompson seconded. Motion carried, 5 in favor, 0 against.

Mayor Pro-Tem moved to approve payment of the bills presented in Consent Agenda item (b); Alderman Law seconded. Motion carried, 5 in favor, 0 against.

- X. ADJOURNMENT** - The Town Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Chapter 551.

Alderman Garcia motioned to adjourn the Town Council meeting; Mayor Pro-Tem Thompson seconded. Motion carried, 5 in favor, 0 against.

Meeting was adjourned at 8:39 p.m.

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Brian D. Roberson  
Mayor, Town of Providence Village, Texas

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Date Minutes Approved

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Connie Hansen  
Town Secretary

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Date Minutes Approved