

NOTICE OF
TOWN COUNCIL WORKSESSION, PUBLIC HEARING & REGULAR MEETING
TOWN OF PROVIDENCE VILLAGE, TEXAS
PROVIDENCE VILLAGE TOWN HALL
1745 F.M. 2931, PROVIDENCE VILLAGE, TEXAS

TUESDAY, SEPTEMBER 20, 2016
7:30 P.M. Regular Session

MINUTES

REGULAR SESSION 7:30 p.m.

I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

Mayor Dave Shuck called the meeting to order at 7:33 p.m. Town Council members present were Alderman Steve Miller, Alderman Linda Applin, Mayor Pro-Tem Michael Jordan, and Alderman Chris Blue, being a quorum. Alderman J. Eric Newton was 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

Pack 372 Scouts served as color guard.

III. INVOCATION

Philip Mack Furlow led invocation.

IV. OPEN FORUM:

There were no requests to address the Town Council. Alderman Miller moved to close Open Forum; Mayor Pro-Tem Jordan seconded. Motion carried: 5 in favor, 0 opposed.

V. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

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

Communications Committee – NTR
EDCEC Committee – NTR
Emergency Preparedness Committee - NTR

Ordinance Committee – Mayor Pro-Tem Jordan stated that the committee met and have a proposed rate order to be discussed later.

Public Safety Committee – NTR

- b. Staff Reports: Code Compliance, Building Permits, Municipal Court, Law Enforcement, Administration

Code Compliance – Mike Carroll gave a summary of the building permit report.

Building Permits – Mike Carroll gave a summary of the building permit report. Mayor Pro-Tem Jordan asked if there is still only one registered solicitor, which was confirmed.

Municipal Court – Connie Hansen gave a brief summary of the court report.

Law Enforcement – Deputy Charles Spilman introduced himself as the replacement for Mauricio Torres. Mayor Shuck noted that there was a written report from Law Enforcement in the agenda packet.

Administration – Clay Taylor report on behalf of Severn Trent. Important issue is that the lead copper sampling is getting close to completion. We only have 11 out of the 20 volunteers have actually submitted samples. Severn Trent is contacting the volunteers to get the delinquent samples. There were numerous questions about changing the sampling pool or adding volunteers. Clay Taylor reminded everyone that the past couple of days the temperatures have been high and irrigation systems could be running. Alderman Applin asked if there are any new cases regarding the water issue and Brian Roberson stated that there were 3 new ones that occurred during the last 3 weeks.

Brian Roberson reported that he had not had any more developers in during the past couple of weeks. There have been discussions with some of the developers regarding utility services, including water and sewer. We should have the easements within the next month. Once we have he the easements, we will need to start looking at construction. Mayor Shuck asked if the Town's CCN is what is causing us to have to provide services and Brian Roberson stated it was the controlling factor. There was further discussion regarding the reduced cost for property owners who are being offered services.

Alderman Blue asked if October 3 was still the start date for erosion repair and Brian Roberson stated we were still set for October 3 and notices are being sent to the residents adjacent to the creek.

Alderman Blue moved to close Consent Agenda; Mayor Pro-Tem noted the error. Alderman Blue withdrew motion and moved to close Worksession/Committee/Staff Reports; Mayor Pro-Tem Jordan seconded. Motion carried: 5 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
- b. Treasury Report
- c. Pay Bills
- d. Approve Purchase Orders
- e. Approve Administrative Actions

Mayor Pro-Tem Jordan moved to approve Consent Agenda, as amended; Alderman Applin seconded. Motion carried: 5 in favor, 0 opposed.

VII. ACTION ITEMS

- a. Consider, discuss and act upon Ordinance 2016-91, increasing the number of member(s) on the Planning and Zoning Commission.

Brian Roberson stated that in previous meetings there was discussion to increase the number of members on the P&Z to get more people involved in the process.

Mayor Pro-Tem Jordan moved to approve Ordinance 2016-91; Alderman Miller seconded.

Mayor Pro-Tem Jordan stated that when the Home Rule Charter was originally approved, the minimum number of members was set at five. There has been unprecedented interest in residents to participate. Mayor Shuck agreed that the more people we bring into discussions, the more it will benefit the Town. Alderman Blue asked about the possible problems with an even number of members and a tie can happen and the Town Council will benefit from the knowledge that there was a split board and could act accordingly. Mayor Pro-Tem Jordan asked Alderman Blue since he came from the Planning & Zoning Commission, did he believe that it would be a problem and he said that since the inception there has only been one issue that had any potential but it did not result in a tie.

Mayor Pro-Tem moved to table; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

- b. Consider, discuss and act upon appointment of additional member(s) to the Planning and Zoning Commission.

Item tabled.

- c. Consider, discuss and act upon Ordinance 2016-90, providing standards and procedures for a Board of Adjustments to hear and determine appeals of administrative decisions, special exceptions, or requests for variances in the case of peculiar and unusual

circumstances which would prevent the reasonable use of land and such other matters as may be required by the Town Council or by law.

Brian Roberson stated that by State Law there must be 5 members on the Board of Adjustments. The four alternatives are not required, but highly recommended because of timelines in responding to appeals, there must be the 9 people available. Brian Roberson generally compares the Board of Adjustment to the Town's Supreme Court. Brian Roberson gave an example of circumstances that would possibly be transitioned to the Board of Adjustments and how they could help resolve a situation. Philip Mack Furlow gave a summary of other services the Board of Adjustments and legal requirements necessary. Philip Mack Furlow stated that the Board of Adjustments is similar to the appellate court. Alderman Blue asked if the Board of Adjustments members need to have legal knowledge and Philip Mack Furlow stated that they need to have knowledgeable staff and a town attorney they can rely upon.

Alderman Blue moved to accept Ordinance 2016-090 providing standards and procedures for a Board of Adjustments to hear and determine appeals of administrative decisions, special exceptions, or requests for variances in the case of peculiar and unusual circumstances which would prevent the reasonable use of land and such other matters as may be required by the Town Council or by law; Alderman Applin seconded.

There was a question regarding whether all 9 people had to be appointed this evening and it was discussed that the P&Z was set in segments, so the same practice could be done with the BOA.

There was discussion regarding alternates and how they were used. There was discussion about replacement and appointment of members for cause.

Mayor Shuck called the motion to a vote: Motion carried: 5 in favor, 0 opposed.

- d. Consider, discuss and act upon appointment of members to the Board of Adjustments.

Mayor Shuck recommended Catherine Bell. Mayor Shuck reiterated the history of the Home Rule Charter Commission.

Mayor Pro-Tem Jordan moved to appoint Catherine Bell for a two-year term; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

Alderman Blue recommended that Don Kiker be moved to the Board of Adjustments at his request and open his seat on the Planning & Zoning Commission. Mayor Shuck asked if Don is willing to do so and recommended that we wait until we can confirm with him. Alderman Blue also recommended Tyler Jones, who submitted an

application. David Tidwell stated that he would be willing to serve on either committee.

Jordan moved to appoint David Tidwell to a two-year term; Alderman Applin seconded. Motion carried: 5 in favor, 0 opposed.

Blue moved to appoint Tyler Jones to a two-year term; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

Alderman Applin nominated Israel Guinn to a one-year term; Mayor Pro-Tem Jordan seconded. Motion carried: 5 in favor, 0 opposed.

- e. Consider, discuss and act upon committee assignments.

Alderman Miller moved to appoint Alderman Newton to Communication Committee; Mayor Pro-Tem Jordan seconded.

Mayor Pro-Tem Jordan seconded Alderman Blue for the Communication Committee; Alderman Applin seconded.

There was discussion regarding the possible removal of the EDCEC committee.

Alderman Miller stated that we need to place all of the council members and we can reevaluate the resident

Alderman Applin will replace Alderman Newton on the EDCEC.

Mayor Shuck recommended Mason Blaylock for the Ordinance Committee and stated he would contact him to confirm if he would be willing to serve.

Public Safety will remain the same.

There was discussion regarding whether or not committees should be given the opportunity to interview potential committee candidates. In other words, if you are on a committee, you should be the ones to recruit the participants.

Adrienne Gaug was recommended for the Emergency Preparedness committee

Communication – Eric Newton and Chris Blue

EDCEC – David Shuck & Linda Applin

Ordinance – Michael Jordan and Steve Miller

Public Safety – Steve Miller, Eric Newton and Adrienne Gaug

Alderman Miller moved to appoint members as listed; Chris Blue seconded. Motion carried: 5 in favor, 0 opposed.

- f. Consider, discuss and approve acceptance of a Special Warranty Deed from Jabez Development, L.P. transferring ownership of common areas of Harbor Village at Providence Phase 6C to the Town of Providence Village.

Item tabled.

- g. Consider, discuss and approve Ordinance No. 2011-25-10 amending Ordinance 2011-25, as amended by Ordinance Nos. 2011-31, 2011-33, 2012-037, 2012-045, 2011-25-05, 2011-25-06, 2011-25-07, 2011-25-08 and 2011-25-09, to modify the fee percentage to be charged as convenience fee for credit card transactions from 2.45% to 2.65% due to increase imposed by vendor MuniPay.

Brian Roberson explained that MuniPay's fees are increasing and if we don't we will be subsidizing.

Alderman Miller moved to approve Ordinance No. 2011-25-10; Mayor Pro-Tem Jordan seconded. Motion carried: 5 in favor, 0 opposed.

- h. Consider and discuss proposed Ordinance 2016-088 repealing the Certificate for Rate Order Issued by Providence Village Water Control and Improvement District dated January 7, 2014 and setting New Water Rates, Sewer Rates and Solid Waste Collection Rates on behalf of the Town.

Brian Roberson stated that the proposed ordinance will ultimately replace the rate order and needs to be accurate because it is what Severn Trent will rely upon for billing purposes. He explained that the new ordinance will include an administrative adjustment. Brian Roberson explained the consumption use and how the Town pays Upper Trinity. Mayor Pro-Tem Jordan further explained the indigent options.

There was extensive discussion regarding rates, options and Upper Trinity's increase in rates and how that the Town is currently absorbing the cost since some of our other cost are going down. There was discussion regarding the time of year that water rates are typically increased.

- i. Consider, discuss and approve Ordinance 2016-89 approving amendments to 2015-16 FY Budget.

Brian Roberson stated that the recommended amendments related to the dissolution of the water district and bond issuance. All of the amended changes were approved by the Town Council as they happened, and the Town's auditor has asked that the budget be amended to reflect these changes before he begins his audit.

Alderman Miller moved to approve Ordinance 2016-89 approving amendments to 2015-16 FY Budget; Alderman Blue seconded. Motion carried: 5 in favor, 0 opposed.

- j. Consider, discuss and act upon proposed Tax Rate for 2016 Tax Year for property tax rate for the Town of Providence Village.

Brian Roberson gave a summary of the proposed Tax Rate.

Mayor Pro-Tem Jordan moved to close Town Council Regular Session and convene into Public Hearing; Alderman Applin seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Town Council Regular Session and convened into Public Hearing at 9:26 p.m.

- k. Conduct second public hearing to receive input on proposed Tax Rate for 2016 Tax Year.

There were no requests to speak for or against the proposed Tax Rate for 2016 Tax Year.

Alderman Blue moved to close Public Hearing and reconvene into Town Council Regular Session; Mayor Pro-Tem Jordan seconded. Motion carried: 5 in favor, 0 opposed. Mayor Shuck closed the Public Hearing and reconvened into Town Council Regular Session at 9:27 p.m.

Mayor Pro-Tem Jordan moved to approve the proposed Tax Rate for 2016 Tax Year; Alderman Applin seconded. Roll call:

Alderman Steve Miller, Place 1 – Aye
Alderman J. Eric Newton, Place 2 - Absent
Mayor Dave Shuck – Aye
Alderman Linda Applin, Place 3 – Aye
Mayor Pro-Ten Michael Jordan, Place 4 – Aye
Alderman Chris Blue, Place 5 – Aye

Motion carried.

- l. Consider, discuss and act upon proposed Fiscal Year 2016-17 Budget for the Town of Providence Village.

Brian Roberson gave a summary of the proposed 2016-17 Budget for the Town.

There was extensive discussion regarding the Severn Trent representative on site.

Mayor Pro-Tem Jordan moved to close Town Council Regular Session and convene into Public Hearing; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Town Council Regular Session and convened into Public Hearing at 9:44 p.m.

- m. Conduct second public hearing to receive input on proposed Fiscal Year 2016-17 Budget for Town of Providence Village.

There were no requests to speak for or against the proposed Fiscal Year 2016-17 Budget for the Town of Providence Village.

Alderman Miller moved to close Public Hearing and reconvene into Town Council Regular Session; Alderman Blue seconded. Motion carried: 5 in favor, 0 opposed. Mayor Shuck closed the Public Hearing and reconvened into Town Council Regular Session at 9:44 p.m.

Alderman Applin moved to approve the proposed Fiscal Year 2016-17 Budget for the Town of Providence Village; Alderman Blue seconded. Roll call:

Alderman Steve Miller, Place 1 – Aye
Alderman J. Eric Newton, Place 2 - Absent
Mayor Dave Shuck – Aye
Alderman Linda Applin, Place 3 – Aye
Mayor Pro-Ten Michael Jordan, Place 4 – Aye
Alderman Chris Blue, Place 5 – Aye

Motion carried.

- n. Consider, discuss and approve contract for Town Manager.

Mayor Shuck gave a summary and information relating to the fact that this will be discussed in Executive Session and will be acted upon after Executive Session. Mayor Shuck stated that it is a common practice to have a contract for the Town Manager due to the fluid nature of Town Councils.

- o. Consider, discuss and act upon boundary and ETJ matters of Providence Village, including water and sewer rights, duties and obligations.

To be discussed in Executive Session and do not expect any action.

- p. Consider, discuss and act upon Interlocal Cooperation Agreement pertaining to law enforcement.

To be discussed in Executive Session and do not expect any action.

- q. Identify items to be discussed at future meetings.

Committees
BOA

Alderman Miller moved to close Town Council regular session and convene into Executive Session; Mayor Pro-Tem Jordan seconded. Motion carried: 5 in favor, 0 opposed. Mayor Shuck closed Town Council Regular Session and convened into Executive Session at 9:49 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 approve contract for Town Manager.
- b. Consider, discuss and act upon boundary and ETJ matters of Providence Village, including water and sewer rights, duties and obligations.
- c. Consider, discuss and act upon Interlocal Cooperation Agreement pertaining to law enforcement.

Alderman Applin moved to closed Executive Session and reconvene into Town Council Regular Session; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Executive Session and reconvened into Town Council Regular Session at 11:35 p.m.

IX. RECONVENE INTO OPEN SESSION

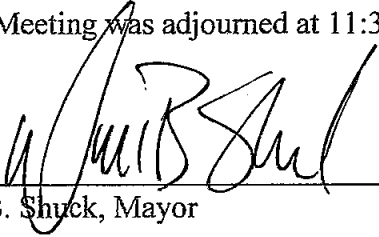
- a. Consider and act upon items discussed in Executive Session.

Mayor Pro-Tem Jordan moved to accept and approve the Town Manager's Contract offering Brian Roberson a contract salary with a monthly car allowance and standard benefits; Alderman Applin seconded. Motion carried: 5 in favor, 0 opposed.

X. ADJOURNMENT

Alderman Applin moved to adjourn; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

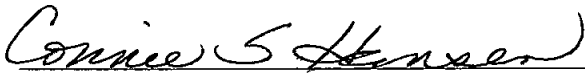
Meeting was adjourned at 11:38 p.m.



David B. Shuck, Mayor

10/18/14

Date Minutes Approved



Connie S. Hansen, TRMC
Town Secretary

10/18/14

Date Minutes Approved

