

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, OCTOBER 6, 2015**

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 7:38 p.m. Town Council members present were Alderman Steve Miller, Alderman Andy Goin, and Mayor Pro-Tem Michael Jordan, being a quorum. Alderman Darren Vader and Alderman Eric Newton 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

**III. INVOCATION**

Philip Mack Furlow led invocation.

**IV. OPEN FORUM:**

Joyce Vann, a resident who resides at 10204 Franklin Dr. spoke in favor of possibly making FM 2931 and Fishtrap a 4 way stop. Also need a stop sign at Eagles and Myers.

Don Fisher. Dogs in pool. Open carry is the latest legislative issues that the HOA will be addressing. 30.007 open carry notice. Working on budget and will announce final budget in October. They are looking to put in lift chair in salt water pool. Considering a 7 hole disc golf course. Not raising the dues.

Mayor Shuck read Krista Callison's request for a safety solution to install a 3-way stop at Eagle and Myers.

There were no further requests to address the Town Council. Alderman Miller motioned to closed Open Forum; Alderman Goin seconded. Motion carried: 4 in favor, 0 opposed.

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

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

**Committee Reports**

Public Safety – Alderman Goin reported that he Mayor Pro-Tem Jordan reported that the ordinance committee has met and that there will be items on tonight’s agenda.

Alderman Miller motioned to closed Committee/Staff Reports; Mayor Pro-Tem Jordan seconded. Motion carried: 4 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

Alderman Goin motioned to remove Minutes from Consent Agenda and act upon approval in the Action Items; Alderman Miller seconded. Motion carried: 4 in favor, 0 opposed.

Alderman J. Eric Newton arrived at 7:50 p.m.

Alderman Miller motioned to approve Consent Agenda; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

**VII. ACTION ITEMS**

Added action item to approve minutes from Consent Agenda.

Philip Mack Furlow recommended various changes to the August 15<sup>th</sup> and August 18<sup>th</sup> minutes.

Mayor Pro-Tem Jordan moved to approve the changes as recommended by Philip Mack Furlow; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

- b. Consider, discuss and act upon approval of Ordinance No. 2015-082 establishing regulations relating to illicit discharge.

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

Mayor Shuck closed Town Council Regular Session and opened Public Hearing at 7:58 p.m.

- c. Conduct first hearing to receive input on Ordinance No. 2015-082 relating to the establishment of regulations relating to illicit discharge.

Philip Mack Furlow read the ordinance aloud.

Mayor Shuck opened the floor to public comment. There were no request to address the Council. Alderman Miller motioned to close Public Hearing and reconvene into Town Council Regular Session; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Public Hearing and reconvened into Town Council Regular Session at 8:14 p.m.

Mayor Pro-Tem Jordan motioned to amend in 4<sup>th</sup> whereas to change word to “seek”; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Pro-Tem Jordan motioned to approve Ordinance No. 2015-082, as amended; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

- a. Consider, discuss and act upon approval Eagle Scout project entitled “Little Free Library” from Wesley Lambert.

Brian Roberson gave a summary of his meeting with Mr. Lambert. Wesley Lambert and is a member of Troop 372. Proposing little free library to promote literacy and help promote recycling. Mr. Lambert handed out sample. Mayor Pro-Tem Jordan asked if he had a preferred location and Mr. Lambert stated in front of Town Hall. Mayor Shuck asked if populating the books would be part of the project and Mr. Lambert stated “yes.”

Alderman Newton motioned to approve Mr. Lambert’s Eagle Scout project at Town Hall; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

- d. Consider, discuss and act upon approval of Ordinance No. 2015-083 establishing methods of controlling introduction of pollutants into the municipal separate storm sewer system for compliance with National Pollutant Discharge Elimination System (NPDES).

Brian Roberson gave a brief summary of the history of the need for this ordinance. Alderman Goin motioned to close Town Council Regular Session meeting and open Public Hearing; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed. Mayor Shuck closed Town Council Regular Session and opened Public Hearing at 8:25 p.m.

- e. Conduct first hearing to receive input on Ordinance No. 2015-083 relating to the establishment methods of controlling introduction of pollutants in to the municipal separate storm sewer system for compliance with National Pollutant Discharge Elimination System (NPDES).

Philip Mack Furlow read the ordinance aloud.

Mayor Shuck opened the floor to public comment. There were no request to address the Council. Alderman Newton motioned to close Public Hearing and reconvene into Town Council Regular Session; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Public Hearing and reconvened into Town Council Regular Session at 9:01 p.m.

Alderman Goin motioned to approve Ordinance No. 2015-083; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- f. Consider, discuss and act upon approval of Special Event Permit No. 14-00169-06 from the Providence HOA for the Fall Fest/National Night Out event on October 24, 2015.

Brian Roberson gave a summary of the Fall Fest/National Night Out event request. Mr. Roberson gave a summary of the Fire Marshal's notes. Alderman Newton motioned to approve Special Event Permit No. 14-00169-06; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

- g. Consider, discuss and approval Ordinance No. 2011-24-03 amending Ordinance No. 2011-24-02 entitled Parking Ordinance to include in the definition of a "derelict" vehicle any vehicle with a license or registration that has expired in excess of ninety (90) days.

Brian Roberson gave a summary of the residents request and the ordinance committee's review of the ordinance and the need to get some of the vehicles off of the street. There was extensive discussion regarding the revisions. Steve Miller dissents to the modification stating that the state law involves driving the vehicle with expired plates. There was extensive discussion regarding the 90 day period.

Mayor Pro-Tem Jordan motioned to approve Ordinance No. 2011-24-03 amending Ordinance No. 2011-24; Alderman Goin seconded. Motion carried by majority vote: 4 in favor, Alderman Miller opposed.

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

Philip Mack Furlow noted that the notice section of the ICA needed to be modified to reflect Town Manager, Brian Roberson. Mayor Shuck noted that the Town appreciates the relationship with Denton County Sheriff's office but that he is concerned about the handling of some calls, and the lack of knowledge that the Town exist and that there are enforceable ordinances. Philip Mack Furlow noted that he could draft language in the contract, but pointed out some of the pitfalls to such an arrangement.

Mayor Pro-Tem Jordan motioned to table the item; absent a second, the motion died.

Alderman Miller motioned to approve the ICA with the caveat that they discuss the matter with DCSO; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- i. Consider, discuss and approve amendment to Upper Trinity Regional Water District Northeast Regional Water Reclamation System Participating Customer Contract with Denton County Fresh Water Supply District No. 9, dated August 29, 2011, as amended, to increase wastewater subscription.

Brian Roberson noted that the initial draft was approved several meetings ago and that there is a meeting in the morning to final the amendment. Mr. Roberson stated that there will be changes, so there will be an amendment to be approved in the near future. No action needed at this time.

- j. Consider, discuss and act upon expansion of the water and sewer system to residents who are outside of the area of the former Providence Village Water Control and Improvement District.

Philip Mack Furlow stated that this something that will remain on the agenda for a while and that Art Barraza is looking into the matter.

- k. Consider, discuss and act upon constructing a facility to increase water storage capacity and/or additional water storage.

No action to be taken.

- l. Consider and discuss restricted appraisal report of a .972 acre vacant tract of land and act upon potential offer for purchase of same.

Brian Roberson stated that this would be discussed in Executive Session.

- m. Consider, discuss and act upon Town Manager contract.

Brian Roberson stated that this will be discussed in Executive Session.

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

Philip Mack Furlow stated that on September 25, 2015 the PUC did respond to their Order No. 10. Philip Mack Furlow read a portion of the PUC's finding. Mr. Furlow stated that the PUC sustained the Town's position and stated that there will be further discussion regarding this matter in Executive

- o. Consider and discuss effects of dissolution of the WCID on existing contracts.

Philip Mack Furlow stated that this item could probably come off the agenda as all of the contracts have been addressed.

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

- 1. Consideration of stop sign issue presented by Ms. Vann.

Alderman Goin motioned to closed Town Council Regular Session and convene into Executive Session; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed. Mayor Shuck closed Town Council Regular Session and convened into Executive Session at 9:44 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 and discuss restricted appraisal report of a .972 acre vacant tract of land and potential offer for purchase of same.
- b. Consider and discuss Town Manager contract.
- c. Section 13.255 action against Mustang Special Utility District.
- d. Effects of dissolution of the WCID on existing contracts.

Alderman Newton motioned to close Executive Session and reconvene into Town Council Regular Session; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed. Mayor Shuck closed Executive Session and reconvened into Town Council Regular Session at 11:45 p.m.

**IX. RECONVENE INTO OPEN SESSION**

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

(c) Mayor Shuck asked the Town Secretary to read aloud the statement made in Executive Session relating to need for additional 13.255 notice letter and previous authorizations. The Town Secretary read aloud as follows:

The Town Council has previously authorized the Town Manager to take any and all steps necessary to ensure the Town's rights and ability to provide water and sewer services, and as such, the Town Manager and Mayor are authorized to institute a separate 13.255 action to include the recently annexed properties. Alderman Newton motioned to authorize the Town Manager to authorize the preparation and submission of a separate 13.255 action; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

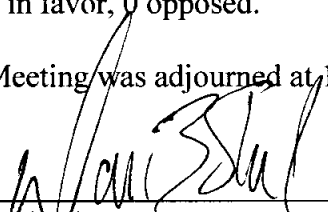
(b) Consider, discuss and act upon Town Manager contract.

Mayor Shuck read aloud his personnel memorandum relating to the full-time employment, salary and benefits extended to the Town Manager. Alderman Newton motioned to approve the full-time employment offer for Town Manager, effective October 1, 2015 and further authorized the Town Attorney to draft a contract regarding same; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

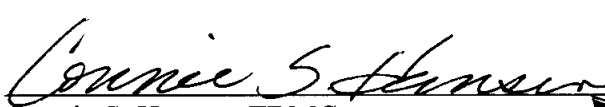
**X. ADJOURNMENT**

Mayor Pro-Tem Jordan motioned to adjourn; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

Meeting was adjourned at 11:54 p.m.

  
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David B. Shuck, Mayor

10/21/15  
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Date Minutes Approved

  
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Connie S. Hansen, TRMC  
Town Secretary

10/21/15  
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Date Minutes Approved

