

NOTICE OF  
TOWN COUNCIL WORKSESSION, PUBLIC HEARING & REGULAR MEETING  
TOWN OF PROVIDENCE VILLAGE, TEXAS  
PROVIDENCE COMMUNITY CENTER  
9400 WATERMAN DRIVE  
**MONDAY, MAY 23, 2011**  
7:00 P.M. Regular Session

**MINUTES**

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

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

Mayor Pro-Tem Thompson called the meeting to order at 7:02 p.m. Town Council members present were Alderman Lisa Garcia, Alderman Earnest Law and Alderman Mark McCullough. Alderman Eddie Army was absent, and Mayor Brian Roberson had previously informed the Town Council that he would be arriving later.

**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**

Justin Powell with Edge Fellowship 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.*

David Slaton of 2228 Rodgers Lane, Providence Village, Texas addressed the Town Council regarding the need for additional stop signs in various locations for added control of pedestrian and motor vehicle traffic.

There were no additional requests to address the Town Council. Alderman Garcia moved to close open forum; Alderman Law seconded. Motion carried: 3 in favor; 0 opposed.

**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 reported on the new advisors.

Water District Committee – Alderman Garcia stated that any items will be addressed in executive session.

Ordinance Committee – Alderman Law reported that there has been numerous issues relating to golf carts and this matter will be discussed later on the agenda.

Finance Committee – Nothing to report.

- b. Staff Reports

Connie Hansen, Town Secretary, referred the Mayor and Council to the report provided in the meeting binders.

Mayor Pro-Tem Thompson reported that Bennett Howell was invited to attend tonight's Town Council meeting, however he was not available but would be attending the next Town Council meeting. Alderman Garcia asked if Bennett Howell would be able to provide costs relating to repairs, and Mayor Pro-Tem Thompson responded that he was capable of providing costs estimate, but that he would not do so for a variety of reasons.

Alderman McCullough motioned to close the committee and staff reports; Alderman Law seconded. Motion carried, 3 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: 05/09/11  
b. Pay Bills

Alderman Law motioned to approve the Consent Agenda; Alderman Garcia seconded. Motion carried, 3 in favor, 0 against.

Alderman Garcia motioned that the Town Council recess the current regular session; Alderman McCullough seconded. Motion carried, 3 in favor, 0 against. Mayor Pro-Tem Thompson recessed the regular session at 7:16 p.m.

Mayor Roberson arrived at 7:17 p.m.

Alderman Garcia motioned that the Town Council reconvene into Town Council regular session; Alderman McCullough seconded. Motion carried, 4 in favor, 0 against. Mayor Roberson reconvened into Town Council regular session at 7:33 p.m.

**VI. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS (Cont'd):**

b. Staff Report

Philip Mack Furlow, Town Attorney, reported that the negotiations regarding the AT&T franchise fees were the same as reported at the last meeting. Mr. Furlow further stated that he needed the help of the Town Council members in contacting Steven Mendoza at the PUC in hopes of putting additional pressure on the PUC staff to expedite the matter. Mr. Furlow stated that the articles are out of date and no one at the PUC seems to know what to do with the issue at hand.

Philip Mack Furlow further reported that Mandy Smithers indicated that they still had the ICA and that they would contact him whenever the ICA was scheduled to be presented to the County Commissioner's Court.

Alderman Law motioned to close staff reports; Mayor Pro-Tem Thompson seconded. Motion carried, 4 in favor, 0 against.

**VII. ACTION ITEMS**

a. Consider and act upon establishment of Building Permitting and Inspections

Item tabled at this time.

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

Mayor Roberson reported that he is expecting a Letter of Intent from Huffines regarding a lease of the land and that it has been reported to him that the agreement is current on Donald Huffines desk awaiting his review.

c. Discuss Interlocal Agreements with PV WCID

Item tabled at this time.

d. Discuss Interlocal Agreement regarding Law Enforcement with County and Water District

Item tabled at this time.

e. Discuss water issues including but not limited to Protest and Request for Hearing filed with TCEQ

Will be discussed in Executive Session

f. Discuss Zoning Issues

Philip Mack Furlow reported that this issue will be on the agenda for the next couple of weeks. Discussed ranch, retail and residential zoning. Need a quick overview.

g. Discuss, consider and act upon Golf Cart Ordinance

Philip Mack Furlow reported that the current statutes prohibit the Town Council from eliminating the use of golf carts in the Providence Village subdivision because it is a master planned community, but that the statutes do not prohibit the Town Council from regulating their use. For example, the Town Council can require registration and impose an age limit on drivers. Mr. Furlow further stated that any driver of a golf cart on the roadways should have a valid driver's license.

There was discussion regarding the problem of children driving the golf carts at night and many of these children driving the carts are under age, so much so that they do not meet the age requirement to obtain a driver's license. Registration of golf carts with the Town can assist with this problem by allowing the parents of a under aged driver to be held responsible for the driver's conduct. Following further discussion regarding the age of drivers and the conduct of some of the under aged drivers, Mr. Furlow recommended that the Town Council consider a one-time registration requirement with a minimal fee. Mr. Furlow further stated that he has already spoken with Stephanie Berry, the Town Prosecutor, about the golf cart issue and about further discussions with the Denton County Sheriff regarding same.

Alderman Garcia announced that Deputy Carroll has submitted his resignation. Mayor Roberson reported that a replacement has been selected, who is currently completing the training program. Mr. Furlow recommended that Mayor Roberson put together a letter to Hugh Coleman and Benny Parkey regarding the Town's needs and request their assistance in speeding along the replacement of the law enforcement personnel.

Alderman McCullough motioned to close the Town Council regular session meeting and convene into executive session; Alderman Garcia seconded. Motion carried: 4 in favor, 0 against. Mayor Roberson closed regular session meeting and convened Executive Session at 7:48 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 regarding:

- a. Current and future Town revenue sources; and
- b. Transfer of PV WCID assets to Mustang SUD and pending request for protest hearing at TCEQ.

Action Item (e) and items (a) and (b) above were discussed in Executive Session. No action was taken on Action Item (e) or on item (a). With respect to item (b) above, Alderman Law motioned to authorize the necessary legal action to declare transfer of assets from PV WCID to Mustang SUD void; Mayor Pro-Tem Thompson seconded. Motion carried, 4 in favor, 0 against.

Alderman McCullough motioned to close executive session and reconvene into Town Council regular session; Mayor Pro-Tem Thompson seconded. Motion carried, 4 in favor, 0 against.

**IX. RECONVENE INTO OPEN SESSION**

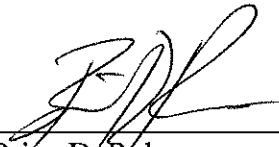
- a. Consider and act upon items discussed in Executive Session.

Mayor Roberson closed executive session and reconvened Town Council regular session at 9:16 p.m.

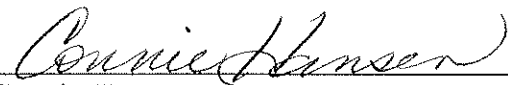
- X. ADJOURNMENT** - The Town Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Chapter 551.

Alderman McCullough motioned to adjourn the Town Council meeting; Mayor Pro-Tem Thompson seconded. Motion carried, 4 in favor, 0 against.

Meeting was adjourned at 9:17 p.m.

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

6/27/11  
\_\_\_\_\_  
Date Minutes Approved

  
\_\_\_\_\_  
Connie Hansen  
Town Secretary

6/27/11  
\_\_\_\_\_  
Date Minutes Approved

