

NOTICE OF
TOWN COUNCIL WORKSESSION, PUBLIC HEARING & REGULAR MEETING
TOWN OF PROVIDENCE VILLAGE, TEXAS
PROVIDENCE COMMUNITY CENTER
9400 WATERMAN DRIVE
MONDAY, SEPTEMBER 26, 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, and Alderman Mark McCullough. Mayor Pro-Tem Thompson 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

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.*

Don Fisher, who resides at 10200 Nantucket Dr., Providence Village, Texas, addressed the Town Council reporting information relating to the HOA, with a summary of the recent legislative changes that impact the HOA, including the recent changes relating to solar panels, alternative roofing, and other notice requirements relating to the HOA meetings. Effective January 1, 2012, the HOA is require to post 72 hour advanced notice of meetings and the agenda and residents will have to give

72 notices to HOA board on any issues they want to discuss before the Boards. Mr. Fisher also commented on the current financial deficit that the HOA is dealing with and stated that in the past Huffines has always been able to donate whatever amount was need to balance the HOA's budget, but that it does not appear that this practice will continue and there may need to be cuts to the budget in the future. Mr. Fisher also requested that the Town get involved with the planning of the 4th of July celebration event for next year and stated that the HOA needs help with the Peace Officer's costs for the event, which has typically average approximately \$8,000.

There were no additional requests to address the Town Council. Alderman Law moved to close open forum; Alderman McCullough seconded. Motion carried: 4 in favor; 0 opposed.

V. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

- a. Monthly Reports from Committees: Communications, HOA, Water, Ordinance, Finance and Law Enforcement

Communication Committee – Nothing to report.

HOA Committee – Nothing to report.

Water District Committee – Alderman Garcia provided a written report and provided a summary of same, including her comments that there were no questions following her presentation of the quarterly report to the PV WCID.

Ordinance Committee – Alderman Law reported that items will be addressed later in agenda action items.

Finance Committee – Alderman Garcia reported that the budget will be addressed later in agenda action items.

Law Enforcement Committee – Nothing to report.

- b. Staff Reports

Connie Hansen provided a written report and reported on the progress of the first Municipal Court session. Deputy Lively also provided the Town Council with a brief summary of his monthly activity for the August 2011.

Town Attorney – items will be addressed later in Executive Session.

Alderman Garcia motioned to close the committee and staff reports; Alderman McCullough seconded. Motion carried: 4 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: 9/12/11 Regular Session and 9/22/11 Special Meeting
b. Treasury Report
c. Pay Bills

d. Approve Purchase Orders

Alderman McCullough motioned to approve the Consent Agenda; Alderman Law seconded. Motion carried: 4 in favor, 0 against.

VII. ACTION ITEMS

a. Consider, discuss and act upon proposals from Card Payment Services and TIB for electronic payment services.

Sam Caine from Card Payment Services made a presentation relating to his company's services relating to credit card payment processing and answered questions from the Town Council relating to logistics, technical requirements, costs and other regulations controlling collection of fees and expenses associated with accepting credit card payments.

Alderman Law motioned to accept the proposed submitted by CPS and approve acceptance of debit and credit cards utilizing IP network; Alderman Garcia seconded. Motion carried: 4 in favor, 0 against.

b. Consider, discuss and act upon resolution establishing future location of Town Council Meetings at Town Hall location.

Alderman Army motioned to approve the resolution establishing future location of Town Council Meetings at the Town Hall location; Alderman Garcia seconded. Motion carried: 4 in favor, 0 against.

c. Consider, discuss and act upon approval of the revised access line count from AT&T Texas and the preferred allocation ratio to be applied by the PUC.

There discussion regarding the review of the revised access line count submitted by AT&T and the issues relating to reviewing and approval same and allocation ratio without violating the confidentiality requirements.

Alderman Garcia motioned to approve the revised access line account provided by AT&T and to approve the PUC's standard allocation ratio suggested in Stephen Mendoza's correspondence; Alderman Law seconded. Motion carried: 4 in favor, 0 against.

d. Consider, discuss and act upon proposals for golf cart registration stickers.

Alderman Garcia motioned to approve the purchase of 250 of the proposed Golf Cart registration stickers at a cost of \$228.18; Alderman McCullough seconded. Motion carried: 4 in favor, 0 against.

e. Consider, discuss and act upon installation and/or repair of street signs located at Cape Cod Blvd./F.M. 2931, school zone sign at Meyers Ct. southbound from

Waterman, speed limit sign at Cedarcrest southbound from Fishtrap, east/westbound stop signs at Boston Harbor and Davisville, and north/southbound stop signs at Rogers Ln and Benevolent and Rogers Ln and Cape Cod.

Alderman Garcia reported that she actually observed the locations where additional traffic control devices are being requested for a period of two days between the hours of 7:29 a.m. and 7:45 a.m. and does not recommend the installation of a stop sign as suggested at the previous Town Council meeting. Alderman Garcia further stated that during the time period she observed, there was a total of 16 cars that traveled through the area and that she did not see any walkers or school children.

Alderman Garcia motioned to approve the repairs to the stop sign at Cape Cod and FM 2931 and installation of school zone signs on Meyers Ct. at a cost not to exceed \$1,100; Alderman McCullough seconded. Motion carried: 4 in favor, 0 against.

- f. Consider, discuss and act upon ordinance requiring special event permits.

Alderman Law motioned to approve the ordinance requiring special event permits; Alderman Garcia seconded. Motion carried: 4 in favor, 0 against.

- g. Consider, discuss and act upon parking ordinance.

Discussion regarding parking ordinance and issues relating to vehicles that extends into the sidewalk area because vehicle is longer than driveway.

Alderman McCullough motioned to close the Town Council regular session meeting and open a public hearing forum; Alderman Garcia seconded. Motion carried: 4 in favor, 0 against.

Mayor Roberson opened Public Hearing at 8:04 p.m.

Alderman McCullough motioned to closed regular session and open public hearing; Alderman Garcia seconded. Motion carried: 4 in favor, 0 against.

Mayor Roberson closed regular session and opened public hearing at 8:04 p.m.

- h. Public hearing on Parking Ordinance.

Philip Mack Furlow read aloud a summary of the parking ordinance. Mayor Roberson opened the meeting to public input in favor or against. Don Fisher asked about the time period allowed for a trailer to be parked before it is moved. Philip Mack Furlow answered the question by stating that the ordinance covered the issue relating just moving a trailer down the street to avoid the time line. Additional discussion regarding distance for parking a vehicle from the curb and

Mayor Roberson confirmed that the distance was 18 inches and that this particular item would be addressed by code enforcer and not the Sheriff's deputies.

There being no further requests to address the Town Council, Alderman Garcia motioned to close the Public Hearing and reconvene Town Council regular session meeting; Alderman McCullough seconded. Motion carried: 4 in favor, 0 against.

Mayor Roberson reconvened Town Council regular session meeting at 8:09 p.m.

Alderman McCullough motioned to approve the parking ordinance; Alderman Garcia seconded. Motion carried: 4 in favor, 0 against.

- i. Consider, discuss and act upon fee schedule ordinance.

Alderman Garcia motioned to close Town Council regular session meeting and open public forum; Alderman McCullough seconded. Motion carried: 4 in favor, 0 against.

Mayor Roberson closed regular session and opened public hearing at 8:16 p.m.

- j. Public hearing on Schedule Ordinance.

Philip Mack Furlow read aloud a summary of the fee schedule ordinance. Mayor Roberson opened the meeting to public input in favor or against. There were no request to address the Town Council, Alderman Garcia motioned to close the Public Hearing and reconvene Town Council regular session meeting; Alderman Law seconded. Motion carried: 4 in favor, 0 against.

Mayor Roberson reconvened Town Council regular session meeting at 8:19 p.m.

Alderman Garcia motioned to approve the fee schedule ordinance; Alderman Army seconded. Motion carried: 4 in favor, 0 against.

- k. Consider, discuss and act upon peddler ordinance and proposed fees.

Discussion relating to issues pertaining to clauses in the peddler ordinance. Alderman Law reported that the clause pertaining to open records requests were taken directly from the statutes.

Alderman Garcia motioned to closed Town Council regular session meeting and open public hearing on Peddler Ordinance; Alderman Law seconded. Motion carried: 4 in favor, 0 against.

Mayor Roberson closed Town Council regular session meeting and opened public hearing at 8:22 p.m.

l. Public hearing on Peddler Ordinance.

Philip Mack Furlow read aloud a summary of the Peddler Ordinance.

Mayor Roberson opened the meeting to public input in favor or against. Michael Jordan asked if the peddler ordinance applied to vendors that a resident requested come to their home for sales purposes. Mayor Roberson reaffirmed that there were provisions relating to vendors involved in direct sales to a resident.

There being no further request to address the Town Council, Alderman Garcia motioned to close the public hearing and reconvene Town Council regular session meeting; Alderman Army seconded. Motion carried: 4 in favor, 0 against.

Mayor Roberson reconvened Town Council regular session meeting at 8:28 p.m.

Further discussion regarding the definitions of exempt entities, including Girl Scouts, Boy Scouts, religious organizations, and political campaigns. Alderman McCullough motioned to approve the Peddler Ordinance; Alderman Law seconded. Motion carried: 4 in favor, 0 against.

m. Consider, discuss and act upon proposed FY 2011-2012 Town Budget.

Alderman Garcia motioned to closed Town Council regular session meeting and open public hearing to discuss FY 2011-2012 budget; Alderman McCullough seconded. Motion carried: 4 in favor, 0 against.

Mayor Roberson closed Town Council regular session and opened public hearing at 8:32 p.m.

n. Conduct a public hearing to receive input on the proposed FY 2011-2012 Town Budget and act upon same.

A brief discussion regarding specific adjustments made to balance income and expenses for Municipal Court fines and fees. Mayor Roberson opened the meeting to public input in favor against. There were no requests to address the Town Council. Alderman Army motioned to close the public hearing and reconvene Town Council regular session meeting; Alderman Garcia seconded. Motion carried: 4 in favor, 0 against.

Mayor Roberson reconvened Town Council regular session meeting at 8:33 p.m.

Alderman Garcia motioned to approve the FY 2011-2012 Town Council Budget; Alderman McCullough seconded. Motion carried: 4 in favor, 0 against.

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

Philip Mack stated that a letter was sent to TCEQ asking for a reconsideration of hearing request. Original petition was filed in Travis County was filed against the TCEQ and the executive director. This is an appeal process regarding the TCEQ's decision to allow the hearing.

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

Discuss and/or act on Engineers report.

Discuss and/or act on electing a different Mayor Pro-Tem.

Discuss and/or act on building permit ordinance.

Discuss and/or act on appointment of building inspector.

Discuss and/or act on vicious animal issues and possibly an animal registration.

Discuss revisions needed to nuisance ordinance.

Discuss and/or act on approval of business cards.

Discuss and/or act on approval of Town Hall signage.

Discuss and/or act on approval of purchase of Lidar for peace officers.

Discuss and/or act on purchase of copier for Municipal Court.

Alderman McCullough motioned to close Town Council regular session meeting and convene into Executive Session; Alderman Law seconded. Motion carried: 4 in favor, 0 against.

Mayor Roberson closed Town Council regular session at 8:39 p.m. and convened into Executive Session.

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.

Alderman Army excused himself from Executive Session meeting.

Alderman McCullough made a motion to close Executive Session and reconvene into Town Council regular session; Alderman Army seconded. Motion carried: 3 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 9:25 p.m. with no action required.

X. ADJOURNMENT

Alderman McCullough motioned to adjourn the Town Council meeting; Alderman Law seconded. Motion carried, 3 in favor, 0 against.

Meeting was adjourned at 9:26 p.m.



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

10/10/11

Date Minutes Approved



Connie Hansen
Town Secretary

10/10/11

Date Minutes Approved

