

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, DECEMBER 18, 2018
7:30 P.M. Regular Session

MINUTES

REGULAR SESSION 7:30 p.m.

I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

Mayor Michael Jordan called the meeting to order at 7:30 p.m. Town Council members present were Mayor Pro-Tem Eric Newton, Alderman Linda Inman, Alderman James Connor and Alderman Chris Blue, being a quorum.

II. INVOCATION

Alex Williams from Crossway United Methodist Church led invocation.

III. PLEDGE OF ALLEGIANCE

- a. United States Flag
- b. Texas Flag

IV. OPEN FORUM:

Kathy Ramsey from the Aubrey Library thanked the Town Council for their support and offered to read the Cowboy Christmas story, but noticing that the agenda was lengthy, she informed the Council that she would come back next month if they desired or they could check the book out at the library.

There were no further requests to address the Town Council in Open Forum.

V. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

- a. Monthly Reports from Committees
- b. Staff Reports

Mayor Michael Jordan reported that the ordinance committee did not meet this month so there was no report.

Mike Carroll gave a summary of the Permit Report and the Code Enforcement Report. Alderman Inman asked if all peddlers contracts expire at the end of the year and Mike Carroll stated he believed that was the case.

Connie Hansen gave a summary of the Municipal Court Report.

Brian Roberson provided a summary of the Fire Department report and also reported on behalf of Inframark. Brian Roberson noted that there was an issue relating to the 200% accountability and that he has Inframark looking into the matter. There are aware that 7M gallons were utilized during a recent structure fire, but the accountability includes other usage that is being investigated. Alderman Inman asked how water used for structure fires was billed and Brian Roberson reported that Upper Trinity discounts for water used in fighting fires.

Brian Roberson also provided a summary of Waste Management's final report. Mr. Roberson reported that this week was not as bad as the first two weeks of trash service following the reassignment from Waste Management to Republic.

Brian Roberson also reported that Monaco Elementary permit has been authorized and is ready to go. He also reported that homes were under construction in The Landing at Providence Village, Phase 1 and also reported that Absolute Urgent Care & Medical Spa has been issued a permit, but they have not picked it up from Town Hall.

Alderman Inman asked about the estimate time for delivery of the Miller Lane street sign and Mr. Roberson informed her that plans to have the signs replaced were in progress and that there were some actions that needed to be taken care of before we can finalize the street sign change.

VI. CONSENT AGENDA

- a. Minute Approval – November 6, 2018 Town Council Regular Session Minutes
- b. Approve Administrative Actions

Alderman Blue moved to approve Consent Agenda; Alderman Connor seconded. Motion carried 5 in favor, 0 opposed.

VII. ACTION ITEMS

- a. Consider, discuss and act upon appointment of nominee for Alderman Place 1 council position.

Brian Roberson report that the Council Members had conducted their interviews of the potential candidates. Alderman Inman moved to nominate Kelly Nelson to the Alderman Place 1 council position; Alderman Blue seconded.

Alderman Inman stated that out of all three candidates interviewed, she believed that Kelly Nelson has been a resident since 2013 and she has a vested interest in the

community. Alderman Inman also noted that Kelly Nelson currently held 3 major degrees and is always prepared to discuss issues and listen. She also noted that Kelly Nelson has some of the same concepts regarding the Town that the current council members.

Alderman Blue noted that this process of appointment of vacant seats was not what they liked to do, but the charter requires it. Alderman Blue further noted that he came from the Planning & Zoning Commission by appointment just as Kelly Nelson would be doing.

Alderman Inman noted that she hoped that failing to be appointment would not discourage volunteers. Alderman Connor thanked the three candidates who stepped up. Mayor Jordan noted that this was the second time multiple applicants were considered for an appointment. Mayor Pro-Tem Newton stated that he did not approve of the appointment process.

Mayor Jordan called the motion to a vote. Motion carried: 4 in favor, and Mayor Pro-Tem opposed by means of abstaining.

- b. Oath of Office of nominee for Alderman Place 1 on the Town Council.

Kelly Nelson was sworn in by the Town Secretary and took her seat as Alderman, Place 1.

- c. 2nd Public Hearing – Proposed annexation of that land identified as that certain tract of land situated in Denton County, Texas, and being a part of the James Bridges Survey, Abstract Number 36, consisting of 73.81 acres of land, more or less, as described in Warranty Deed to North Texas Natural Select Materials, LLC recorded in Instrument Number 2018-106981 of the Real Property Records of Denton County, Texas and being more particularly described in Exhibit “A” and depicted in Exhibit “B” to Resolution No. 2018-210 of the Town of Providence Village, Texas. – Owner: North Texas Natural Select Materials, LLC

Mayor Jordan closed Town Council Regular Session and convened into Public Hearing at 7:52 p.m. There were no requests to address the Town Council and Mayor Jordan closed the Public Hearing and reconvened into Town Council Regular Session at 7:53 p.m.

- d. Consider, discuss and act upon approval of Ordinance No. 2018-205 – Annexing that certain tract of land situated in Denton County, Texas, and being a part of the James Bridges Survey, Abstract Number 36, consisting of 73.81 acres of land, more or less, as described in Warranty Deed to North Texas Natural Select Materials, LLC recorded in Instrument Number 2018-106981 of the Real Property Records of Denton County, Texas

Brian Roberson gave a summary of what the Gail Lane annexation involved. Alderman Blue moved to approved Ordinance No. 2018-205 annexing the 73.81 acres of land,

more or less, described in Warranty Deed to North Texas Natural Select Materials, LLC recorded in Instrument Number 2018-106981 of the Real Property Records of Denton County, Texas; Mayor Pro-Tem Newton seconded. Motion carried: 6 in favor, 0 opposed.

- e. Receive and consider recommendation from Planning and Zoning Commission regarding changing the zoning classification from Agricultural District (A) to Planned Development District (PD) of the approximately 73.81 acre tract of land situated in Denton County, Texas, and being a part of the James Bridges Survey, Abstract Number 36, as described in Warranty Deed to North Texas Natural Select Materials, LLC recorded in Instrument Number 2018-106981 of the Real Property Records of Denton County, Texas, generally located east of F.M. 2931, north of Fishtrap and west of Bryan Road.

Brian Roberson provided a summary of the PD application submitted by North Texas Natural Select Materials, LLC and stated that the Planning and Zoning Commission did recommend approval of the ordinance changing the zoning classification from Agricultural District (A) to Planned Development District (PD). There was discussion regarding water features, access issues and various neighbor's easements.

- f. Conduct Public Hearing to receive input, discuss and take action regarding changing the zoning classification from Agricultural District (A) to Planned Development District (PD) of the approximately 73.81 acre tract of land situated in Denton County, Texas, and being a part of the James Bridges Survey, Abstract Number 36, as described in Warranty Deed to North Texas Natural Select Materials, LLC recorded in Instrument Number 2018-106981 of the Real Property Records of Denton County, Texas, generally located east of F.M. 2931, north of Fishtrap and west of Bryan Road.

Mayor Jordan closed Town Council Regular Session and convened into Public Hearing at 8:02 p.m. There were no requests to address the Town Council. Mayor Jordan closed Public Hearing and reconvened into Town Council Regular Session at 8:02 p.m.

Alderman Blue moved to approve Ordinance Number 2018-206 changing the zoning classification from Agricultural District (A) to Planned Development District (PD) for the 73.81 acre tract of land described in Warranty Deed to North Texas Natural Select Materials, LLC recorded in Instrument Number 2018-106981 of the Real Property Records of Denton County, Texas; Alderman Connor seconded. Motion carried: 5 in favor, Alderman Inman abstained due to conflict.

- g. Receive recommendation from Planning & Zoning Commission, consider, discuss and act upon approval of preliminary plat of the Enclave at Pecan Creek, Phase 1, consisting of 53.212 acres.

Brian Roberson explained that the Planning and Zoning Commission recommended approval of the preliminary plat with the following contingencies: (1) approval from Mustang SUD and (2) approval from TxDOT for the driveway entrances on FM 2931. Alderman Blue asked when the final plan on the bridge approval was to be expected.

There was no answer at this time. Brian Roberson stated that the only work that would be allowed with the preliminary plat approval is dirt work and that the developer would need to submit construction plans for approval for construction to begin.

Alderman Blue moved to approval the preliminary plat for the Enclave at Pecan Creek, Phase 1; Alderman Inman seconded. Motion carried: 6 in favor, 0 opposed.

- h. Consider, discuss and act upon award of a sealed bid contract for landscaping services for the Town and authorize the Town Manager to enter into a contract with the selected service provider.

Brian Roberson explained the bid process to the Town Council and stated that the bid proposal was published in two separate papers and despite the Providence HOA's efforts to forward the bid proposal to potential vendors, only two responses were received. One was from Site Landscaping and one was from Land Care. Although there were supplements submitted by Site Landscaping, there were certain required areas that Land Care intentionally chose not to bid, leaving their bid proposal deficient in coverage. Brian Roberson further stated that it was the staff's recommendation to select the bid from Site Landscaping. Brian Roberson also reported that all HOA's and the Aubrey ISD have also decided to go with the Site Landscaping bid.

Alderman Blue asked how the billing would be handled. Brian Roberson stated that the ideal arrangement would be for the Town to have contracts with the HOA's and Aubrey ISD and the Town pay all of the bills and would seek reimbursement by invoicing. This would help with eliminating the sales tax.

Mayor Jordan wanted to know how they can validate how much time is being committed to Town property. There was an extensive discussion regarding the bid proposals charging by acreage versus hours. Mayor Jordan inquired if the 176 hours was just for the Town or all of the work. Brian Roberson replied that the Town was not being charged by the hour. Alderman Blue noted that different seasons would affect the hours committed.

Mayor Jordan also asked about tree pruning and inquired as to why the height was set at 8' when our ordinance requires 9-1/2'. Mayor Pro-Tem Newton asked why Land Care did not bid on the Monaco Elementary School property and Brian Roberson stated that they were asked to include the school in their bid and they refused. There were also questions concerning how the bid would affect the current budget. Brian Roberson reported that there was \$63,000 remaining in the Town's budget for landscaping services and the new proposal of \$107,932 per year would leave a gap of \$17,000, as only 75% of the budget year remains, which would have to be adjusted. Brian Roberson further reported that since the acquisition of the PVWCID, we have learned that the property within the Town has more than doubled and so has the expense. Mayor Jordan wanted to know the exact amount of property that the Town become owners of and responsible for, but Brian Roberson was unable to give an exact figure at the time.

There was further discussion regarding landscaping services along Fishtrap Road and Alderman Blue asked why Providence Elementary was not included in the bid. Brian Roberson replied that Denton ISD performs their own landscaping services.

Mayor Pro-Tem Newton moved to accept the sealed bid from Site Management for landscaping services and authority the Town Manager to enter into a contract for same; Alderman Connor seconded. Motion carried: 6 in favor, 0 opposed.

- i. Consider, discuss and act upon approval of reimbursement agreement between the Town of Providence Village and Providence Village Economic Development Corporation.

Brian Roberson gave a summary of the EDC's only meeting and reported that they recommended approval of the Reimbursement Agreement with an amendment for the payment "not to exceed" \$30,000. Mayor Jordan asked about tracking of time and services and there was an extensive discussion regarding same. Mayor Pro-Tem Newton moved to approve the Reimbursement Agreement with the recommended amendment; Alderman Inman seconded. Motion carried: 6 in favor, 0 opposed.

- j. Consider, discuss and act upon appointment of members to the Planning and Zoning Commission to fill the positions which expire on December 31, 2018.

Brian Roberson reported on the positions that were currently up for renewal and noted that Kelly Nelson was appointed to the Town Council earlier in the evening and David Tidwell notified us that he did not wish to be reappointed. It was also noted that Lea Goin was agreeable with being reappointed as an alternate, but also let it be known that she would also consider a position on the P&Z. Mayor Pro-Tem Newton moved to appoint Lea Goin and Rachel Tracy to the Planning and Zoning Commission with terms to expire December 31, 2020; Alderman Inman seconded. Motion carried: 6 in favor, 0 opposed.

- k. Consider, discuss and act upon appointment of new alternates to the Planning and Zoning Commission.

Brian Roberson reported that Mason Blaylock responded to the reappointment request and stated that he would be moving out of the Town to attend school and would not be able to seek reappointment. There are currently two openings with the appointment of Lea Goin to Planning and Zoning Commission and the decline by Mr. Blaylock. Mayor Pro-Tem moved to appoint Sina Tidwell as an alternate on Planning and Zoning Commission with a term to expire December 31, 2020; Alderman Blue seconded. Motion carried: 6 in favor, 0 opposed.

- l. Consider, discuss and act upon appointment of members to the Board of Adjustments to fill the positions which expired on December 31, 2018.

Brian Roberson reported that C.B. Bell has replied that she would be agreeable to a reappointment of another 2-year term. There was discussion regarding the potential to

appoint Corey Tidwell to the BOA and the potential conflict with his spouse being on the Planning and Zoning Commission. Alderman Inman stated that she wanted to hold off on any new appointments until January 15th meeting to allow additional applicants to submit their applications. Tyler Jones did not respond to the reappointment request and Alderman Blue stated he would attempt to contact him.

Alderman Inman moved to reappoint C.B. Bell to the Board of Adjustments for a term to expire December 31, 2020; Mayor Pro-Tem Newton seconded. Motion carried: 6 in favor, 0 opposed.

- m. Consider, discuss and act upon appointment of new alternates to the Board of Adjustments.

Brian Roberson reported that there were no current applications.

- n. Discuss legal and administrative status involving condemnation proceedings and appraisal for a public utility easement on DCAD Property ID's 699640, 38118 and 147912.

Julie Fort stated that there was nothing for public consumption.

- o. Identify agenda items to be discussed at future meeting.
 - 1. BOA and alternate appointments;
 - 2. Planning and Zoning Commission and alternate appointments;
 - 3. Communication and marketing committee; and
 - 4. Committee appointments.

Mayor Pro-Tem Newton moved to closed Town Council Regular Session and convene into Executive Session; Alderman Inman seconded. Motion carried: 6 in favor, 0 opposed. Mayor Jordan closed Town Council Regular Session and convened into Executive Session at 8:51 p.m.

VIII. EXECUTIVE SESSION

- a. Legal and administrative status involving condemnation proceedings and appraisal for a public utility easement on DCAD Property ID's 699640, 38118 and 147912.

Mayor Jordan closed Executive Session and reconvened into Town Council Regular Session at 9:02 p.m.

IX. RECONVENE INTO OPEN SESSION

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

No action taken.

X. ADJOURNMENT

Mayor Pro-Tem Newton moved to adjourn; Alderman Inman seconded. Motion carried: 6 in favor, 0 opposed. Mayor Jordan adjourned the meeting at 9:04 p.m.



Michael Jordan, Mayor

01/15/2019

Date Minutes Approved



Connie S. Hansen, TRMC
Town Secretary

1/15/19

Date Minutes Approved

