

NOTICE OF
TOWN COUNCIL WORKSESSION, PUBLIC HEARING & REGULAR MEETING
TOWN OF PROVIDENCE VILLAGE, TEXAS
PROVIDENCE VILLAGE TOWN HALL
1745 F.M. 2931
MONDAY, APRIL 14, 2014
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 Earnest Law called the meeting to order at 7:00 p.m. Town Council members present were Alderman Steve Miller, Alderman Lynn Jaco and Alderman Dave Shuck, being a quorum. Mayor Brian Roberson and Alderman Darren Vader 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. 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, President of the Providence HOA, updated the Town Council on HOA activities, including election of board members and opening of the volleyball court.

Trennis Peters, owner of the property located at US 380 and FM 2931, spoke in opposing of the Zoning Ordinance and stated that the ordinance was too restrictive. Ms. Peters also stated that she was very upset about the Town annexing their property into the corporate limits of the Town with any notice. Ms. Peters also wanted to know if she could ask questions about action items (a) and (b). Mayor Pro-Tem Law informed Ms. Peters that

the Town Council could not answer questions and that open forum was an opportunity for her to make her presentation only. There were no requests to address the Town Council in open forum.

Alderman Shuck motioned to close open forum; Alderman Jaco seconded. Motion carried: 3 in favor; 0 opposed.

IV. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

- a. Monthly Reports from Committees: Communications, Emergency Preparedness, HOA, Ordinance and Transition

Communication Committee – Nothing to report.

Emergency Preparedness Committee – Nothing to report.

HOA – Nothing to report.

Ordinance Committee – Items will be discussed later in the agenda.

Transition Committee –Nothing to report.

- b. Staff Reports

Code Enforcement – Mike Carroll provided a brief summary of his written report.

Law Enforcement – Nothing to report.

Town Secretary/Municipal Court – Connie Hansen provided a summary of the municipal court statistics.

Alderman Miller motioned to close the committee and staff reports; Alderman Jaco seconded. Motion carried: 3 in favor, 0 opposed.

- V. **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 Shuck motioned to approve the consent agenda; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

VI. ACTION ITEMS

- a. Consider, discuss and act upon approval of the Comprehensive Master Plan Ordinance.

Alderman Shuck stated that he has spoken with Aaron Ketchard, who is representing TBK Materials, and stated that they understand what the Town is trying to do and they would not contest. Alderman Shuck also stated that he has received an email from David Peters regarding his opposition to the Comprehensive Master Plan.

Alderman Shuck motioned to approve the Comprehensive Master Plan Ordinance; Alderman Jaco seconded. Motion carried: 3 in favor, 0 opposed.

- b. Consider, discuss and act upon approval of Ordinance establishing Zoning Districts and Regulations in the Town of Providence Village.

Alderman Shuck stated that the Town needs to have control of the type of businesses that come into Providence Village. There was discussion regarding the businesses that would require a special use permit under the current Zoning Ordinance. Alderman Shuck stated that changing the uses to “by-laws” instead of special use would open Pandora’s box and the Town would be “giving away the farm.” Alderman Shuck further stated that he confirmed that the amendment process would include only noticing the property owner’s affected by the amendment. Alderman Miller discussed the special use permit process and stated that it was a very simple process. He further stated that Section 17.2 of the Zoning Ordinance outlines the special use permit process and Section 16.2 outlines changes to the appendices. Alderman Miller further stated that he did not believe that requiring a special use permit would be a “deal-breaker” for property owners in a real estate transaction. Alderman Shuck motioned to approve the Ordinance establishing Zoning Districts and Regulations for the Town of Providence Village; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

- c. Consider, discuss and act upon approval of Town of Providence Village Subdivision Ordinance.

Town Secretary noted that there were 2 typographical error changes made to the Subdivision Ordinance. Philip Mack Furlow reported that Bennett Howell had reviewed the Subdivision Ordinance and indicated his acceptance of the ordinance as drafted and noted the two typographical errors that needed to be corrected. Mr. Furlow gave a summary of the role between the HOA regulations and the Town’s Subdivision Ordinance and confirmed that the Subdivision Ordinance would trump all other rules and regulations. Alderman Miller motioned to approve the Subdivision Ordinance, as amended; Alderman Shuck seconded. Motion carried: 3 in favor, 0 opposed.

- d. Consider, discuss and act upon approval of Software Subscription Agreement between the Town of Providence Village and Fund Accounting Solution Technologies, Inc. for implementation of *FASTCourt* software on or before May 31, 2014.

Town Secretary, Connie Hansen, gave a presentation relating to the implementation of FASTCourt software. The Municipal Court is in desperate need of a software will accommodate keeping track of court cases, generating court forms, providing detailed receipts for court payments and provide a means of emergency preparedness and offsite storage of court data. Ms. Hansen further stated that Fund Accounting Solutions Technologies, Inc. is a newly formed company who was focusing on providing municipal court, code enforcement and business permitting software to smaller municipalities. Ms. Hansen further acknowledged that the Municipal Court currently had funds in the Technology Fund Account to cover the cost of the implementation and Software Subscription Agreement for the remainder of the current fiscal year and future years. Town Attorney, Philip Mack Furlow, stated that he had reviewed the contract and even though the Subscription Agreement gives annual subscription rates for the next five years, the contract does provide for a cancellation of the agreement with written notice. Mayor Pro-Tem Law further acknowledged that there was a need for the municipal court software and that the funds currently being set aside in the Technology Fund Account could only be used for such software technology.

Alderman Shuck motioned to approve Software Subscription Agreement with Fund Accounting Solutions Technologies, Inc. for FastCourt software; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

- e. Consider, discuss and act upon approval of Merchant Agreement between Town of Providence Village and MuniPAY Nationwide Payment Solutions for implementation of electronic payment processing of online payments of fees and expenses to the Municipal Court and Town Hall.

Connie Hansen stated that MuniPAY Nationwide Payment Solutions provided online and onsite credit card payment capabilities at no cost to the Town and was the current vendor who was integrated with FastCourt for credit card payments. Alderman Shuck motioned to approve the Merchant Agreement with MuniPAY Nationwide Payment Solutions; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

- f. Consider, discuss and act upon approval of Protected Tree Removal Permit No. PT2014-043 from Gary Tuffin for the removal of a dead tree with a DBH greater than 18" at 9901 Cherryhill Lane.

Mike Carroll gave a brief summary of the situation relating to the tree and informed the Council that removal of the tree was warranted. Alderman Jaco motioned to approve the Protected Tree Removal Permit No. PT2014-043 with no requirements for replacement trees; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

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

Philip Mack Furlow stated that this item would be discussed in Executive Session.

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

Alderman Jaco stated that she wanted to add to the future agenda discussions regarding other building options. Alderman Shuck noted that the participation in the 4th of July Parade should be added to the agenda for discussion.

Alderman Shuck motioned to close Town Council regular session meeting and convene into Executive Session; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Pro-Tem Law closed Town Council regular session and opened executive session at 8:09 p.m.

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

Alderman Shuck motioned to closed executive session and reconvene into Town Council regular session; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

VIII. RECONVENE INTO OPEN SESSION

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

Mayor Pro-Tem Law closed executive session and reconvened regular session meeting at 8:45 p.m.

IX. ADJOURNMENT

Alderman Jaco motioned to adjourn the Town Council meeting; Alderman Shuck seconded. Motion carried: 3 in favor, 0 against.

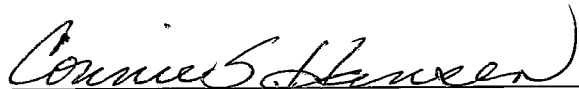
Meeting was adjourned at 8:54 p.m.



Earnest Law
Mayor Pro-Tem, Town of Providence Village, Texas

5/12/14

Date Minutes Approved



Connie S. Hansen
Town Secretary

5/12/14

Date Minutes Approved

