

NOTICE OF
TOWN COUNCIL WORKSESSION, PUBLIC HEARING & REGULAR MEETING
TOWN OF PROVIDENCE VILLAGE, TEXAS
PROVIDENCE VILLAGE TOWN HALL
1745 FM 2931, PROVIDENCE VILLAGE, TEXAS 76227
MONDAY, MARCH 9, 2015
7:00 P.M. Regular Session

MINUTES

REGULAR SESSION 7:00 p.m.

I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

Mayor Dave Shuck called the meeting to order at 7:01 p.m. Town Council members present were Alderman Steve Miller, Alderman Michael Jordan, and Mayor Pro-Tem Vader, being a quorum. Alderman Lynn Jaco 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

Chad and Frank from Boy Scouts Troop 19, led the pledge.

III. INVOCATION:

Philip Mack Furlow 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.*

Greg Hugie, a resident who resides at 1801 Plymouth Dr., read a presentation to the Town Council. The presentation was much longer than the limit of 3 minutes, however, Mr. Hugie was unwilling to cease reading his presentation upon request from the Mayor.

There were no further requests to address the Town Council in open forum. Alderman Miller motioned to close open forum; Alderman Jordan seconded. Motion carried: 3 in favor; 0 opposed.

V. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

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

Communication Committee –Nothing to report.

Emergency Preparedness Committee – Nothing to report.

HOA – Nothing to report.

Ordinance Committee – Mayor Pro-Tem Vader stated that items would be addressed later on the agenda.

Public Safety Committee – Nothing to report.

Transition Committee –Nothing to report.

- b. Staff Reports

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

Law Enforcement – Nothing to report.

Municipal Court – Jenny Sawyers provided a summary of municipal court activities.

Town Secretary – Connie Hansen provided a brief summary of election activities and sample of the general and special election ballot for May 9th election.

Alderman Jordan motioned to close the committee and staff reports; Alderman Miller seconded. Motion carried: 3 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 Miller motioned to approve the consent agenda; Mayor Pro-Tem Vader seconded. Motion carried: 3 in favor, 0 opposed.

VII. ACTION ITEMS

- a. Consider, discuss and act upon acceptance of resignation from Justin Steiner, Alderman Place 3.

Mayor Shuck announced that Alderman Steiner had moved out of the Town and therefore had tendered his resignation. Alderman Steiner was presented with a presentation award. Alderman Miller motioned to accept Alderman Steiner's resignation; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

- b. Consider, discuss and act upon approval of Special Event Permit Application No. 15-00084-01 from Carlos Valenzuela for a block party event on Westminster Dr. between Angel Lane and Goodwin Dr. on March 21, 2015.

Mayor Shuck stated that the staff informed him that they were so impressed with the amount of detail and completeness of the application that they recommended that the permit be issued. Alderman Jordan motioned that the Special Event Permit Application No. 15-00084-01 be issued; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

- c. Conduct second public hearing to receive input on Ordinance No. 2015-066, an ordinance adopting the North Central Texas Council of Governments Public Works Construction Standards.

Alderman Jordan motioned to close Town Council regular session and open public hearing; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed regular session and convened into public hearing at 7:22 p.m.

Philip Mack Furlow, Town Attorney, read aloud a summary of Ordinance No. 2015-066 adopting the NCTCOG Public Works Construction Standards. Mayor Shuck opened the floor to those wishing to speak for or against the ordinance. There were no requests to discuss the ordinance in public hearing. Alderman Miller motioned to close public hearing and reconvene into regular session; Mayor Pro-Tem Vader seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed public hearing and reconvened into regular session at 7:24 p.m.

- d. Consider, discuss and act upon approval Ordinance No. 2015-066 adopting the North Central Texas Council of Governments Public Works Construction Standards.

Alderman Miller motioned to approve Ordinance No. 2015-066 adopting the North Central Texas Council of Governments Public Works Construction Standards; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

- e. Conduct second public hearing to receive input on Ordinance No. 2015-067, an ordinance adopting provisions relating to the responsibilities of sidewalk maintenance, repair and liability within the Town of Providence Village.

Alderman Jordan motioned to close Town Council regular session and open public hearing; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed regular session and convened into public hearing at 7:26 p.m.

Philip Mack Furlow gave a summary of Ordinance No. 2015-067. Mayor Shuck opened the floor to those wishing to speak for or against the ordinance. Greg Hugie, a resident who resides at 1801 Plymouth Dr., spoke in opposition to the ordinance. Ernie Law, a resident who resides at 9810 Cedarcrest Dr., also spoke in opposition to the ordinance. There was considerable discussion regarding the repairs of damaged sidewalks and the potential for the damage to be caused by trees in the parkway. Alderman Jordan motioned to close public hearing and reconvene into regular session; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed public hearing and reconvened into regular session at 7:38 p.m.

- f. Consider, discuss and act upon approval Ordinance No. 2015-067 adopting provisions relating to the responsibilities of sidewalk maintenance, repair and liability within the Town of Providence Village.

Alderman Miller motioned to approve Ordinance No. 2015-067; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

- g. Conduct second public hearing to receive input on Ordinance No. 2015-068, an ordinance adopting provisions relating to landscaping requirements within the Town of Providence Village.

Alderman Jordan motioned to close Town Council regular session and open public hearing; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed regular session and convened into public hearing at 7:44 p.m.

Philip Mack Furlow gave a summary of Ordinance No. 2015-068. Mayor Shuck opened the floor to those wishing to speak for or against the ordinance. Don Fisher, a resident who resides at 10200 Nantucket Dr. and President of the Providence HOA, presented a letter from their attorney, Pulman, Capuccio, Pullen, Benson & Jones, LLP, and spoke in opposition to the ordinance and specifically stated that the ordinance would prohibit the developer from planting trees in the parkway of the remaining sections being developed and would create a disjointed appearance of the subdivision. Damon Polk, a resident who resides on 9117 Benevolent Court, Andy Goin, who resides at 8900 Cranston Court, Ernie Law, a resident who resides at 9810 Cedarcrest Drive, Karl Wasserleben, a resident who resides at 1413 Oakcrest Drive also spoke in opposition. There was additional discussion and opposition from residents regarding the inability to replace a dead or diseased tree in the parkway if the owner so desired to do so. Alderman Jordan motioned to close public hearing and reconvene into regular session; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed public hearing and reconvened into regular session at 8:05 p.m.

- h. Consider, discuss and act upon approval Ordinance No. 2015-068 adopting provisions relating to landscaping requirements within the Town of Providence Village.

Alderman Jordan motioned to table this item until further research could be conducted; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

- i. Consider, discuss and act upon approval of Ordinance No. 2011-025-08 amending Ordinance Nos. 2011-25, 2011-33, 2012-037, 2012-045, 2011-25-05, 2011-25-06 and 2011-25-07, establishing a schedule of fees to be applied to permits, licenses, services, and programs provided by the Town, to include fees relating to planned development, site plans and platting.

Mike Carroll gave a summary of the fee schedule ordinances the changes resulting from site planning and development. Alderman Miller motioned to approve Ordinance No. 2011-025-08 amending the fees schedule ordinance; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

- j. Conduct public hearing to receive input regarding amendment to Zoning Ordinance, modifying Section 17.5(1) entitled "Façade Plan" to remove approval of design by HOA's architectural review committee as a requirement to receive a permit, and to correct typographical errors in section 17.5(2) to fill in blank lines and to correct wording to "eighty" percent.

Alderman Jordan motioned to close Town Council regular session and open public hearing; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed regular session and convened into public hearing at 8:12 p.m.

Philip Mack Furlow gave a summary of the changes to be made to the Zoning Ordinance. Mayor Shuck opened the floor to those wishing to speak for or against the ordinance. There were no requests to speak for or against the amendments in public hearing. Alderman Jordan motioned to close public hearing and reconvene into regular session; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed public hearing and reconvened into regular session at 8:16 p.m.

- k. Consider, discuss and act upon amendment to Ordinance No. 2014-060-01 entitled "Zoning Ordinance," modifying Section 17.5(1) entitled "Façade Plan" to remove approval of design by HOA's architectural review committee as a requirement to receive a permit, and to correct typographical errors in section 17.5(2) to fill in blank lines and to correct spelling of words "copper" and "eighty" percent.

Alderman Miller motioned to approve the amendment to Ordinance No. 2014-060-01 entitled "Zoning Ordinance"; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

1. Consider, discuss and act upon approval of Ordinance No. 2011-22-04 amending Ordinance Nos. 2011-22, 2012-43 and 2013-056, entitled Nuisance Ordinance to include a definition of "sidewalk" and include provisions relating to unlawful conditions of trees protruding into a public sidewalk/parkway or roadway and providing provisions regarding an owner's responsibility to keep their lot clean and free of pet debris.

There was discussion regarding the proposed amendments to the Nuisance Ordinance to update definitions and provide a consistent measure for pruning of limbs for both the sidewalk and the street without obscuring the appearance of the tree. Alderman Jordan made a motion to amend the tree height clearance measurement for the sidewalk and street to be 9 feet six inches (9'6") from the curb; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

Alderman Jordan motioned to approve Ordinance No. 2011-22-04, as amended; Alderman Miller seconded. Motion carried: 3 in favor, 0 opposed.

- m. Consider, discuss and act upon Annexation Petition from Mr. and Mrs. R. Stallings and their request for an amendment from the original permanent zoning of R-1 to be zoned as residential.

Philip Mack Furlow noted that there are numerous notice actions to be completed over a 30 to 45 day period relating to the annexation petition. Alderman Miller motioned to accept the Annexation Petition; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

- n. Consider, discuss and act upon approval of Providence Village Water Control & Improvement District's Protected Tree Removal Permit Application No. 15-00053-01 for removal of a dual stem pecan tree with individual stems measuring 14.5" and 15.7" DBH, with a 26" DBH at the junction located at 1905 Cambridge Dr.

Alderman Miller motioned to approve Protected Tree Removal Permit Application No. 15-00053-01; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

- o. Consider, discuss and act upon approval of Providence Village Water Control & Improvement District's Protected Tree Removal Permit Application No. 14-00282-02 for removal of a pecan tree with a 17.1" DBH located in the parkway at 9815 Lexington Dr.

Alderman Miller motioned to deny Protected Tree Removal Permit Application No. 14-00282-02; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

- p. Consider, discuss and act upon approval of Providence Village Water Control & Improvement District's Protected Tree Removal Permit Application No. 15-00052-01 for removal of a pecan tree with a 20.5" DBH located in the parkway at 9819 Lexington Dr.

Alderman Miller motioned to deny Protected Tree Removal Permit Application No. 15-00052-01; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

- q. Consider, discuss and act upon approval of Providence Village Water Control & Improvement District's Protected Tree Removal Permit Application No. 15-00054-01 for removal of a cottonwood tree with a 25.5" DBH located in the creek at 1700 Bridgeport Dr.

Alderman Miller motioned to approve Protected Tree Removal Permit Application No. 15-00054-01; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

- r. Consider, discuss and act upon appointments to Communication Committee, HOA Committee, Ordinance Committee, Emergency Preparedness Committee and Joint Planning & Advisory Committee.

There was discussion regarding the appointment of council members to various committees, including the following:

Communications Committee – Alderman Miller and Mayor Pro-Tem Vader
Ordinance Committee – Alderman Miller and Mayor Pro-Tem Vader
JPAC Committee – Mayor Shuck and Alderman Miller
HOA Committee – Mayor Shuck and Alderman Jordan
Emergency Preparedness Committee – Alderman Jaco and Alderman Jordan

Alderman Miller motioned to accept committee appointments as noted; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

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

Philip Mack Furlow stated that the matter would be addressed in executive session.

- t. 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 the matter would be addressed in executive session.

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

Ordinance committee to consider request to make Post Oak Lane a one-way street,

Alderman Miller motioned to closed Town Council regular session and convene into Executive session; Mayor Pro-Tem Vader seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed regular session and convened into Executive Session at 9:02 p.m. with no action expected.

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 Section 13.255 action against Mustang Special Utility District.
- b. Discuss legal and administrative status involving CCN and asset transfer from Providence Village Water Control and Improvement District to Mustang Special Utility District.

Mayor Pro-Tem Vader motioned to closed executive session and reconvene into Town Council regular session; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

Mayor Shuck closed executive session at 9:24 p.m. and reconvened regular session meeting at 9:25 p.m.

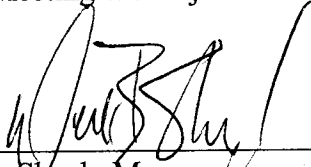
IX. RECONVENE INTO OPEN SESSION

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

X. ADJOURNMENT

Alderman Miller motioned to adjourn the Town Council meeting; Mayor Pro-Tem Jordan seconded. Motion carried: 3 in favor, 0 against.

Meeting was adjourned at 9:26 p.m.



David B. Shuck, Mayor

5/11/2015
Date Minutes Approved



Connie S. Hansen, TRMC
Town Secretary

5/11/15
Date Minutes Approved

