

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
and
BARVIKHA HOSTEL, BARVIKHA VILLAGE, RUBLEVO-USPENSKOE SHOSSE 114/3,
143083 BARVIKHA, RUSSIA
and
CAMP MABRY, 2200 WEST 35TH STREET, AUSTIN, TEXAS

MONDAY, MAY 11, 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 7:04 p.m. Town Council members present were Alderman Steve Miller, Alderman Lynn Jaco, Alderman Justin Steiner and Alderman Michael Jordan, being a quorum. Mayor Pro-Tem Vader 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

David Bruce led invocation.

IV. OPEN FORUM:

Don Fisher, President of the Providence HOA, congratulated the Town Council on the landslide victory on approval of the Home Rule Charter. Mr. Fisher further reported that Rob Vaughn had been appointed to replace Roland Clark. Mr. Fisher further reiterated the invitation to the Town Council to participate in the 4th of July Parade on June 27, 2015.

Joyce Vann, a resident at 10204 Franklin Dr., congratulated the Town Council on the big win.

There were no further requests to address the Town Council. Alderman Steiner motioned to closed Open Forum; Alderman Jordan seconded. Motion carried: 4 in favor, 0 opposed.

V. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

- a. Monthly Reports from Committees: Communications, HOA, Ordinance, Public Safety and Joint Planning & Advisory Committee
- b. Staff Reports: Code Enforcement, Law Enforcement, Municipal Court

Committee Reports

JPAC Committee – Mayor Shuck reported that the members met and discussed several joint projects which will be discussed later on the agenda.

Staff Reports

Mike Carroll gave a summary of his written report and solicited any questions from the Council members. There was discussion regarding the stop signs in Phase 6B, including the stop sign at Cranston Ct. and Myers Ln. being in an incorrect location, and the addition of a 4 way stop being needed at the same location due to the young kids in the park. Also discussed the need for an additional stop sign at Cape Cod Blvd. and Rodgers Ln. and discussion regarding the current signs being erected with non-stock poles. Mike reported that the necessary items have been ordered.

Mr. Carroll also reported on the sidewalk issue on Bridgeport. Specifically, Mr. Carroll has spoken with the homeowner and met with her to make sure that all parties agree on the course of action to correct the situation. It was agreed that the two trees which have caused the damage to the sidewalk will be removed and that the tree removal and sidewalk repair will be completed within a 60 day period.

Mr. Carroll further reported that recently a solicitor's permit was revoked due to false information submitted on the solicitor's application and further reported that there was a critical need to modify the current ordinance relating to solicitor's permit to require background checks. There was further discussion regarding grass issues, including the current practice of leaving door hangers when the grass is over 6-8". Mr. Carroll further explained the process for abatement of mowing a lawn if the grass is high and how it takes a minimum of 30-35 days from the initial notice to the homeowner and how the process starts all over again after the grass has been mowed.

Deputy David Linnell reported that Law Enforcement is working on numerous underage parties.

Jenny Sawyers reported that the Municipal Court had a total of 49 traffic violations and 13 warrants issued in the month of April.

Alderman Steiner motioned to closed Committee/Staff Reports; Alderman Jaco seconded. Motion carried: 4 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 Jordan motioned to approval the Consent Agenda; Alderman Steiner seconded. Motion carried: 4 in favor, 0 opposed.

VII. ACTION ITEMS

- a. Presentation of Certificates of Appreciation to residents for their contribution in assisting with clean-up following severe weather damage.

Mayor Shuck gave an explanation of what prompted the appreciation rewards for providing assistance in removing trees and debris during a recent storm. The Certificates of Appreciation were awarded to John Gaug, Adrienne Gaug, Joel Dixon, Beverly Dixon, and Andy Goin.

- b. Consider, discuss and act upon appointment of nominee for Alderman Place 3 council position.

Alderman Steiner motioned to approve the nomination and appointment of Andy Goin to Alderman Place 3; Alderman Jordan seconded. Motion carried: 4 in favor, 0 opposed.

- c. Oath of Office for new Alderman Place 3 on the Town Council.

Andy Goin was sworn into the office of Alderman Place 3 by the Town Secretary.

Mayor Shuck once again thanked Justin Steiner for his commitment to the Town Council.

- d. Conduct second public hearing to receive input on resolution granting voluntary annexation from Ronald Stallings and Michelle Stallings relating to 19.556 acre tract, 0.130 acre tract and 8.131 acre tract of land into the Town of Providence Village as further described in the Amended Annexation Petition.

Alderman Jordan motioned to closed Town Council Regular Session and open Public Hearing; Alderman Jaco seconded. Motion carried: 4 in favor, 0 opposed.

Mayor Shuck closed Town Council regular session and opened public hearing at 7:30 p.m.

Don Fisher, a resident at 10200 Nantucket Dr., spoke in favor of the voluntary annexation. Joyce Vann, a resident at 10204 Franklin Dr., spoke in favor of the voluntary annexation. Greg Hugie, a resident at 1801 Plymouth Dr., spoke in favor of the voluntary annexation.

There were no further requests to address the Town Council on this action item. Alderman Jordan motioned to close public hearing and reconvene into Town Council Regular Session; Alderman Jaco seconded. Motion carried: 4 in favor, 0 opposed.

Mayor Shuck closed public hearing and reconvened into Town Council Regular Session at 7:41 p.m.

- e. Consider, discuss and act upon resolution granting voluntary annexation from Ronald Stallings and Michelle Stallings relating to 19.556 acre tract, 0.130 acre tract and 8.131 acre tract of land into the Town of Providence Village as further described in the Amended Annexation Petition.

Alderman Jordan motioned to approve resolution granting voluntary annexation as described in the Amended Annexation Petition; Alderman Miller seconded. Motion carried: 4 in favor, 0 opposed.

- f. Conduct public hearing to consider testimony and take action regarding adoption of the original residential zoning of the 19.556 acre tract of land and the 0.130 acre tract of land identified in the Stallings' Annexation and adoption of the original agricultural zoning of the 8.131 acre tract of land identified in Stallings' Annexation.

Philip Mack Furlow gave a brief summary explanation of how and why there was a need for a voting on the zoning of the annexed property stated that all annexed property is set with an agricultural zoning designation until changed.

Alderman Jordan motioned to close Town Council Regular Session and open Public Hearing; Alderman Miller seconded. Motion carried: 4 in favor, 0 opposed.

Mayor Shuck closed Town Council Regular Session and opened Public Hearing at 7:44 p.m.

Greg Hugie, a resident at 1801 Plymouth Dr., spoke in favor of the zoning designation requested. Don Fisher, a resident at 10200 Nantucket Dr. and Joyce Vann and Don Kicker, residents at 10204 Franklin Dr., all spoke in favor of the

zoning designation. There were no further requests to address the Town Council on this matter.

Alderman Jordan motioned to close Public Hearing and reconvene into Town Council Regular Session; Alderman Goin seconded. Motion carried: 4 in favor, 0 opposed.

Mayor Shuck closed the Public Hearing and reconvened into Town Council Regular Session at 7:46 p.m.

- g. Consider, discuss and act upon adoption of the original residential zoning of the 19.556 acre tract of land and the 0.130 acre tract of land identified in the Stallings' Annexation and adoption of the original agricultural zoning of the 8.131 acre tract of land identified in Stallings' Annexation.

Alderman Jordan motioned to adopt the original residential zoning of the 19.556 acre and 0.130 acre tracts of land and the original agricultural zoning of the 8.131 acre tract of land; Alderman Miller seconded. Motion carried: 4 in favor, 0 opposed.

- h. Consider, discuss and act upon Providence Village Road Inspection Report for 1st Quarter 2015 from Denton County Public Works.

Mike Carroll gave a summary of the report. At the request of Mayor Shuck, Mike Carroll had looked at some of the lower numbers and after review it was determined that the Town should monitor the status of the roads and look into the matter again in the summer.

Alderman Miller motioned to accept the report; Alderman Jordan seconded. Motion carried: 4 in favor, 0 opposed.

- i. Consider, discuss and act upon Boundary and Extraterritorial Adjustment Agreement between the Town of Providence Village, Texas and the Town of Little Elm, Texas and approval of an agreement setting forth municipal boundaries and extraterritorial jurisdiction of the Towns.

Mayor Shuck gave a summary of the negotiations with Little Elm, including a description of what the Council gave him permission to offer to Little Elm. Philip Mack Furlow added that with the agreement with Little Elm provides boundaries they believe to be valuable to the Town and further stated that the agreement keeps the Town from pursuing legal action against Little Elm relating to property boundaries.

Alderman Jordan motioned to approve the Agreement and inclusion of 10.006 acres of land into the Town of Providence Village; Alderman Goin seconded. Motion carried: 4 in favor, 0 opposed.

- j. Conduct public hearing to consider testimony and take action regarding adoption of the original Business 1 zoning of the 10.006 acre tract of land acquired through the

Boundary and Extraterritorial Adjustment Agreement between the Town of Providence Village and the Town of Little Elm.

Alderman Jordan motioned to closed Town Council Regular Session and open Public Hearing; Alderman Goin seconded. Motion carried: 4 in favor, 0 opposed.

Mayor Shuck closed Town Council Regular session and opened Public Hearing at 8:01 p.m.

Greg Hugie, a resident at 1801 Plymouth Dr.; Joyce Vann, a resident at 10204 Franklin Dr.; Eric Newton, a resident at _____ Concord Dr.; Don Fisher, a resident at 10200 Nantucket Dr.; and Don Kiker, a resident at 10204 Franklin Dr., all spoke in favor of the zoning designation requested. There were no further requests to address the Town Council on this issue.

Alderman Jordan motioned to close Public Hearing and reconvene into Town Council Regular Session; Alderman Miller seconded. Motion carried: 4 in favor, 0 opposed.

- k. Consider, discuss and act upon adoption of the original Business 1 zoning of the 10.006 acre tract of land acquired through the Boundary and Extraterritorial Adjustment Agreement between the Town of Providence Village and the Town of Little Elm.

Alderman Jaco inquired if there were any businesses already approved to be built on the annexed property and Mayor Shuck stated that the current situation is that an Aldi has already been approved to be built on the land and that the land would be a tax revenue for the Town.

Alderman Jordan motioned to adopt the original Business 1 zoning for the 10.006 acre tract of land; Alderman Miller seconded. Motion carried: 4 in favor, 0 opposed.

- l. Consider, discuss and act upon appeal, pursuant to section 8.00.000(b) of the Tree Preservation and Protection Ordinance No. 2012-049, of the denial of Protected Tree Removal Permit No. 15-00007-33, for the removal of a 6.5" Post Oak tree.

Mike Carroll gave a summary of the tree permit applications. Greg Hugie was acknowledged and read aloud the arborist report to the Town Council. Mayor Shuck reiterated the variance appeal process and stated that the Council should not overrule its ordinances.

Alderman Jordan motioned to deny the appeal of Removal Permit No. 15-00007-33; Alderman Miller seconded. Motion carried by majority vote: 3 in favor, 0 opposed, Alderman Jaco abstained.

- m. Consider, discuss and act upon appeal, pursuant to section 8.00.000(b) of the Tree Preservation and Protection Ordinance No. 2012-049, of the denial of Protected Tree Removal Permit No. 15-00007-34, for the removal of a 7.6” Post Oak tree.

Alderman Miller motioned to deny the appeal of Removal Permit No. 15-00007-34; Alderman Jordan seconded. Motion carried by majority vote: 3 in favor, 0 opposed, Alderman Jaco abstained.

- n. Consider, discuss and act upon appeal, pursuant to section 8.00.000(b) of the Tree Preservation and Protection Ordinance No. 2012-049, of the denial of Protected Tree Removal Permit No. 15-00007-35, for the removal of a 6.5” Post Oak tree.

Alderman Miller motioned to deny the appeal of Removal Permit No. 15-00007-35; Alderman Jordan seconded. Motion carried by majority vote: 3 in favor, 0 opposed, Alderman Jaco abstained.

- o. Consider, discuss and act upon appeal, pursuant to section 8.00.000(b) of the Tree Preservation and Protection Ordinance No. 2012-049, of the denial of Protected Tree Removal Permit No. 15-00007-36, for the removal of a 7.8” Post Oak tree.

Alderman Miller motioned to deny the appeal of Removal Permit No. 15-00007-36; Alderman Jordan seconded. Motion carried by majority vote: 3 in favor, 0 opposed, Alderman Jaco abstained.

- p. Presentation of Certificate of Recognition to Lynn Jaco for service as Alderman, Place 2.

Mayor Shuck presented Alderman Jaco with a Certificate of Recognition for her service as a Town Council Member.

- q. Consider, discuss and act upon approval of costs associated with joint projects with the Providence Village Water Control Improvement District:

1. Drainage Repair Project – Project Total \$7,640 – Town Contribution \$3,820
2. Drainage Maintenance Project – Project Total \$57,500 – Town Contribution \$28,750
3. Entrance Lighting – Project Total \$15,750 – Town Contribution \$7,875
4. Tree Projects – Project Total \$9,525 – Town Contribution \$4,763
5. Creek Remediation – Project Total \$2,250 – Town Contribution \$1,125

Alderman Jordan inquired about entrance lighting project. No action was required or taken.

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

To be discussed in Executive Session.

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

To be discussed in Executive Session.

- t. Identify agenda items to be discussed at future meeting.
 - 1. Traffic island removal on Cherry Hill Lane;
 - 2. Reappointment of Council members to committees.

Alderman Jordan motioned to closed Town Council Regular Session and convene into Executive Session; Alderman Miller seconded. Motion carried: 4 in favor, 0 opposed. Alderman Miller left the meeting at 8:38 p.m.

Mayor Shuck closed Town Council Regular Session and convened into Executive Session at 8:38 p.m.

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, discuss and act upon Boundary and Extraterritorial Adjustment Agreement between the Town of Providence Village, Texas and the Town of Little Elm, Texas and approval of an agreement setting forth municipal boundaries and extraterritorial jurisdiction of the Towns.
- b. Consider and discuss Section 13.255 action against Mustang Special Utility District.
- c. Discuss legal and administrative status involving CCN and asset transfer from Providence Village Water Control and Improvement District to Mustang Special Utility District.

Alderman Jaco 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 and reconvened into Town Council Regular Session at 8:49 p.m.

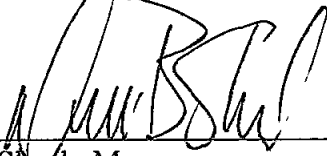
IX. RECONVENE INTO OPEN SESSION

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

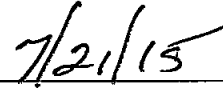
X. ADJOURNMENT

Alderman Jaco motioned to adjourn; Alderman Jordan seconded. Motion carried: 3 in favor, 0 opposed.

Meeting was adjourned at 8:50 p.m.



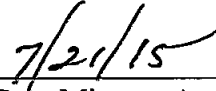
David B. Shuck, Mayor



Date Minutes Approved



Connie S. Hansen, TRMC
Town Secretary



Date Minutes Approved

