

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

MONDAY, JUNE 8, 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 7:02 p.m. Town Council members present were Alderman J. Eric Newton, Alderman Andy Goin, Alderman Michael Jordan, and Mayor Pro-Tem Darren Vader, being a quorum. Alderman Steve Miller was out of state on military business.

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, reminded the Town Council about the invitation for the Council members and staff to participate in the 4th of July Parade on June 27, 2015. Scheduled start time is 9:30 a.m. at the Providence Elementary School. Mr. Fisher also stated that the Teen Pool was scheduled for the upcoming weekend and asked for additional sheriff's coverage due to the recent McKinney event.

Joyce Vann, a resident at 10204 Franklin Dr., addressed the Town Council regarding the need for a stop sign at the intersection of Nantucket Dr. and Oakcrest Dr. near the clubhouse. Ms. Vann stated that the intent of the stop sign would be to cause drivers to stop before continuing around the corner.

There were no further requests to address the Town Council. Alderman Newton motioned to closed Open Forum; Alderman Jordan seconded. Motion carried: 5 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

Public Safety Committee – Alderman Jordan discussed the Code Red mailer. He also reported that they were looking in the CERT program.

JPAC Committee – Mayor Shuck reported that the JPAC meeting was cancelled.

Staff Reports

Mike Carroll gave a summary of his written report. Andrew Dunn reported on the building report. Jenny Sawyers provided the Municipal Court report.

Alderman Jordan motioned to closed Committee/Staff Reports; Alderman Goin seconded. Motion carried: 5 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 Goin seconded. Motion carried: 5 in favor, 0 opposed.

VII. ACTION ITEMS

- a. Consider, discuss and act upon approval of Ordinance No. 2011-026-02, amending Ordinance No. 2011-026 entitled "Solicitors Ordinance" to include the requirement for criminal background checks to be submitted with applications, and including felony convictions as a reason for denial of an application and including a mandatory revocation period for applications denied. *(Mayor Pro-Tem Vader)*

Mayor Pro-Tem Vader gave a summary of the changes made to the Solicitors Ordinance. Alderman Jordan motioned to approve Ordinance No. 2011-026-02; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- b. Consider, discuss and act upon approval of Resolution No. 2015-032 designating a primary criminal background screening service provider. *(Mike Carroll)*

Mike Carroll gave a summary of the process used to find a vendor to handle background checks. The resolution recommends the vendor who requires that the application pay directly for the background check versus the Town collecting the funds and paying. Alderman Newton motioned to approve Resolution No. 2015-032; Alderman Jordan seconded. Motion carried: 5 in favor, 0 opposed.

- c. Consider, discuss and act upon approval of Ordinance No. 2012-042-03, amending Ordinance No. 2012-042 entitled "Sign Regulations" modify the officer appointed to serve as the Town Sign Administrator. *(Mike Carroll)*

Mike Carroll reported that the only change being made is changing the Town Sign Administrator from the Town Secretary to Mike Carroll, the Code Compliance Officer. Alderman Goin motioned to approve Ordinance No. 2012-042-03; Alderman Jordan seconded. Motioned carried: 5 in favor, 0 opposed.

- d. Consider, discuss and act upon approval of Ordinance No. 2011-025-09, amending Ordinance No. 2011-025 entitled "Schedule of Fees" modifying Section 1.01 entitled "Municipal Court Fine and Fee Schedule" to include fees relating to the production of audio recordings of municipal court proceedings. *(Connie Hansen)*

Alderman Goin motioned to approve Ordinance No. 2011-025-09; Alderman Jordan seconded. Motioned carried: 5 in favor, 0 opposed.

- e. Consider, discuss and act upon approval of Ordinance No. 2015-073 granting the annexation of 27.7 acres of land into the Town of Providence Village pursuant to the voluntary petition for annexation submitted by Ronald and Michelle Stallings. *(Philip Mack Furlow)*

Philip Mack Furlow gave a brief summary of the ordinance granting the annexation, including the requirements for the ordinance to be filed with the Denton County Clerk's office and the Department of Justice.

Alderman Newton motioned to approve Ordinance No. 2015-073; Alderman Jordan seconded. Motion carried: 5 in favor, 0 opposed.

- f. Conduct public hearing to receive input on Ordinance No. 2015-073 granting the annexation of 27.7 acres of land into the Town of Providence Village pursuant to the voluntary petition for annexation submitted by Ronald and Michelle Stallings.

Philip Mack Furlow stated that this action was not necessary. No action was taken.

- g. Consider, discuss and act upon resolution accepting voluntary annexation from Providence/380 Partners, Ltd., Nesaz, LLC and Terri Bristow relating to 10.006 acre tract of land in the Town of Providence Village as described in the Annexation Petition dated June 2, 2015 and scheduling of two public hearings and notice requirements relating to said annexation. *(Philip Mack Furlow)*

Alderman Jordan motioned to approve resolution accepting voluntary annexation of 10.006 acres; Alderman Newton seconded. Motioned carried: 5 in favor, 0 opposed.

- h. Consider, discuss and act upon bid proposal from Gene's Construction, LLC relating to the removal of the traffic island located on Cherry Hill Lane. *(Mike Carroll)*

Mike Carroll gave a presentation and introduction to Gene's Construction, LLC for the removal of the traffic island on Cherry Hill Lane. There was extensive discussion regarding the relationship between the costs associated with the removal and the complaints received relating to the traffic island. Alderman Goin motioned to table the item; Alderman Jordan seconded. Motion carried: 5 in favor, 0 opposed.

- i. Consider, discuss and act upon approval of Ordinance No. 2015-070, setting Town Council regular meetings to be held on the first and third Tuesdays of each month beginning at 7:00 p.m. at Town Hall. *(Mayor Shuck)*

Alderman Goin motioned to amend Ordinance No. 2015-070 to set the Town Council regular meetings to be held on the first and third Tuesdays of each month beginning July 7, 2015; Alderman Jordan seconded. Motion carried: 5 in favor, 0 opposed.

Alderman Newton motioned to approve Ordinance No. 2015-070, as amended; Mayor Pro-Tem Vader seconded. Motion carried: 5 in favor, 0 opposed.

- j. Consider, discuss and act upon approval of Special Event Permit No. 14-00169-05 from the Providence HOA for July 4th Celebration scheduled for June 27, 2015.

Alderman Jordan motioned to approve Special Event Permit No. 14-00169-05 for the Providence HOA 4th of July Celebration; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- k. Consider, discuss and act upon approval of Ordinance No. 2015-071 amending the FY2014-15 Budget. (*Connie Hansen*)

Alderman Goin motioned to approve Ordinance No. 2015-071 amending the FY2014-15 Budget; Alderman Jordan seconded. Motion carried: 5 in favor, 0 opposed.

- l. Consider, discuss and act upon approval of Preliminary Plat of Harbor Village at Providence Phase 6C. (*Connie Hansen*)

This item was tabled.

Deputy Torres arrived and Alderman Goin requested a report from law enforcement. Deputy Torres discussed the recent issues with residents stealing materials from the building sites in Phase 6A and 6B and curfew issues.

- m. Consider, discuss and act upon approval of Ordinance No. 2015-072 establishing office of Town Engineer and appointment of contractor to fill the position. (*Connie Hansen*)

Alderman Goin motioned to approve Ordinance No. 2015-072 establishing the Town Engineer position; Mayor Pro-Tem Vader seconded. Motion carried: 5 in favor, 0 opposed.

- u. Consider, discuss and act upon appointment of Jason Poole to the contractor position of Town Engineer.

Alderman Goin motioned to appoint Jason Pool to the contractor position of Town Engineer; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- n. Consider, discuss and act upon request from Jones – Heroy & Associates, Inc. for the Town to provide a letter of explanation on storm water runoff from undeveloped property outside of the Providence Village Water Control Improvement District's boundaries. (*Philip Mack Furlow*)

Philip Mack Furlow stated that he had turned the letter over to counsel and recommended that the Town Council approve the letter upon receipt of recommendation to do same from Steve Dickman. Alderman Jordan motioned to

approve the letter upon receipt of approval from legal counsel, Steve Dickman; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

- o. Consider, discuss and act upon development of a warning notice process for illegally parked vehicles. *(Alderman Goin)*

There was extensive discussion regarding the need to address the issue of vehicles being parked on the wrong sides of the street. Alderman Goin motioned to authorize the Compliance Compliance Officer to create a warning notice to be left on cars parked the wrong way on the street in a zoned area for 60 days and gather results; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- p. Consider, discuss and act upon traffic study to address needs for additional traffic control devices at various intersections. *(Mayor Shuck)*

There was discussion relating to the need for a traffic study on Nantucket and Oakcrest and the south end of Bridgeport for additional stop signs. Alderman Jordan motioned to authorize the Code Compliance Office to conduct a study of the two referenced intersections; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- q. Consider, discuss and act upon evaluation and modification of school zone time periods. *(Mayor Shuck)*

Mayor Shuck stated that he had received several requests to reduce the time period for the school zone designations, with the claim that the time period is too long. There was discussion regarding the need for an engineering certification for all school zone settings. Alderman Jordan motioned to authorize staff to accept bids for conducting a study of the school zone time periods; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

- r. Consider, discuss and act upon appointment of members to the Planning and Zoning Commission. *(Mayor Shuck)*

Two applicants, John Gaug and Don Kiker, had submitted applications for appointment to the Planning and Zoning Commission. Alderman Goin motioned to appoint John Gaug and Don Kiker to the Planning and Zoning Commission; Mayor Pro-Tem Vader seconded. Motion carried: 5 in favor, 0 opposed.

- s. Consider and act upon election of Mayor Pro-Tempore. *(Mayor Shuck)*

Mayor Pro-Tem Vader motioned to appoint Alderman Michael Jordan at the Mayor Pro-Tempore; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- t. Consider, discuss and act upon appointments to Communication Committee, HOA Committee, Ordinance Committee, Public Safety Committee and Joint Planning & Advisory Committee. *(Mayor Shuck)*

Alderman Goin motioned to dissolve the HOA Committee; Alderman Vader seconded. Motion carried: 5 in favor, 0 opposed.

After considerable discussion on appointments of members to various committees, and the request to create a new committee entitled Economic Development Corporation Exploratory Committee. Recommended appointments were:

Public Safety Committee – Wayne Krebs, J. Eric Newton and Steve Miller
Communication Committee – Andy Goin and Darren Vader
Ordinance Committee – Michael Jordan and Darren Vader
JPAC – Dave Shuck and J. Eric Newton and/or Michael Jordan as alternates
EDCEC – J. Eric Newton and Dave Shuck

Alderman Jordan motioned to approve the appointments; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- v. Consider, discuss and act upon appointment of Interim Town Manager. *(Mayor Shuck)*

Alderman Vader motioned to approve the appointment of Brian D. Roberson as Town Manager, removing any reference to “Interim”; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- w. 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.

- x. 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.

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

None requested.

Alderman Newton motioned to closed Town Council Regular Session and convene into Executive Session; Alderman Jordan seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Town Council Regular Session at 9:33 p.m. and convened into Executive Session at 9:40 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 appointment of Interim Town Manager.
- 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 Newton motioned to close Executive Session and reconvene into Town Council Regular Session; Alderman Jordan seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Executive Session and reconvened into Town Council Regular Session at 10:20 p.m.

IX. RECONVENE INTO OPEN SESSION

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

X. ADJOURNMENT

Alderman Newton motioned to adjourn; Alderman Jordan seconded. Motion carried: 5 in favor, 0 opposed.

Meeting was adjourned at 10:21 p.m.

David B. Shuck, Mayor

7/21/15

Date Minutes Approved

Connie S. Hansen

Connie S. Hansen, TRMC
Town Secretary

7/21/15

Date Minutes Approved

