

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, SEPTEMBER 1, 2015**  
7:30 P.M. Regular Session

**MINUTES**

**REGULAR SESSION 7:30 p.m.**

**I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:**

Mayor Dave Shuck called the meeting to order at 7:34 p.m. Town Council members present were Alderman J. Eric Newton, Alderman Andy Goin, Mayor Pro-Tem Michael Jordan and Alderman Darren Vader, being a quorum. Alderman Steve Miller 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**

Philip Mack Furlow led invocation.

**IV. OPEN FORUM:**

There were no requests to address the Town Council. Mayor Pro-Tem Jordan motioned to closed Open Forum; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

**V. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:**

- a. Monthly Reports from Committees: Communications, EDCEC, JPAC, Ordinance and Public Safety

**Committee Reports**

Ordinance Committee – Mayor Pro-Tem Jordan reported that the ordinance committee has met and that there will be items on tonight's agenda.

Alderman Goin motioned to closed Committee/Staff Reports; Mayor Pro-Tem Jordan 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 Newton 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. 2015-078 establishing regulations relating to sex offender residency. (*Brian Roberson*)

Brian Roberson gave a brief history on how the ordinance came to fruition and how Alderman Newton had taken the initiative to develop the initial ordinance that was ultimately approved by the ordinance committee.

Mayor Pro-Tem Jordan motioned to close Town Council Regular Session and convene into Public Hearing; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed. Mayor Shuck closed Town Council Regular Session and convened into Public Hearing at 7:46 p.m.

- b. Conduct first hearing to receive input on Ordinance No. 2015-078 relating to the establishment of regulations relating to sex offender residency.

Philip Mack Furlow read aloud Ordinance No. 2015-078 entitled Sex Offender Residency Regulations. Philip Mack Furlow noted a correction to be made on the second page, paragraph 3 relating to commas to be added.

Mayor Shuck opened the floor to the public for comments. Don Fisher spoke in favor of the ordinance. There were no further requests to address the Town Council. Alderman Goin motioned to closed Public Hearing and reconvene into Town Council Regular Session; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Public Hearing and reconvened into Town Council Regular Session at 8:00 p.m.

Mayor Shuck stated that it was great that we could do this to protect our kids and thanked Alderman Newton for taking the initiative to get the ordinance prepared for consideration. Alderman Goin asked how the ordinance differed from the current state law relating to registered sex offenders. Philip Mack Furlow stated that the ordinance adds an additional 1000 feet to the restriction area.

Alderman Goin motioned to approve Ordinance No. 2015-078 relating to the Sex Offender Residency Regulation; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- c. Consider, discuss and act upon approval of Ordinance No. 2015-079 establishing erosion control provisions.

Brian Roberson gave a summary of the erosion control ordinance. Alderman Newton motioned to closed Town Council Regular Session and open Public Hearing; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Town Council Regular Session and opened Public Hearing at 8:08 p.m.

- d. Conduct first hearing to receive input on Ordinance No. 2015-079 relating to the establishment of erosion control provisions.

Philip Mack Furlow read a summarized version of the ordinance aloud. Mayor Shuck opened the floor to public comment. There being no request to address the Town Council, Mayor Pro-Tem Jordan motioned to close Public Hearing and reconvene in Town Council Regular Session; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed the Public Hearing and reconvened into Town Council Regular Session at 8:22 p.m.

Mayor Shuck inquired if this ordinance changed the Code Compliance Officer's role in any way. Mike Carroll stated that the major change the ordinance created was that developers would file an erosion plan before moving dirt. Alderman Goin motioned to approve Ordinance No. 2015-079 entitled Erosion Control; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- e. Consider, discuss and act upon approval of public hearing date and authorizing notice of public hearing in the official newspaper of the Town regarding adoption of the Town's FY2015-16 Budget.

Brian Roberson gave a brief summary regarding the hearing and notice requirements for adoption of a fiscal year budget. Alderman Newton motioned for September 15<sup>th</sup> to be designated as the public hearing date for approval of the FY2015-16 Budget and

authorization to publish same in the Town's designated newspaper; Mayor Pro-Tem Jordan seconded. Motion carried: 5 in favor, 0 opposed.

- f. Consider, discuss and act upon proposed Tax Rate for 2015 Tax Year for property tax rate for the Town of Providence Village.

Mayor Pro-Tem Jordan motioned to closed Town Council Regular Session and convene into Public Hearing; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Town Council Regular Session and opened Public Hearing at 8:27 p.m.

- g. Conduct first hearing to receive input on proposed Tax Rate for 2015 Tax Year.

Brian Roberson summarized the details of the proposed Tax Rate for 2015 Tax Year. Mayor Shuck opened the floor to public comment. Greg Hugie spoke against the proposed tax rate. Joyce Vann and Don Fisher both spoke in favor of the proposed tax rate. There being no further requests to address the Town Council, Alderman Going motioned to close Public Hearing and reconvene into Town Council Regular Session; Mayor Pro-Tem Jordan seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed the Public Hearing and reconvened into Town Council Regular Session at 8:31 p.m.

Brian Roberson further explained that although the tax rate reduction was conservative, it was nonetheless a reduction. Mr. Roberson further stated that due to the recent dissolution of the WCID, there are a number of expenses and activities that are just now surfacing that could have a financial impact on reserves. These unknowns, along with potential capital improvements needed, warranted a prudent reduction in the rate until a clearer picture of the financials and status of projects and infrastructure could be obtained. Alderman Newton further noted that for several years the WCID had the opportunity to reduce the tax rate, but chose not to do so.

Mayor Pro-Tem Jordan motioned to accept and approve the proposed 2015 Tax Rate; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- h. Consider, discuss and act upon approval of Special Event Permit No. 15-00457-01 from Jeanna Plummer for a Halloween block party on Greene Drive.

There was discussion regarding the logistical difficulties in blocking off the entire length of Greene Dr. and preventing residents from having access to their homes due to the lack of an alley entrance. Mayor Pro-Tem Jordan motioned to deny the Special Event Permit No. 15-00457-01; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

- i. Consider, discuss and approve amendment to Upper Trinity Regional Water District Northeast Regional Water Reclamation System Participating Customer Contract with Denton County Fresh Water Supply District No. 9, dated August 29, 2011, as amended, to increase wastewater subscription.

Philip Mack Furlow updated the Town Council on the amendments to the Upper Trinity Regional Water District contract and recommended that the Town participate in the River Bend planning project, but that there were no amounts currently available as the UTRWD was still working on calculating the amounts.

Greg Hugie interrupted the Town Council meeting attempting to ask questions about the contract. Mayor Shuck informed Mr. Hugie that the Council was not in Public Hearing and his outburst were not appropriate at this time.

Following continued discussion regarding the amendment to the Customer Contract, Alderman Goin motioned to approve the amendment to the Upper Trinity Regional Water District Northeast Regional Water Reclamation System Participating Customer Contract; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- j. Consider, discuss and act upon engineering report from Petitt & Barraza, including necessary and/or appropriate actions relating to:
  - a. Status of erosion repairs at 9936 Martha's Vineyard Circle, 9941 Martha's Vineyard Circle, and 9946 Wethers Field Circle; and
  - b. Approval or acceptance of proposals/award of contracts, construction pay application(s) and change order(s) to construction contracts.

Brian Roberson reported that the Town engineer will be looking at the subject areas and will report back on the situation. No action taken at this time.

- k. Consider, discuss and act upon expansion of the water and sewer system to residents who are outside of the area of the former Providence Village Water Control and Improvement District.

Following a brief discussion regarding the need to evaluate options for expansion of water and sewer services to residents outside of the WCID area, Mayor Pro-Tem Jordan motioned to direct the Town Manager and Town Engineer to begin plans for expansion of the water and sewer services to all residents; Alderman Vader seconded. Motion carried: 5 in favor, 0 opposed.

- l. Consider, discuss and act upon constructing a facility to increase water storage capacity and/or additional water storage.

Brian Roberson provided explanation regarding the need for the ground storage tank and how this matter should have been rectified by the WCID in years past. No action taken.

- m. Consider, discuss and act upon appointment of financial auditing firm to conduct final audit of former Providence Village Water Control and Improvement District financial books and records and authorize Town Manager to take any necessary action to facilitate said audit.

Mayor Pro-Tem Jordan motioned to authorize the Town Manager to take any necessary action to facilitate hiring an auditor firm to conduct final audit of WCID financial records; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

- n. Consider, discuss and act upon reorganization of committees and committee assignments.

Extensive discussion regarding the current committees, their members, and the need for reassignments and dissolution of committees. Alderman Newton motioned to approve the dissolution of the JPAC committee, reinstatement of Emergency Preparedness Committee and separation of duties between Emergency Preparedness and Public Safety Committees and the assignments of Alderman Newton and Mayor Shuck to the EDCEC Committee, Alderman Newton and Alderman Goin to Public Safety Committee, Mayor Pro-Tem Jordan, Alderman Miller and Wayne Krebs to the Emergency Preparedness Committee, Alderman Vader and Alderman Goin to the Communication Committee, and Mayor Pro-Tem Jordan and Alderman Vader to the Ordinance Committee with Alderman Miller serving as an alternate member of the Ordinance Committee; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

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

Nothing available to disclose to the public. Item will be discussed in Executive Session.

- p. Consider, discuss and take action to secure and protect the Town's ability and right to provide water and sewer service to its residents.

Item to be discussed in Executive Session and Philip Mack Furlow stated that there may be an action after Executive Session.

- q. Consider and discuss effects of dissolution of the WCID on existing contracts.

To be discussed in Executive Session.

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

- 1. McCall audit.

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

Mayor Shuck closed Town Council Regular Session and convened into Executive Session at 9:21 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. Section 13.255 action against Mustang Special Utility District.
- b. Consider, discuss and take action to secure and protect the Town's ability and right to provide water and sewer service to its residents.
- c. Effects of dissolution of the WCID on existing contracts.

Alderman Newton motioned to close Executive Session and reconvene into Town Council Regular Session; Mayor Pro-Tem Jordan seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Shuck closed Executive Session and reconvened into Town Council Regular Session at 10:23 p.m.

## **IX. RECONVENE INTO OPEN SESSION**

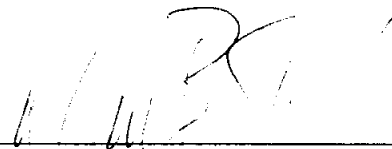
- a. Consider and act upon items discussed in Executive Session.
  - (p) Consider, discuss and take action to secure and protect the Town's ability and right to provide water and sewer service to its residents.

Alderman Newton motioned to authorize the Town Manager and Town Attorney to take any and all action necessary to protect the Town's rights to provide water and sewer services to its residents; Alderman Goin seconded. Motion carried: 5 in favor, 0 opposed.

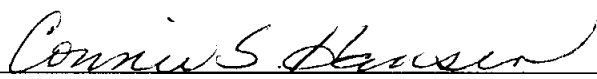
**X. ADJOURNMENT**

Alderman Goin motioned to adjourn; Mayor Pro-Tem Jordan seconded. Motion carried: 5 in favor, 0 opposed.

Meeting was adjourned at 10:25 p.m.

  
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David B. Shuck, Mayor

10/6/15  
Date Minutes Approved

  
\_\_\_\_\_  
Connie S. Hansen, TRMC  
Town Secretary

10/6/15  
Date Minutes Approved

