

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, MAY 17, 2016**  
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, 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**

Mayor Shuck led invocation.

**IV. OPEN FORUM:**

Joyce Vann spoke on behalf of Don Fisher, reported that the Providence Village HOA reported on upcoming elections and the meet the candidate event.

Ms. Vann reported on the opening of pools in the near future.

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

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

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

Communications Committee – NTR  
EDCEC Committee – NTR  
Emergency Preparedness Committee - NTR  
Ordinance Committee - NTR  
Public Safety Committee – NTR

- b. Staff Reports: Code Compliance, Building Permits, Municipal Court, Law Enforcement, Administration

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

Building Permits – Mike Carroll provided a summary of the building permit report.

Municipal Court – Connie Hansen reported on the municipal court.

Law Enforcement – Bryce Hicks reported that he found a couple of solicitors who he brought to Town to register, but they chose not to register. Issues with possible peeper and they have him on camera and he believes he knows the person. Discussion regarding burglaries relating to vehicles which are unlocked. Citations are down, people are slowing down in school zone. Mayor Shuck noted that this week is National Law Enforcement Week.

Administration – Brian Roberson reported on traffic issue and resident's request to lower the speed limit. Mr. Roberson reported that the State of Texas prohibits a city from lowering the speed limit in a residential area below 30. A council, by means of an ordinance, can lower the speed limit in a residential area to 25 mph. Mr. Roberson reported to the resident the situation and Mr. Polk came into Town Hall today to state that he planned to attend tonight's meeting, but due to a graduation would not be able to but thanked Mr. Roberson for the information.

Mr. Roberson reported on the research he conducted regarding parking on streets and the width of the street. He reported that restricting parked vehicles on a residential street could jeopardize the speed limit control on the residential streets. Looking at ways of dealing with parking in the correct direction. Parking citations requirements was reported, relating to citing an individual versus a vehicle. Discussion relating to speed bumps, law enforcement, fire department, etc. all have issues with speed bumps, especially the results of slowing down first responders.

There was discussion regarding Chapter 682 of the Traffic Code.

Mr. Roberson reported on the Waste Management Hydraulic leak in some areas of the Town.

Upper Trinity report. Discussion regarding magnetite and how it is speeding up the sewer process. The Peninsula Plant is doing a test on this product and if it is successful they will go for TCEQ approval.

US Highway 380 expansion report. Mayor Shuck asked if there were any issues relating to imminent domain and Mr. Roberson stated there would be none taken from the Town.

Clay Taylor with Severn Trent Services reported that they are still looking for volunteers for the testing sites. Mayor Shuck stated to add his name to the list. He reported on the repair of the fire hydrant of on Benevolent was repaired and there was a split that was the result of improper soil compacting. Mr. Taylor gave a summary of his written report.

Clay Taylor reported on the issue relating to discolored water. They immediately did testing and there was no problem, but the water was a slight green. Upper Trinity reported that they were pulling out of Lake Chapman and there was an algae pool, so they immediately began withdrawing water from Lake Providence. Mr. Taylor also reported that the flushing being performed on the fire hydrants was not the result of the green water, but instead is a requirement for testing that is scheduled to be done next week.

Mayor Shuck asked Brian Roberson if this is something that the Town might want to address in a broadcast message.

Alderman Newton moved to closed Committee/Staff Reports; Alderman Vader 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
- e. Approve Administrative Actions

Mayor Pro-Tem Jordan moved to approve Consent Agenda, as amended; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

## VII. ACTION ITEMS

- a. Consider, discuss and act upon Approval of Resolution No. 2016-044 declaring the results of the May 7, 2016 general elections.

Town Secretary stated that the first whereas needed to be amended to remove any reference to the local government code and replace with “Whereas the home rule charter of the Town of Providence Village calls for annual elections.”

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

Goin motion to accept; Mayor Pro-Tem Jordan seconded. Brian Roberson read the results of the general election. Motion carried: 5 in favor, 0 opposed.

- b. Oath of Office for Dave Shuck as Mayor on the Town Council.

Town Secretary, Connie Hansen, sworn in Mayor Dave Shuck.

- c. Oath of Office for Andy Goin as Alderman Place 3 on the Town Council.

Mayor Shuck swore in Andy Goin as Alderman Place 3 of the Town Council.

- d. Oath of Office for Darren Vader as Alderman Place 5 on the Town Council.

Mayor Shuck swore in Darren Vader as Alderman, Place 5 of the Town Council.

- e. Consider, discuss and act upon nomination and election of Mayor Pro-Tempore.

Mayor Shuck reported that the appointment of the Mayor Pro-Tempore is a required action following a general election and Mayor Shuck stated that Michael Jordan

Alderman Goin nominated Michael Jordan; Darren Vader seconded. Alderman Newton moved accept the nomination of Michael Jordan; Alderman Goin seconded. Motion Carried: 5 in favor, 0 opposed.

Alderman Goin left the meeting at 8:38 p.m.

- f. Consider, discuss and act upon appointments to Communication Committee, EDCEC, Emergency Preparedness Committee, Ordinance Committee and Public Safety Committee.

Mayor Shuck stated that since the makeup of the Town Council has not changed that the committee members remain the same. Mayor Pro-Tem Jordan moved to keep committees at appointed; Alderman Newton seconded. Motion carried: 4 in favor, 0 opposed.

- g. Receive and consider recommendation from Planning and Zoning Commission regarding approval of Ordinance No. 2014-060-03 amending Ordinance No. 2014-060-01, as amended by Ordinance No. 2014-060-02, entitled “Zoning Ordinance” to revise and update said ordinance to include a definition of strip mining.

Brian Roberson reported that the Planning & Zoning Commission has recommended that the Council approve Ordinance No. 2014-060-03 amending Ordinance No. 2014-060-01 entitled Zoning Ordinance to revise and update said ordinance to include a definition of strip mining.

Newton moved to closed Town Council Regular Session and convene into Public Hearing; Mayor Pro-Tem Jordan seconded. Motion carried: 4 in favor, 0 opposed. Mayor Shuck closed Town Council Regular Session and convened into Public Hearing at 8:43 p.m.

- h. Conduct Public Hearing to receive input on Ordinance No. 2014-060-03 amending Ordinance No. 2014-060-01, as amended by Ordinance No. 2014-060-02, entitled “Zoning Ordinance” to revise and update said ordinance to include a definition of strip mining.

Alderman Newton moved to close Public Hearing and reconvene in Town Council Regular Session; Mayor Pro-Tem Jordan seconded. Motion carried: 4 in favor, 0 opposed. Mayor Shuck closed the Public Hearing and reconvened into Town Council Regular Session at 8:44 p.m.

- i. Discuss and act upon approval of Ordinance No. 2014-060-03 amending Ordinance No. 2014-060-01, as amended by Ordinance No. 2014-060-02, entitled “Zoning Ordinance” to revise and update said ordinance to include a definition of strip mining.

Town Attorney, Julie Fort recommended that the caption be modified. Mayor Pro-Tem Jordan moved to adopt ordinance, provided that the Town Attorney revises the caption; Alderman Newton seconded. Motion carried: 4 in favor, 0 opposed. Alderman Vader discussed potential holes in the description of strip mining. Mike Carroll stated that he researched the terms. There was extensive discussion regarding the definition and finding means of circumventing the definition to do mining. Motion carried: 3 in favor, 1 opposed. Alderman Vader opposed and the motion was approved by majority.

- j. Consider, discuss and act upon approval of Professional Services Agreement with Franklin Legal Publishing, Inc. for codification services of Town ordinances.

Brian Roberson reported on the Professional Services Agreement with Franklin Legal Publishing, Inc. and the benefits of being able to search, read and research ordinances. There was discussion regarding the struggles to review our current ordinances. There was further discussion regarding revisions to the Code was it was adopted and the cost related to amendments. The Mayor asked the Town Attorney if there is any liability associated with conflicting ordinances, to which Julie Fort replied “probably not.”

Mayor Pro-Tem Jordan moved to approve the Professional Services Agreement with Franklin Publishing, Inc.; Alderman Vader seconded. Motion carried: 3 in favor, 1 opposed. Alderman Newton opposed.

- k. Consider, discuss and act upon approval of Special Event Permit No. 16-00245-01 from the Providence HOA for July 4<sup>th</sup> Celebration scheduled for June 25, 2016.

Brian Roberson gave a summary of the 4<sup>th</sup> of July Special Event Permit request from the HOA. Mr. Roberson stated that the Fire Marshal has signed off on the Special Event Permit with the caveat that he be provided a copy of the Magic in the Sky's application for his signature and a copy of their license. There was further discussion regarding the Denton County Sheriff's Officers Association will be provided law enforcement coverage and further discussion regarding the sharing of the cost of law enforcement between the HOA and the Town.

Alderman Newton moved to approve the Special Event Permit No. 16-00245-01 with the caveat requirements from the Fire Marshal; Alderman Vader seconded. Motion carried: 4 in favor, 0 opposed.

- l. Consider, discuss and act upon Approval of Resolution No. 2016-043 adopting the Upper Trinity Regional Water District 2016 Drought Contingency Plan.

Brian Roberson gave a summary of the 2016 Drought Contingency Plan. Mayor Shuck asked if there were any penalties and there was discussion regarding the penalty process in Texas. Mayor Shuck asked where the authority to trigger the stages, and Brian Roberson stated it would basically be the Corp of Engineer Alderman Newton moved to approve Resolution No. 2016-043; Alderman Vader seconded. Motion carried: 4 in favor, 0 opposed.

- m. Consider, discuss and act upon Waste Management contract.

To be discussed in Executive Session.

- n. Consider, discuss and act upon boundary and ETJ of Providence Village.

To be discussed in Executive Session.

- o. Identify items to be discussed at future meetings.

Alderman Newton moved to close Town Council regular session and convene into Executive Session; Alderman Vader seconded. Motion carried: 4 in favor, 0 opposed. Mayor Shuck closed Town Council Regular Session and convened into Executive Session at 9:30 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 contract with Waste Management.
- b. Consider, discuss and act upon boundary and ETJ of Providence Village.

Alderman Newton moved to closed Executive Session and reconvene into Town Council Regular Session; Mayor Pro-Tem Jordan seconded. Motion carried: 4 in favor, 0 opposed.

Mayor Shuck closed Executive Session and reconvened into Town Council Regular Session at 10:32 p.m.

**IX. RECONVENE INTO OPEN SESSION**

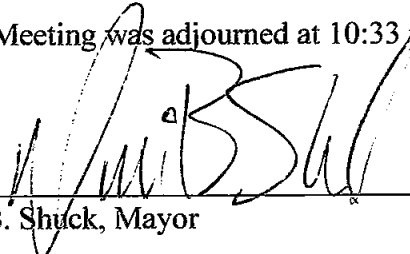
- a. Consider and act upon items discussed in Executive Session.

No action was taken.

**X. ADJOURNMENT**

Alderman Newton moved to adjourn; Alderman Vader seconded. Motion carried: 4 in favor, 0 opposed.

Meeting was adjourned at 10:33 p.m.

  
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 David B. Shuck, Mayor

  
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 Date Minutes Approved

  
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 Connie S. Hansen, TRMC  
 Town Secretary

  
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 Date Minutes Approved

