

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, MARCH 21, 2017**  
7:30 P.M. Regular Session

**MINUTES**

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

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

Mayor Pro-Tem Michael Jordan called the meeting to order at 7:30 p.m. Town Council members present were Alderman Steve Miller, Alderman J. Eric Newton, Alderman Linda Applin and Alderman Chris Blue, being a quorum.

**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**

Scott Bryant from Trilogy Church led invocation.

**IV. OPEN FORUM:**

Don Fisher, a resident who resides at 10200 Nantucket, and made April 22<sup>nd</sup> Spring Community Yard Sale. Severn Trent, will discuss sprinklers and CoServ will do energy conservation.

HOA election has 7 candidates for 2 places. April 6<sup>th</sup> is annual meeting at Monaco School. Don Fisher stated that Michael Jordan will speak on behalf of the Town.

Don discussed the problem with dogs on the streets. Barktoberfest possibly doing tagging and registering of dogs.

Don reported that the lawsuit between HOA and History Maker has been resolved.

Lea Goin stated her supported for the contract with the Aubrey PD and thinks it's a good direction for our town.

Nathan Vedder, doesn't necessarily disapprove of the Aubrey PD contract but would like to see more communication from our Board.

There were no additional requests to address the Town Council.

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

- a. Monthly Reports from Committees
- b. Staff Reports: Code Compliance, Building Permits, Municipal Court, Law Enforcement, Water & Sewer, Administration

Administration – Brian Roberson reported on the updates regarding the communication efforts from Deputy Spilman to have individuals with warrants voluntarily take care of their warrants and staff and judge were appreciative.

Southeast corner of Fishtrap Rd. and F.M. 2931, Town has received a request for PD and notification have gone out and we will be having hearings regarding those in April.

Medical Spa has submitted their application and are currently being reviewed by the town engineer and building inspection. Brian stated that he believes that medical spa may include dialysis services.

**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

Alderman Newton moved to approve Consent Agenda; Alderman Blue seconded. Motion carried: 5 in favor, 0 opposed.

## VII. ACTION ITEMS

- a. Consider, discuss and take action on approval of Agreement for Collection of Soft Recyclables between the Town of Providence Village and Great Lakes Recycling, Inc. d/b/a Simple Recycling.

Brian Roberson introduced Keith Kahn and stated that we are awaiting a letter from Waste Management and the Town Attorney has some comments.

Keith Kahn gave a representation relating to SimpleRecycle and the process. All they ask from the Town is help with promoting through social media. It's a turnkey operation and they do not ask for anything from the residents or the Town. They pay \$20 per ton to the Town. Steve Miller asked if the vehicles were marked and the drivers are uniformed, to which Mr. Kahn responded "yes" to both.

Brian Roberson stated that Waste Management was asked if this agreement was in violation of the Waste Management agreement. Waste Management and they said there are fine, but we've asked them for something more formal in writing. There was a question of whether they would accept electronics and Mr. Kahn stated that as long as it was small.

Steve Miller motioned to table; Chris Blue seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Pro-Tem Jordan stated that we are going to move to action item (e).

- e. Conduct Public Hearing to receive input, discuss and take action regarding changing the zoning classification from Business 1 District (B1) and Business 2 District (B2) to Planned Development District (PD) of the approximate 16.901 acre tract of land identified as that tract of land situated in the M. Jones Survey, Abstract A0662A, Tracts 11, 12, 13 and 14, in Denton County, Texas, further described as Denton CAD Property IDs 38157, 38176 and 38166, located at the northeast corner of F.M. 2931 and U.S. Highway 380.

Brian Roberson summarized the planned development plan, including the 37% that could possibly be businesses that do not collect sales tax. The concept plan shows how things could be laid out. Brian Roberson did state that the Planning and Zoning did vote to recommend approval with the amendment to add a definition for off-premise signs.

Mayor Pro-Tem Jordan moved into Public Hearing at 7:58 p.m. Dorothy Parks introduced herself as the representative of the applicant and stated she was available for questions.

Alderman Applin moved to accept the P&Z recommendations; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

Alderman Newton moved to Executive Session; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed. Mayor Pro-Tem closed Regular Session and convened into Executive Session at 8:02 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 ETJ matters of Providence Village, including water and sewer rights, duties and obligations.
- b. Consider, discuss and act upon Interlocal Cooperation Agreement pertaining to law enforcement.

Alderman Newton moved to closed Executive Session and reconvene into Town Council Regular Session; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Pro-Tem Jordan closed Executive Session and reconvened into Town Council Regular Session at 8:22 p.m.

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

Consider and act upon items discussed in Executive Session.

- b. Consider, discuss and act upon boundary and ETJ matters of Providence Village, including water and sewer rights, duties and obligations.

Brian Roberson gave a summary of the discussion with our neighbors, Little Elm and Aubrey and how the three entities have worked together to adjust the boundaries. Brian Roberson stated that we would be receiving approximately 1,400 acres with approximately 3 miles of frontage on 2931. There are two agreements, a boundary adjustment agreement between Providence Village, Little Elm and Aubrey. The other

agreement is between the Town and Little Elm relating to ETJ for the Town to be able to protect its ETJ. It's been a positive interaction and a good situation for everyone.

Alderman Miller moved to approve the boundary adjustment agreement between Providence Village, Little Elm and Aubrey and the agreement between Little Elm and Providence Village; Alderman Newton second. Motion carried: 5 in favor, 0 opposed.

- c. Consider, discuss and act upon an ordinance creating a Police Department.

Julie Fort explained that our original ordinance for police service was enacted when we were a Type A municipality and this ordinance is more geared towards a home ruled municipality.

Alderman Blue moved to approved Ordinance No. 2017-105 creating a Police Department; Alderman Applin seconded. Motion carried: 5 in favor, 0 opposed.

- d. Consider, discuss and act upon Interlocal Cooperation Agreement pertaining to law enforcement.

Julie Fort explained that negotiations relating to the ICA between Aubrey and Providence Village.

Brian Roberson gave a summary of the reasoning for beginning discussions regarding a joint law enforcement agency. We wanted to start our own police department, but didn't want to go into debt to do it. The nuts and bolts of the agreement would be a joint police department. All equipment purchased by the Town will be retained. Any equipment purchased by Aubrey will be retained by Aubrey. The agreement is very similar to the agreement we currently have with the county. As we continue to grow, we are going to need to be able to adapt. We need to be prepared to take care of our community and by moving into an agreement like this provides resources to do so.

Alderman Applin asked about the 5 officers and whether they would only work in Providence Village, and Officer Townsend explained that we never want the "us versus them" attitude, so everything will be rotated.

Alderman Miller asked for a comparison of the 5 officers versus our arrangement with Denton County Sheriff's Office, specifically the experience level of the officers and how they would be assigned. Officer Townsend stated that the assignment of officers would be rotated regularly.

Alderman Blue if that was the right size for a town of our size. Brian Roberson explained that some research shows that you should have 1 officer for 1,000 in population.

Officer Townsend explained how priorities were made, how response times are calculated, and how they back up other officers.

Alderman Applin asked about coverage for ordinances and Officer Townsend explained that they would read them and then act upon them.

Alderman Newton moved to approve the Interlocal Cooperation Agreement with Aubrey pertaining to law enforcement; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

- f. Conduct Public Hearing to receive input, discuss and take action regarding approval of Ordinance No. 2016-88, entitled "Rate Order," repealing the Certificate for Rate Order issued by the Providence Village Water Control and Improvement District of Denton County dated January 7, 2014 and assumed by the Town of Providence Village on August 15, 2015 regarding water rates, sanitary sewer rates and solid waste collection rates and adopting new water rates, sanitary sewer rate and solid waste collection rates.

Mayor Pro-Tem Jordan closed Regular Session and moved into Public Hearing at 8:58 p.m. Brian Roberson stated that the rate order has removed the TCEQ fee and arranged for rate order to be consistent with other ordinances. No other fees are changing at this time. There were no requests to speak for or against. Mayor Pro-Tem Jordan closed Public Hearing and reconvened into Regular Session at 8:59 p.m.

Alderman Newton moved to approved Ordinance No. 2016-88 entitled "Rate Order;" Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

- g. Conduct Public Hearing to receive input, discuss and take action regarding approval of Ordinance No. 2017-104, entitled "Drought Contingency Plan" adopting a Drought Contingency Plan.

Mayor Pro-Tem Jordan closed Regular session and opened Public Hearing at 9:01 p.m. Brian Roberson gave a summary of the Drought Contingency Plan. There was discussion regarding the violations relating to disobeying water restrictions. Brian Roberson explained the process for disregarding the water restrictions. There were no requests to speak for or against. Mayor Pro-Tem Jordan closed Public Hearing and reconvened into Regular Session at 9:09 p.m.

Alderman Blue asked how we will notify the residents that we are in a water restriction mode and Brian Roberson explained that we would use special media, water bills, website, email campaigns and temporary signage at entrances to announce restrictions.

Alderman Newton moved to approve Ordinance No. 2017-104 entitled "Drought Contingency Plan;" Alderman Applin seconded. Motion carried: 5 in favor, 0 opposed.

- h. Discuss, consider and act upon Resolution No. 2017-71 - setting a date, time, and place for public hearings on the proposed annexation of certain property by the Town of Providence Village, Texas: Denton CAD Property IDs 692944 and 692945, generally



located south of Liberty Road, east of Dr. Sanders Road and west of FM 2931 and being an approximate 10.01 acre tract of land described as being Lots 2 and 3, Block A, Aston Addition, of Denton County, Texas; authorizing and directing the Town Secretary to have published notice of such public hearings; and directing the preparation of a service plan.

Brian Roberson gave the explanation that for action items (h) through (q) we have sent annexation letters and development agreements and these resolutions set the public hearing dates for the properties in the “wedge” located north of Providence Village, west of F.M. 2931, south of Liberty Road and east of Dr. Sanders Rd.

Alderman Miller moved to approve Resolution No. 2017-71; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- i. Discuss, consider and act upon Resolution No. 2017-73 - setting a date, time, and place for public hearings on the proposed annexation of certain property by the Town of Providence Village, Texas: Denton CAD Property ID 692943, generally located south of Liberty Road, east of Dr. Sanders Road and west of FM 2931 and being an approximate 4.988 acre tract of land described as being Lot 1, Block A, Aston Addition, of Denton County, Texas; authorizing and directing the Town Secretary to have published notice of such public hearings; and directing the preparation of a service plan.

Alderman Miller moved to approve Resolution No. 2017-73; Alderman Blue seconded. Motion carried: 5 in favor, 0 opposed.

- j. Discuss, consider and act upon Resolution No. 2017-74 - setting a date, time, and place for public hearings on the proposed annexation of certain property by the Town of Providence Village, Texas: Denton CAD Property ID 249409, generally located south of Liberty Road, east of Dr. Sanders Road and west of FM 2931 and being an approximate 7.526 acre tract of land situated in the J. Bridges Survey, Abstract No. A0036a, Tract 46A, of Denton County, Texas; authorizing and directing the Town Secretary to have published notice of such public hearings; and directing the preparation of a service plan.

Alderman Miller moved to approve Resolution No. 2017-74; Alderman Applin seconded. Motion carried: 5 in favor, 0 opposed.

- k. Discuss, consider and act upon Resolution No. 2017-75 - setting a date, time, and place for public hearings on the proposed annexation of certain property by the Town of Providence Village, Texas: Denton CAD Property ID 234838, generally located south of Liberty Road, east of Dr. Sanders Road and west of FM 2931 and being an approximate 5.00 acre tract of land situated in the J. Bridges Survey, Abstract No. A0036a, Tract 66 (S PT), of Denton County, Texas; authorizing and directing the Town Secretary to have published notice of such public hearings; and directing the preparation of a service plan.

Alderman Newton moved to approve Resolution No. 2017-75; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

- l. Discuss, consider and act upon Resolution No. 2017-76 - setting a date, time, and place for public hearings on the proposed annexation of certain property by the Town of Providence Village, Texas: Denton CAD Property ID 682797, generally located south of Liberty Road, east of Dr. Sanders Road and west of FM 2931 and being an approximate 6.41 acre tract of land described as being Block A, Lot 1, Trusty Addition of Denton County, Texas; authorizing and directing the Town Secretary to have published notice of such public hearings; and directing the preparation of a service plan.

Alderman Miller moved to approve Resolution No. 2017-76; Alderman Applin seconded. Motion carried: 5 in favor, 0 opposed.

- m. Discuss, consider and act upon Resolution No. 2017-77 - setting a date, time, and place for public hearings on the proposed annexation of certain property by the Town of Providence Village, Texas: Denton CAD Property ID 179423, generally located south of Liberty Road, east of Dr. Sanders Road and west of FM 2931 and being an approximate 2.00 acre tract of land situated in the J. Bridges Survey, Abstract No. A0036a, Tract 66b, of Denton County, Texas; authorizing and directing the Town Secretary to have published notice of such public hearings; and directing the preparation of a service plan.

Alderman Newton moved to approve Resolution No. 2017-77; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

- n. Discuss, consider and act upon Resolution No. 2017-78 - setting a date, time, and place for public hearings on the proposed annexation of certain property by the Town of Providence Village, Texas: Denton CAD Property ID 234837, generally located south of Liberty Road, east of Dr. Sanders Road and west of FM 2931 and being an approximate 2.00 acre tract of land situated in the J. Bridges Survey, Abstract No. A0036a, Tract 66e, of Denton County, Texas; authorizing and directing the Town Secretary to have published notice of such public hearings; and directing the preparation of a service plan.

Alderman Miller moved to approve Resolution No. 2017-78; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- o. Discuss, consider and act upon Resolution No. 2017-79 - setting a date, time, and place for public hearings on the proposed annexation of certain property by the Town of Providence Village, Texas: Denton CAD Property ID 52697, generally located south of Liberty Road, east of Dr. Sanders Road and west of FM 2931 and being an approximate 3.679 acre tract of land situated in the J. Bridges Survey, Abstract No. A0036a, Tract 75, of Denton County, Texas; authorizing and directing the Town Secretary to have published notice of such public hearings; and directing the preparation of a service plan.



Alderman Newton moved to approve Resolution No. 2017-79; Alderman Miller seconded. Motion carried: 5 in favor, 0 opposed.

- p. Discuss, consider and act upon Resolution No. 2017-80 - setting a date, time, and place for public hearings on the proposed annexation of certain property by the Town of Providence Village, Texas: Denton CAD Property ID 52688, generally located south of Liberty Road, east of Dr. Sanders Road and west of FM 2931 and being an approximate 1.695 acre tract of land situated in the J. Bridges Survey, Abstract No. A0036a, Tract 47, of Denton County, Texas; authorizing and directing the Town Secretary to have published notice of such public hearings; and directing the preparation of a service plan.

Alderman Miller moved to approve Resolution No. 2017-80; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

- q. Discuss, consider and act upon Resolution No. 2017-81 - setting a date, time, and place for public hearings on the proposed annexation of certain property by the Town of Providence Village, Texas: Denton CAD Property ID 234836, generally located south of Liberty Road, east of Dr. Sanders Road and west of FM 2931 and being an approximate 2.00 acre tract of land situated in the J. Bridges Survey, Abstract No. A0036a, Tract 66D, of Denton County, Texas; authorizing and directing the Town Secretary to have published notice of such public hearings; and directing the preparation of a service plan.

Alderman Blue moved to approve Resolution No. 2017-81; Alderman Applin seconded. Motion carried: 5 in favor, 0 opposed.

- r. Consider, discuss and act upon appointment of new members to the Board of Adjustments.

Move to next meeting.

- s. Consider, discuss and act upon appointment of new alternates to the Board of Adjustments.

Move to next meeting.

- t. Consider, discuss and act upon appointment of new alternates to the Planning & Zoning Commission.

Alderman Applin moved to appoint Lea Goin as an alternate for the Planning & Zoning Commission; Alderman Newton seconded. Motion carried: 5 in favor, 0 opposed.

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

1. BOA appointments
2. BOA alternates
3. SimpleRecycle Contract.

**X. ADJOURNMENT**

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

Meeting was adjourned at 9:26 p.m.



Michael Jordan, Mayor Pro-Tem

4/18/17

Date Minutes Approved



Connie S. Hansen, TRMC  
Town Secretary

4/18/17

Date Minutes Approved

