

NOTICE OF  
TOWN COUNCIL WORKSESSION, PUBLIC HEARING & REGULAR MEETING  
TOWN OF PROVIDENCE VILLAGE, TEXAS  
PROVIDENCE VILLAGE TOWN HALL  
1755 MAIN ST., PROVIDENCE VILLAGE, TEXAS

**TUESDAY, AUGUST 20, 2019**

7:30 P.M. Regular Session

**MINUTE**

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

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

Mayor Pro-Tem Newton called the meeting to order at 7:52 p.m. Town Council members present were Alderman Kelly Nelson, Alderman Linda Inman, and Alderman Jesse Rodriguez, being a quorum. Alderman Chris Blue and Mayor Michael Jordan were absent.

**II. INVOCATION**

J.T. Riley led invocation.

**III. PLEDGE OF ALLEGIANCE**

- a. United States Flag
- b. Texas Flag

**IV. OPEN FORUM:**

There were no requests to address the Town Council.

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

- a. Committee Reports

Brian Roberson stated that there were no committee reports.

- b. Staff Reports

Brian Roberson thanked everyone for their participation in the Ribbon Cutting Ceremony, including Mayor Pro-Tem Newton and his excellent speech and Alderman Linda Inman for her coordination of the hospitality.

Senator Jane Nelson sent a flag that flew over State. Brian Roberson read the letter from Senator Jane Nelson.

Brian Roberson also reported that TxDOT announced that maintenance was scheduled to begin the week of August 26<sup>th</sup> along F.M. 2931 from Lexington Dr. to Hwy 380. Brian Roberson also announced Mike Carroll's retirement.

Alderman Inman asked about water accountability and Cameron Robinson gave an explanation relating to a leak. He also explained the fact that they use a third party for environmental studies and the copper and lead study from TCEQ is being dealt with.

**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 – August 6, 2019 Town Council Regular Session Minutes

Alderman Nelson moved to approve Consent Agenda; Alderman Inman seconded. Motion carried: 4 in favor, 0 opposed.

**VII. ACTION ITEMS**

- a. Consider, discuss and act upon acceptance of resignation of Alderman Chris Blue and declaration of vacancy on the Town Council.

Brian Roberson read the email from Chris Blue regarding his resignation. Brian Roberson explained the process, including the 30 day clock for appointment of a replacement. Alderman Nelson moved to accept Chris Blue's resignation; Jesse Rodriguez seconded. Motion carried: 4 in favor, 0 opposed.

- b. Conduct first public hearing to receive input on proposed Tax Rate for 2019 Tax Year.

Brian Roberson stated that the proposed tax rate is \$0.787427 per \$100 value; proceeding year's tax rate was \$0.799718 per \$100 value; the rollback rate is \$.755206 and the effective rate \$0.791199. He further reported that this was the first of two public hearings set and that notice of the public hearings had been publicized in the local newspaper.

Public Hearing was opened at 8:09 p.m. by Mayor Pro-Tem Newton. No one wished to address the Council. Mayor Pro-Tem Newton closed Public Hearing and reconvened into Town Council Regular Session at 8:09 p.m.

- c. Conduct first public hearing to receive input on proposed Fiscal Year 2019-20 Budget for the Town of Providence Village.

Brian Roberson gave a summary of the changes since the July 31<sup>st</sup> worksession. He reported that the CASA participation was discussed, and Providence Village's fair share was approximately \$10,000. Based on conversations with Mayor Jordan and Mayor Pro-Tem Newton, Mayor Jordan stated that he was inclined to contribute a figure along the lines of \$1,000. He also reported on the costs associated with signs for poles in the school zones. The cost for 2 signed, 3 poles and necessary hardware is

approximately \$7,000.00 and has been included in the revised budget. He also reported that the building maintenance cost has been increased from \$9,000 to \$12,000 for the year due to increase in the size of the building.

Brian Roberson also reported that capital contribution funds were moved because they were designated for future projects, but the work was accomplished this year.

There was discussion regarding projects suggested in the budget worksession, which were subsequently removed. Brian Roberson reported that flashing lights for school zones was originally projected to be included in the budget at a cost of approximately \$43,000, but after conversing with Chief Kreidler, the project was removed. Chief Kreidler stated that the Town already had adequate signage and flashing lights are more geared for high speed locations, rather than residential areas where you are going from 25 to 15. Based on this information, it has been recommended that there is no need for a flashing light system in the residential sections of the Town's school zones.

The project involving adding commercial property to the Town's website was scraped. Brian Roberson stated that he spoke with a representative from the Town of Cross Roads and learned that they do have a static report on their website, but it was last updated in 2016 and originally created in 2014. Brian Roberson believes we can do something inhouse and update more frequently and save money.

An additional \$40,000 was added to the general fund as the Town's contribution to completing the comprehensive plan and community survey with EDC.

Brian Roberson reported that an additional 7<sup>th</sup> officer has been added to the law enforcement section of the budget and further reported that the costs associated with an additional vehicle was included in the capital plan.

He also reported that the budget included an additional code compliance officer.

Liability insurance costs have increased due to new building as well as additional vehicle. Building rental costs are going down and landscape cost went up based on new contract previously approved by Town Council. He also reported that Library contributions were increased to \$21,600 which will allow the library to hire an additional part time employee and be open on Friday and do local programming.

Brian Roberson reported that the financial advisors have suggested that for Debt Service, the Town needs to use reserve funds. With respect to the Utility Fund, it needs to be noted that the rates have not change in over 10 years. We are now to the point we are dipping into the reserve fund and we need to look at the rates soon. He also reported that the Fire fund is also one that has not changed. We charge \$10 but the actual cost is \$12.50, therefore we are dipping into reserve to cover the costs.

With respect to trash expenses, the contract for waste management is due to expire or be renewed in December. Our costs are going to go up to \$16 and the biggest driver is recycling. There was discussion regarding Waste Management recycle problems and the cost evaluation conducted at the time.

Mayor Pro-Tem Newton asked how the Child Safety Fund is acquired and Brian Roberson explained that it was from the County through auto registrations. We bring in about \$6,000 a year and have a balance of about \$40,000 currently.

Mayor Pro-Tem Newton closed Town Council Regular Session and opened Public Hearing at 8:41p.m.

Leslie Evans, a resident who resides at 10328 Nantucket, discussed how the officers are looking for speeders and not working with the kids. She supports cross guards.

Don Fisher, a resident who resides at 10200 Nantucket, asked about budgeted funds for Hero Park. Brian Roberson reported that the capital plan included \$44,000 which would be combined with the funds that were previously donated.

Juan Gonzales, a resident who resides at 10324 Nantucket, asked about child safety fund. He asked if the ISD's provide funds and Brian Roberson stated that it depends on each individual situation. Sometimes they will support and sometimes they do not.

Chief Kreidler addressed the school zone crossing issues and stated that he has been monitoring the school zone crossing situation at Providence Elementary. Chief Kreidler stated that crossing guards are paid out of the principal's budgets and currently she cannot afford it. They are employing a bus to be used in the apartment complex.

Brian Roberson elaborated on the negotiations between Little Elm, TxDOT and the schools to address the schooling crossing issue at Providence Elementary.

Mayor Pro-Tem Newton closed Public Hearing and reconvened into Town Council Regular Session at 8:53 p.m.

- d. Receive recommendation from Planning and Zoning Commission, conduct public hearing, consider, discuss and act upon Ordinance No. 2019-213 related to application of ordinance provisions contained in the Town's Subdivision Ordinance that may conflict with the provisions of House Bill 3167 passed by the 86<sup>th</sup> Legislature of the State of Texas.

Brian Roberson stated that the Planning & Zoning Commission has recommended approval. Julie Fort stated this HB changed the rules for approval of plats and plans. They've changed the rules to make the approval go faster. In the past municipalities could ask the applicant to sign a waiver, the new rules do not allow the Town to ask for a waiver, however an applicant can voluntarily offer. If an application is denied, the Town Council will have to provide the applicant with a written list of reasons for each denial and cite the section of the ordinance that cover each denial. If it is denied a second time, they are done and must start over. Julie Fort stated that she did not think this change is going to benefit the developers. The ordinances we have currently will conflict with the HB on September and the State did not give us enough time to modify the ordinance prior to the HB enactment, so this ordinance acknowledges that the Town will follow the current law.

Mayor Pro-Tem Newton closed Town Council Regular Session and opened Public Hearing at 8:59 p.m.

Juan Gonzales, a resident who resides at 10324 Nantucket, states that this warrants judicial review or attorney general's opinion before we go further.

Julie Fort responded that the purpose of this ordinance is for the Town to acknowledge that they will follow state law despite what our current ordinances read.

Mayor Pro-Tem Newton closed Public Hearing and reconvened into Town Council Regular Session at 9:00 p.m.

Alderman Inman moved to accept Planning & Zoning Commission's recommendation and to approve Ordinance 2019-213 related to application of ordinance provisions contained in the Town's Subdivision Ordinance that may conflict with the provisions of House Bill 3167; Alderman Nelson seconded. Motion carried: 4 in favor, 0 opposed.

- e. Receive recommendation from Planning and Zoning Commission, conduct public hearing, consider, discuss and act upon Ordinance No. 2019-214 enacting amendments to the Town's Zoning Ordinance and Building Code Regulations and providing for compliance with new State laws affecting materials used in the construction or renovation of residential and commercial buildings, and rules and proceedings before the Zoning Board of Adjustment in compliance with House Bill 2439 and House Bill 2497 passed by the 86<sup>th</sup> Legislature of the State of Texas.

Brian Roberson stated that Planning & Zoning Commission recommended approval. Julie Fort reported that HB 2497 adds who is allowed to file in district court appealing a BOA decision. Now any property owner within 200 feet can appeal a decision to court. Julie Fort gave an example.

Julie Fort report that HB 2439, which everyone was hoping for a veto; we got the opposite. This bill removes building material restrictions from ordinances. There are many fire marshals who are distraught over the new law. This law is about the physical things being used in construction. Ordinance acknowledges what the new state law is and if there is anything in our current ordinance in conflict, the Town will follow the current law.

Mayor Pro-Tem Newton closed Town Council Regular Session and convened into Public Hearing at 9:08 p.m. There were no requests to address the Town Council. Mayor Pro-Tem Newton closed Public Hearing and reconvened into Town Council Regular Session at 9:08 p.m.

Alderman Inman moved to accept the Planning & Zoning Commission's recommendation and approve Ordinance No. 2019-214 enacting amendments to the Town's Zoning Ordinance and Building Code Regulations and providing for compliance with new State laws affecting materials used in the construction or renovation of residential and commercial buildings, and rules and proceedings before

the Zoning Board of Adjustment in compliance with House Bill 2439; Alderman Nelson seconded. Motion carried: 4 in favor, 0 opposed.

- f. Receive recommendation from Planning and Zoning Commission, conduct public hearing, consider, discuss and act upon recommendation of Special Use Permit No. 19-01262-01 submitted by Providence/380 Partners, Ltd., as property owner, Guggenheim Partners, LLC, as applicant and Ryan Alcala of Jones/Carter, as representative, for a special use permit allowing automotive maintenance shop (Jiffy Lube) in the Business 2 District (B-2) of the property located at 26625 U.S. Highway 380, Providence Village, Texas and identified as approximately a 1.06 acre tract of land, Lot 4 of the Providence/380 Addition, a subdivision of record in Document No. 2015-216 of the Plat Records of Denton County, Texas, and further identified as Denton Property ID 64791, situated in the Marsella Jones Survey, Abstract 662, Denton County, Texas.

Brian Roberson gave a brief history of the property and reported that the Planning & Zoning Commission recommended approval by a vote of 4 in favor, 1 opposed. There were several comments in support and several in opposition to the SUP.

Mayor Pro-Tem Newton asked what business could be put in this space without a SUP. Julie Fort reported that there were several types of businesses, including restaurants, mailbox facilities, flea markets, personal services shops, beauty shops, banks, auto part sales, telephone lines, bakeries, appliance repair, electrical transmission lines and many other businesses.

Mayor Pro-Tem Newton closed Town Council Regular Session and opened Public Hearing at 9:17 p.m.

Travis Bousquet with Jones Carter reiterated his presentation given to the Planning & Zoning Commission.

Juan Gonzales, a resident who resides at 10324 Nantucket, spoke in opposition due to property values being reduced and he has concerns regarding the environmental issues.

Don Fisher, a resident who resides at 10200 Nantucket, reiterated how the tree green belt blocks a lot of lights and sounds from the area being discussed. He understands how a person who owns a 2 story house might be bothered by something behind them.

Eric Allsop, a resident who resides at 10252 Nantucket, does not believe that trees will block sound and noise. He is not opposed or in favor, just has some concerns he would like to have addressed.

Joanna Neff, a resident who resides at 10230 Nantucket, spoke in opposition to the Jiffy Lube and is concerned about property values.

Justin Heigel, a representative from Guggenheim, addressed the light issues, environmental issues and other concerns residence have regarding their property values.

Klayton Rutherford, a resident who resides at 1418 Kingston Pl., stated that he too found his home in Providence Village by driving Hwy 380 and had a Jiffy Lube been there, he wouldn't have bought here.

Mayor Pro-Tem Newton asked Julie Fort if a drive-in restaurant could go there and she acknowledged that it could. Mayor Pro-Tem Newton asked Brian Roberson about the vested right arrangement with Aldi, Blue Wave and the spa.

Ted Lewis, who resides at 2648 Liberty Circle, Aubrey, TX, spoke in opposition based on his experience with the auto repair

Greg Fauchner, a resident who resides at 9140 Blackstone, spoke in support of Jiffy Lube, based on revenue.

Alderman Nelson asked if we knew what the tax revenue would be and Brian Roberson stated that it was suggested that it could be \$2,000 to \$10,000, plus an additional \$12,000 to \$15,000 in ad valorem taxes.

Alderman Nelson asked if there is an environmental impact report that they could provide, and Mr. Heigel stated that we needed to check with TCEQ. Jiffy Lube is controlled by Shell Oil. She also asked how often the tanks were emptied and he stated it depended on the number of vehicles services.

Mayor Pro-Tem Newton closed Public Hearing and reconvened into Town Council Regular Session at 9:45 p.m.

Alderman Rodriguez stated he has used the competitors and never heard some of the items that people are concerned with and while he had been sitting here, he has heard several semis drive down FM 2931 and Hwy 380 is much bigger. He believes the noise on Hwy 380 would be a bigger issue to the residents who live in proximity.

Mayor Pro-Tem Newton stated that he is torn on this for several reasons. From an EDC viewpoint, he wants to see business come in, but on a Town Council side, we need to make right decisions for these people. He wanted to have a hand in the direction we grow, not grow just to grow. There are 16 business within a 7 mile radius that perform the same type of service. It is a pick your poison or are we settling? Does Jiffy Lube enhance the quality of our life is the big question?

Alderman Inman moved to recess for 5 minutes; Alderman Rodriguez seconded. Mayor Pro-Tem Newton recessed Town Council Regular Session at 9:52 p.m.

Mayor Pro-Tem Newton reconvened Town Council Regular Session at 9:56 p.m.

Brian Roberson presented a plat of how the Jiffy Lube would be positioned on the property and the proposed site plan.



Travis Bousquet with Jones Carter stated that they would consider landscaping in the grassy area. Mayor Pro-Tem Newton asked if we could require that landscaping be added to the approval and Julie Fort stated it could be included in the SUP ordinance.

Alderman Nelson pointed out that we can control the issue, a drive thru can come in and we don't have any control.

Alderman Inman wants to table the item until they can get more information.

Alderman Inman moved to table; Alderman Nelson seconded. Motion carried: 4 in favor, 0 opposed.

- g. Consider, discuss and act upon appointment of alternate members to the Board of Adjustment.

Alderman Inman moved to table; Alderman Nelson seconded. 4 in favor, 0 opposed.

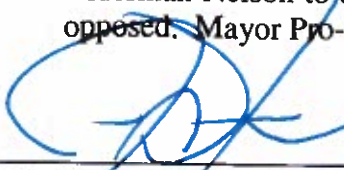
- h. Identify agenda items to be discussed at future meeting.

1. Items (f) and (g) needed to be added to next agenda;
2. P&Z Alternates;
3. Acceptance of Parker Hicks and Roy Gladson resignations; and
4. Dissolution of ordinance committee.


Mayor Pro-Tem Newton wanted to the dissolution of ordinance committee added, stating that committees were used when the Town was a general law municipality, and now that we are a home ruled municipality, we have staff to handle these tasks.

## VIII. ADJOURNMENT

Alderman Nelson to adjourn; Alderman Inman seconded. Motion carried: 4 in favor, 0 opposed. Mayor Pro-Tem Newton adjourned the meeting at 10:21 p.m.

  
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J. Eric Newton, Mayor Pro-Tem

9/3/19  
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Date Minutes Approved

  
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Connie S. Hansen, TRMC  
Town Secretary

9/3/19  
\_\_\_\_\_  
Date Minutes Approved

