

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, NOVEMBER 5, 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 7:34 p.m. Town Council members present were Alderman Kelly Nelson, Alderman Linda Inman, Alderman Jesse Rodriguez and Alderman Klayton Rutherford, being a quorum.

II. INVOCATION

Julie Fort led invocation.

III. PLEDGE OF ALLEGIANCE

- a. United States Flag
- b. Texas Flag

IV. OPEN FORUM:

Town Secretary, Connie Hansen, read aloud the letter from Brett Cochran, owner of Providence Square LLC, stating his support and validation for choosing 7-11 as one of the initial developers for the property owned by Providence Square LLC.

Don Fisher, a resident at 10200 Nantucket Dr., spoke on behalf of the Hope Foundation and announced that all residents of Providence Village were invited to the breakfast, and that there was no charge, but the foundation would be accepting donations.

Victoria Mitchell, a resident at 6008 Tallisa Dr., spoke as a representative for the Heritage HOA and announced the food drive for LovePac and stated that free donuts were being offered for 3 items donated at Stallings and Dr. Sanders. Ms. Mitchell also stated that during the month there would be an orange bin at her home at 6008 Tallisa Dr. for donations.

There were no further requests to address the Town Council.

V. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

a. Staff Reports

Brian Roberson announced the December 7th Christmas Parade will begin at 4:00 p.m., starting at Monaco Elementary and ending at Providence Elementary. Mr. Roberson provided a list of the items to be included in the parade.

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 – October 15, 2019 Town Council Regular Session Minutes

b. Approve Administrative Actions

1. Consider, discuss and act upon Texas SmartBuy Membership Application and authorize Town Manager to execute same.
2. Consider, discuss and act upon engagement letter with BrooksWatson & Co. for annual auditing services and authorize Town Manager to execute same.
3. Consider, discuss and act upon Rerate Agreement for Plan Year 2019-2020 with TML Health for employee benefits and authorize Town Manager to execute same.

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

VII. ACTION ITEMS

- a. Conduct public hearing, consider, discuss and act upon recommendation from Planning and Zoning Commission of Special Use Permit No. 19-01697-01 submitted by Providence Square LLC, as property owner, and Matt Moore, as applicant, for a special use permit allowing for a convenience store with fuel sales in the Business 2 District (B-2) of the property located at the northwest corner of F.M. 2931 and Fishtrap Road, Providence Village, Texas and identified as approximately a 1.00 acre tract of land, part of Tract B, situated in the James Bridges Survey, Abstract 36, Denton County, Texas.

Brian Roberson provided overhead presentation showing the location of the tract and where the proposed 7-11 is to be built. He provided additional slides showing the authorize uses for B-1 and B-2 zoning and the process for a special use permit. The primary purpose of special use permit is to control, by an additional step, but does not actually change the zoning. It provides options relating to development. Mr. Roberson read a summary of section 17.2 relating to special use permits. He further explained that the Town staff does not select developers and what is proposed to be built on property, but instead the property owners and developers come to the Town staff with their ideas. Brian Roberson further gave the Town Council a summary of the P&Z meeting, including summary of the motion recommending approval and the voting results. He further discussed the conceptual site plan.

Matt Moore, with Clay Moore Engineering at 301 S. Coleman, Suite 40, Prosper, Texas spoke in support of the Special Use Permit application submitted for the 7-11 development. Mr. Moore addressed some of the issues that were being discussed on social media, including traffic issues and stated that 7-11 does not move into things lightly and believe that Providence Village is a valid location for a store.

Mr. Moore continued addressing issues relating to environmental concerns and stated that gas stations are governed by TCEQ and that the 7-11 would be monitored by the corporate office and stated that 7-11 wants to be a good corporate citizen to the community. Alderman Inman inquired about purported carcinogens and health effects on the citizens and Mr. Moore discussed vapor capture and regulations regarding same. Alderman Inman further inquired about spill prevention measures and Mr. Moore responded regarding the tank sizes and measures to prevent spills.

Alderman Rutherford inquired about health risk assessments and whether 7-11 has done one on the proposed location. Mr. Moore stated that he has not heard of the referenced health assessment.

Mayor Pro-Tem Newton asked Mr. Moore, as a developer, if he had heard much about Providence Village and how hard we are to work with, and Mr. Moore replied that Providence Village was not easy. Alderman Nelson asked Mr. Moore if he had participated in development in the area in the past and he stated he had not.

Mayor Pro-Tem Newton closed Town Council Regular Session and convened into Public Hearing at 8:00 p.m.

Brad Bethune, a resident at 9032 Cranston Ct., stated that he was going to speak against the action item, but as he was listening to the previous information, he decided he wasn't speaking against the item and wanted to thank the Town Council for their service and stated that they should keep their heads up because you're going to get hit.

Jennifer Dautrich, a resident at 1708 Murphy Ct., spoke against the special use permit and summarized the article entitled "The Gas Station – An Inconvenient Neighbor" that she had provided to the Council members. Ms. Dautrich stated that a Phase 1 environmental study needed to be performed and further requested that a Phase 2 study be performed. She acknowledged that Providence Village was not the first municipality to protest the approval of a gas station within the city limits.

Eowyn Dautrich, a resident at 1708 Murphy Ct., spoke in opposition of the proposed special use permit.

Issac Strong, a resident at 1701 Murphy Ct., stated that he recently moved here from Idaho with three small children. Mr. Strong stated that the internet is the bathroom wall of his generation, but he did review some of the research studies online and was in opposition to building of a 7-11 with gas pumps.

Amber Strong, a resident at 1701 Murphy Ct., and Melissa Ambrose, a resident 2020 Hartwell Ct., both indicated their opposition to action item (a) but did not wish to address the Town Council.

David Culp, a resident at 9028 Waterman Dr., spoke in favor of the SUP and stated that he was opposed to any money being spent on analysis of manure, referring to the Phase 2 study.

Melissa Ritchie, a resident at 2129 DeWitt Ln., spoke in opposition of the special use permit for 7-11 and cited detrimental health concerns and elevated risks for children who live near gas stations.

There was extensive discussion regarding policies and regulations relating to number of pumps, gallons dispersed, and measure of distance required from schools and day care facilities. California has the strictest regulations of 300 feet for any station with 3.6 million gallons of gas, however it was determined and confirmed by Mr. Moore that the proposed facility would only have 6 pumps with 30,000 gallons maximum. It was confirmed that the daycare facility parking lot was 600 feet from the proposed station and pumps, which exceeded the strictest regulations.

Brian Roberson reported that the proposed special use permit was presented to the Town's Fire Marshal and the Aubrey Fire Chief and neither had any concerns. Brian Roberson also reported that the Town Engineer acknowledged that if there were no issues in the Phase 1 environmental study, a Phase 2 study would be inappropriate and unnecessary. There was further discussion regarding ISO rating.

There was discussion regarding the potential invite of criminal activity and the reports relating to law enforcement calls to the two local convenience stores. Mayor Pro-Tem Newton provided a summary of how traffic officers frequently utilize convenience store parking lots for handling traffic stops due to the lighting. There was further discussion regarding definitions of "suspicious person".

There was lengthy discussion regarding lighting requirements and TxDOT studies and permit requirements regarding the proposed 7-11. Brian Roberson provided financial data relating to the potential annual sales tax and property tax from the convenience store proposed.

Mayor Pro-Tem Newton asked to review the slides that reference the distances of the gas pumps from daycare and residents and Brian Roberson presented same on overhead screens. Alderman Rutherford stated that he spoke to a professor at Columbia University and specifically asked about studies regarding gas stations that had been done. He stated that California was the "gold standard" on distance. There was discussion regarding the wind directions in the area and Brian Roberson provided the latest study showing that the winds were predominately from the south.

Alderman Nelson read EPA requirements and inquired about maintenance issues. Matt Moore stated that this store is a corporate operation and not a "mom & pop" store and all maintenance procedures, guidelines and requirements are strictly adhered to by 7-11. There was further discussion regarding EDC perceptions of convenience stores not being consider a distraction in a community.

Mayor Pro-Tem Newton recessed the Public Hearing at 9:12 p.m.

Mayor Pro-Tem Newton reconvened the Public Hearing at 9:21 p.m.

Mayor Pro-Tem Newton announced that any additional people wish to address the Town Council in the Public Hearing should sign up.

Greg Fachner, a resident at 9140 Blackstone Dr., spoke in support of action item (a) for the 7-11 and would like for it to an anchor store.

Leslie Evans, a resident at 10328 Nantucket Dr., spoke in opposition of the SUP.

Rebekah Corder, a resident 9516 Cape Cod Blvd., spoke in opposition of the SUP.

Tammi Hardin, a resident at 9301 Waterman Dr., spoke in opposition of the SUP. She further inquired as to the timeline for construction and what contingencies were planned for police coverage and traffic and what the statistics were for the 7-11 at U.S. 380 and Hwy 720.

Alderman Inman responded that there would not be new traffic generated by the 7-11, but instead the traffic is already here from the residential neighborhoods to the north of the Town. Brian Roberson added that 7-11 would be responsible for obtaining a drive permit from TxDOT. There was further discussion regarding the timeline for the traffic studies previously mentioned.

Amber Strong, a resident at 1701 Murphy Ct., spoke in opposition to the SUP.

Alderman Rodriguez asked Matt Moore about other 7-11 stores with and without gas pumps and specifically the 7-11 located in downtown Dallas. Matt Moore stated that there are some stores without gas pumps, but he did not know why the store in downtown Dallas did not have gas pumps.

Alderman Inman asked about the differences in Phase 1 and Phase 2 environmental studies. Matt Moore described the process and indicated that if there were any issues found in the Phase 1 study, then a Phase 2 study would be conducted. Since there was nothing found in the Phase 1 study, there was no need for a Phase 2 study.

Mayor Pro-Tem Newton addressed the rumor and comments heard during the recess regarding the allegation that "he didn't care because he's moving". Mayor Pro-Tem Newton made it clear he was not moving nor does he make any decisions based on election time or other personal matters.

Alderman Inman moved to close the Public Hearing; Alderman Rutherford seconded. Motion carried: 5 in favor, 0 opposed. Mayor Pro-Tem Newton closed Public Hearing and reconvened into Town Council Regular Session at 10:00 p.m.

Alderman Inman stated that she is comfortable with the project. Alderman Inman moved to approved Special Use Permit No. 19-01697-01; Alderman Nelson seconded.

Alderman Nelson stated that she feels comfortable with all the research and approval of this project. Alderman Rutherford echo both and said thank you to Jennifer Dautrich for her respectful conduct towards the Council members. Alderman Rutherford stated that for him it came down to the science and he does not feel that there is enough right now, and he is not comfortable moving forward on it. Alderman Rodriguez stated that

he is not comfortable with the project because of traffic and potential injuries to pedestrians. Mayor Pro-Tem Newton stated that he is looking at it from a development standpoint. Every decision made by the Council is looking 10-20 years in the future. Council is responsible for being transparent and do not take any decision for granted. Development is coming to the area. Without additional retail, our community will not flourish. Since recent legislature has removed the Town's ability to regulate building materials, we should be willing to work with developers.

Motion carried: 3 in favor, Alderman Rodriguez and Alderman Klayton opposed.

Mayor Pro-Tem Newton recessed the Town Council Regular Session at 10:15 p.m.

Mayor Pro-Tem Newton reconvened into Town Council Regular Session at 10:23 p.m.

- b. Consider, discuss and act upon award of a sealed bid contract for construction services for the Water and Sanitary Sewer Improvements, Project Nos. 00037A-02 and 00037A-02N, and authorize the Town Manager to enter into the Construction Contract.

Brian Roberson explained that three companies bid on the project and explained the project location. He further explained that 74 companies retrieved the bid details from the engineer's website, but only three bids were submitted to the Town. Engineers stated that it was the size of the project. Ricardo Doi did an analysis and ultimately recommended the low bidder, International Pipeline, at \$342,481.50. Ricardo Doi stated that he has worked with them in the past.

Alderman Inman moved to accept and award the sealed bid contract for construction services for the Water and Sanitary Sewer Improvements, Project Nos. 00037A-02 and 00037A-02N to International Pipeline and authorize the Town Manager to enter into the Construction Contract; Mayor Pro-Tem Newton seconded. Motion carried: 5 in favor, 0 opposed.

- c. Consider, discuss and act upon Resolution No. 2019-224 setting a date, time and place for public hearings on the proposed voluntary annexation of approximately 27.2824 acres generally situated in the Wm. Lumpkin Survey, Abstract No. A0730A, Tract 40 and Block A, Lot 1 of the R.J. Subdivision and that portion of Brewer Road adjacent to said territory by the Town, authorizing and directing the Town Secretary to have notice of such public hearings published and directing the preparation of a service plan.

Mayor Pro-Tem Newton moved to approved Resolution No. 2019-224; Alderman Rutherford seconded. Motion carried: 5 in favor, 0 opposed.

- d. Consider, discuss and act upon Resolution No. 2019-225 authorizing Town Manager to execute any and all agreements and/or contracts associated with any transaction authorized in the current 2019-2020 Fiscal Year budget as previously approved by Town Council.

Alderman Nelson moved to approve Resolution No. 2019-225 authorizing Town Manager to execute any and all agreements and/or contracts associated with any

transaction authorized in the current 2019-2020 Fiscal Year budget; Alderman Rutherford seconded. Motion carried: 5 in favor, 0 opposed.

- e. Consider, discuss and act upon ordinance designating a Deputy Mayor Pro-Tem to act during Council meetings in the absence of the Mayor Pro-Tem until the next town election in May 2020.

Julie Fort explained that the ordinance would modify the Code of Ordinances so that it will cover future events, should they occur. Alderman Rutherford asked if we were appointing or just creating and Julie Fort confirmed that the Council was only creating the position.

Mayor Pro-Tem Newton moved to approve ordinance designating a Deputy Mayor Pro-Tem to act during Council meetings in the absence of the Mayor Pro-Tem; Alderman Rutherford seconded. Motion carried: 5 in favor, 0 opposed.

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

No applicants.

- g. Consider, discuss and act upon appointment of alternate members of the Planning & Zoning Commission.

No applicants.

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

1. Action items F & G.
2. Appoint Deputy Mayor Pro-Tem
3. Joint Agreement with Cross Roads for Code Compliance Officer

VIII. ADJOURNMENT

Mayor Pro-Tem Newton moved to adjourn; Alderman Nelson seconded. Motion carried: 5 in favor, 0 opposed.

Mayor Pro-Tem Newton adjourned the meeting at 10:34 p.m.



J. Eric Newton, Mayor Pro-Tem

11/19/2019

Date Minutes Approved



Connie S. Hansen, TRMC
Town Secretary

11/20/19

Date Minutes Approved

