

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, AUGUST 16, 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 7:32 p.m. Town Council members present were Alderman J. Eric Newton, Alderman Linda Applin, and Mayor Pro-Tem Michael Jordan, being a quorum. Alderman Steve Miller was absent due to military duty.

**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**

J.T. Riley of Providence Baptist Church led invocation.

**IV. OPEN FORUM:**

There were no requests to address the Town Council. Mayor Pro-Tem Jordan moved to close Open Forum; Alderman Newton seconded. Motion carried: 4 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 – Nothing to report  
EDCEC Committee – Nothing to report  
Emergency Preparedness Committee - Nothing to report  
Ordinance Committee - Nothing to report  
Public Safety Committee – Nothing to report

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

Code Compliance – Mike Carroll gave a summary of his written report, including status of striping of cross walks, curb repair in 5 locations. He further reported that Phase 6C has a tentative date for going in with signage. The developer is working on the handicap ramps and signs can't be installed until completed.

Building Permits – Mike Carroll reiterated the written report provided. CO's were down, but had a record month last month.

Municipal Court – Connie Hansen gave a summary of municipal court report. Light month, only 21 tickets issued, but Court Clerk has been taking care of clearing out warrants and other housecleaning matters.

Law Enforcement – Brice Hicks reported that traffic citations has been slow.

Administration – Brian Roberson reported that we've had some developers in over the past couple of weeks and more are expected. All are looking at the planned development option and we are waiting to see who is the first to submit their application.

Mr. Roberson further reported that they are looking at a collaborative effort with Denton County for resurfacing portions of Fishtrap Road. He discussed the spidering of the road and the effects of water on the road in the spider veins that ultimately freeze and crack. He reported that the chip and seal fills in the cracks and preserves the surface a little longer. He also stated that the chip and seal is an affordable temporary fix and we may need to consider long term repairs. There was further discussion regarding the chip and seal process. Mayor Shuck spoke to the efforts and how authorities have seen the road and indicated that it's got about six months left before there are significant problems. The chip and seal approach, while temporary, is something that we could handle.

Mr. Roberson also reported on the creek erosion projects and stated that there are 5 sites that were part of the plan back in March. After the project was approved, the topographical folks had to complete their survey and they had waited for the rain to stop so that they could complete their part of the project and completed it on July 1<sup>st</sup>. On August 5<sup>th</sup> the plans were submitted to our engineer and we are waiting for his review and we are waiting on the date that the construction is to begin. Once we have the proposed date, we will send out notices to the residents regarding when work will begin.

Mr. Roberson reported on the water usage issues stating that 35 million gallons were taken from Upper Trinity and 33 million gallons went out of our system through meters, which were billed to customers. Some of the loss is due to flushing, minor leaks, etc.

There were 90 requests for meter checks. They are checking for accuracy. There was extensive discussion regarding irrigation systems and smart meters and MAT

(Meter Accuracy Test). Brian Roberson explained that the probe readings, if the meter is equipped with the appropriate register, can show an incredible amount of data. There are many homeowners who do not realize that their irrigation systems are running in the early hours of the morning. The readings are precise enough to show when people are using a toilet, taking a shower, running the dishwasher or a load of laundry. The largest spikes are when the irrigation system is running and some are running for 3 hours at a time, or more.

Mayor Shuck asked if Mustang was supposed to be providing smart meters and Clay Taylor responded that some of the homes have smart meters which some of the older homes did not have the data storage capacity. There was detailed discussion regarding the meter reading data and how with the smart meters a report can be generated showing where and when water was consumed at a meter location.

Clay Taylor from Severn Trent reported that of the 93 meters tested, only 4 were not accurate. The data they are retrieving noted that most of the problems are with irrigation systems. There was discussion regarding the late billing due to numerous tamper alerts, which register zero usage and required Severn Trent to come out and reread each of these meters. This process delayed the billing by 4 days. There was further extensive discussion regarding the billing cycles, how the bills are submitted, tamper alerts and how to determine if the resident tampered with the meters and what options are available to address the matter. There was discussion regarding high usage and what determines high usage.

Alderman Newton asked about the smart meters and the data recorders and specifically asked if all the meters in the Town were supposed to be equipped with data recorders, and if so, who was responsible for ensuring that they were installed. Brian Roberson explained in detail the billing process with our previous provider where there was not an actual breakdown of the costs, but instead the service provider allocated costs and maintenance by means of dividing the costs up between all of the districts they were providing service to by the number of connections each district had for the month. The costs of meters that were purchased and installed was part of that cost and maintenance allocation and while meters may have been ordered for Providence Village, there was no guarantee that those meters were actually installed in Providence Village, but instead could have been installed in Paloma Creek, Savannah, etc. Alderman Newton asked if there was any way to prove that we did not receive the meters we were supposed to receive. Brian Roberson stated that we could not prove anything. Alderman Applin asked if we intended to replace the meters that do not have the data recorders, or just wait until the meter fails. Brian Roberson reiterated that the meters don't fail, just the transponders. Alderman Applin asked if there was any way to determine which meters have the data recording transponders and Clay Taylor reported that there was and he was working on it. Clay Taylor also confirmed that all meters that have been installed since they took over as the operator have the data recording transponders.

Alderman Applin stated that more people were complaining about the customer service, to which Brian Roberson replied about current negotiations for in-house customer service representative. There was extensive discussion regarding the involvement of the Houston office in the billing process and call center process. Clay Taylor pointed out that Houston is 24/7 but they do not know the community. There is the option to eliminate the Houston contact information and utilize only the Forney office and the onsite customer service representative at Town Hall. The Forney office has an answering service for emergencies, but billing issues would be handled during normal business hours. Mayor Shuck stated that we need to let the Town Manager come up with a solution and present it to the Council.

Clay Taylor gave a summary of his written report. He reported that Severn Trent is willing to assist with putting on training classes to help people understand where they are using water. All regulatory samples were collected and submitted. There are some volunteers who are remise in getting their bottles out.

Alderman Newton moved to close Worksession, Committee and Staff Reports; Mayor Pro-Tem Jordan seconded. Motion carried: 4 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; Alderman Newton seconded. Motion carried: 4 in favor, 0 opposed.

**VII. ACTION ITEMS**

- a. Consider, discuss and act upon appointment of nominee for Alderman Place 5 council position.

Mayor Shuck explained that there were 9 applicants who were being considered for the Alderman Place 3 position and after that position was filled, there was one more member who withdrew their application, leaving 7 position candidates for the Alderman Place 5 position. Mayor Shuck further explained that the process involved a nomination being made then there must be a second in order for there to be a

discussion. He further explained that if there was a nomination on the floor, but there was no second, then the nomination dies for a lack of a second.

Alderman Applin moved to nominate Chris Blue for the Alderman, Place 5 position; Alderman Newton seconded.

Alderman Applin went on to state that her nomination is based on the fact that Chris Blue was eager to meet with her, since she missed the interview process. He was the only person who actually spoke with her. There was others who didn't want to take the time with her. She believes that Chris Blue would be a good fit. Alderman Newton stated that Chris Blue was the only one who contacted him since Alderman Applin was appointed. Alderman Newton further stated that he didn't like the process of appointment, and that he doesn't think we should be appointing people. Mayor Pro-Tem Jordan stated that he is the one who asked Chris Blue to join the Planning & Zoning Commission and believed he would be a good fit as well. Mayor Shuck noted that there are still excellent applicants in this process. Mayor Shuck encourage the council to engage the other applicants, consider the opening on the P&Z Commission, because these people are potential leaders in the community.

Hearing no further discussion on the matter, Mayor Shuck put the motion to a vote. Motion carried: 4 in favor, 0 opposed.

- b. Oath of Office for new Alderman Place 5 on the Town Council.

Chris Blue was sworn in by Town Secretary, Connie Hansen.

Mayor Pro-Tem Jordan left the meeting at 8:32 p.m.

- c. Consider, discuss and act upon committee assignments.

Mayor Shuck recommended that this item be tabled. Wanted the Council to consider adding non-council members to the committees.

- d. Consider, discuss and act upon appointment of additional member(s) to the Planning and Zoning Commission.

Mayor Shuck also reported that he believed that they would be extending the number of members to the Planning & Zoning Commission. This was a recommendation from Mayor Pro-Tem Jordan, and since he is absent, he recommended that the council table the expansion of the Planning & Zoning Commission until Mayor Pro-Tem Jordan can be present. In the meantime, with the appointment of Chris Blue to the Town Council, there is now an immediate opening on the Planning and Zoning

Commission and Mayor Shuck cannot make a motion, but would recommend that Eddie Army be considered for an appointment.

Alderman Newton moved to appoint Eddie Army to the Planning & Zoning Commission to replace Chris Blue; Alderman Applin seconded.

Mayor Shuck stated that Eddie Army had some unique experience and was instrumental in the initial Town Council. Mayor Shuck explained that Eddie Army moved to Seattle for work, which is the reason he left the Town Council. He has since moved back to the area.

There being no further discussion on the matter, Mayor Shuck put the motion to a vote. Motion carried: 4 in favor, 0 opposed.

- g. Consider, discuss and act upon approval of Special Event Permit 16-00830-01 from Providence Elementary PTA for Color-A-Thon Fundraiser to be held October 14, 2016.

Mayor Shuck moved action item (g) up to accommodate speakers present. Lana Bell and Jane Loomis, the Providence Village PTA President, gave a presentation on the Color-Thon fundraiser scheduled for October 14<sup>th</sup> from 6:00 p.m. to 8:00 p.m. Brian Roberson discussed the road closure issues and advantage of the projected plan. Brian Roberson stated that the staff had reviewed the Special Event Permit and reported that the path of the run as depicted on the map attached has road closures that would be difficult for the day and time of the event due to people trying to get home from work. There is a new route that is recommended which helps people get down which the road with the least amount of impact. There will need to be volunteers to move barricades if necessary. There's a total of 18 barricade, so you need at least 9 volunteers. There was discussion regarding notice to residents due to the hour of the event and the road closures requested. Ms. Loomis stated that the PTA would cover the cost of putting flyers in the water bills. Mayor Shuck asked if we could use the stalker trailer to give people a couple of days' notice. Mayor Shuck confirmed with Jane Loomis and Lana Bell that the recommended changes were acceptable. Alderman Blue asked if they were going to clean up after the colors and Ms. Loomis replied that clean up would be simple. The color packets are cornstarch and can be blown off with a leaf blower. Ms. Loomis also brought fundraiser community donation packets for placement at Town Hall.

Alderman Newton moved to approve the Special Event Permit 16-00830-01 with the amended route map; Alderman Applin seconded. Motion carried: 4 in favor, 0 opposed.

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

Brian Roberson stated that there is a specific ordinance needed to define how the BOA operates. The problem with the BOA is that is probably will not see a lot of action, but when situations arise, we need to have people to call upon. The BOA is

typically 3 members, and they hear appeals, variances, special exceptions, permit denials, and/or planning and zoning commission denial. Philip Mack Furlow further explained that the BOA is a very formal board with strict recordkeeping rules. Mayor Shuck stated that it sounds like we need to get the ordinance committee on this matter.

Alderman Blue asked if there was an application for the BOA. Philip Mack Furlow stated that we need to define the ordinance first.

Alderman Applin moved to table this item; Alderman Blue seconded. Motion carried: 4 in favor, 0 opposed.

- f. Consider, discuss and approve proposed Tax Rate for publication and set proposed public hearing dates regarding 2016 proposed tax rate and budget review.

Brian Roberson gave a detailed summary of the proposed budget submitted to the Town Council. Mayor Shuck stated that he was impressed with the work that Mr. Roberson had put into the proposed budget. Alderman Newton moved to approve the proposed Tax Rate for publication and set proposed public hearing dates; Alderman Applin seconded. Motion carried: 4 in favor, 0 opposed.

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

Brian Roberson reported that he was working with other local towns to possibly clean up the boundary lines and that there would be further discussion in the Executive Session as to the update on the progress.

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

Brian Roberson stated that this item would be discussed in Executive Session.

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

1. Board of Adjustment appointments;
2. Extending members to the Planning & Zoning Commission.

Alderman Newton moved to close Town Council regular session and convene into Executive Session; Alderman Blue seconded. Motion carried: 4 in favor, 0 opposed. Mayor Shuck closed Town Council Regular Session and convened into Executive Session at 9:07 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 close closed Executive Session and reconvene into Town Council Regular Session; Alderman Blue seconded. Motion carried: 4 in favor, 0 opposed.

Mayor Shuck closed Executive Session and reconvened into Town Council Regular Session at 10:15 p.m.

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

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

Mayor Pro-Tem Jordan returned to the Town Council meeting at 10:16 p.m.

Alderman Newton moved to close 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 10:17 p.m.

## **X. 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.

- c. Consider, discuss and act upon boundary and ETJ matters of Providence Village, including water and sewer rights, duties and obligations.
- d. Consider, discuss and act upon Interlocal Cooperation Agreement pertaining to law enforcement.



Alderman Newton moved to close closed 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 11:36 p.m.

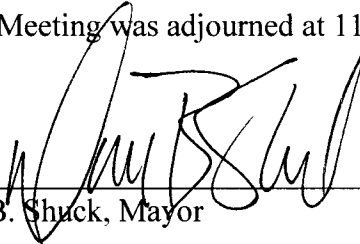
**XI. RECONVENE INTO OPEN SESSION**

b. Consider and act upon items discussed in Executive Session.

**XII. ADJOURNMENT**

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

Meeting was adjourned at 11:36 p.m.

  
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David B. Shuck, Mayor

9/20/16  
Date Minutes Approved

  
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Connie S. Hansen, TRMC  
Town Secretary

9/20/16  
Date Minutes Approved

