

NOTICE OF  
TOWN COUNCIL WORKSESSION, PUBLIC HEARING & REGULAR MEETING  
TOWN OF PROVIDENCE VILLAGE, TEXAS  
PROVIDENCE VILLAGE TOWN HALL  
1745 MAIN ST., PROVIDENCE VILLAGE, TEXAS

**TUESDAY, JUNE 18, 2019**  
7:30 P.M. Regular Session

*Pursuant to Section 551.127, Texas Government Code, one or more Councilmembers or employees may attend this meeting remotely using videoconferencing technology. The video and audio feed of the videoconferencing equipment can be viewed and heard by the public at the address posted above as the location of the meeting.*

**MINUTE**

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

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

Mayor Jordan called the meeting to order at 7:34 p.m. Town Council members present were Mayor Pro-Tem Eric Newton, Alderman Kelly Nelson, Alderman Linda Inman, Alderman Jesse Rodriguez and Alderman Chris Blue, being a quorum.

**II. INVOCATION**

Connie Hansen led invocation.

**III. PLEDGE OF ALLEGIANCE**

- a. United States Flag
- b. Texas Flag

**IV. OPEN FORUM:**

Don Fisher, President of the Providence HOA, reported that the HOA's annual 4<sup>th</sup> of July Fireworks event will be held on Saturday, June 29<sup>th</sup> and extended an invitation to the Town Council and staff. There were no further requests to address the Town Council.

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

- a. Committee Reports

Nothing to report.

b. Staff Reports

Brian Roberson stated that there was no law enforcement or fire reports and that the representative from Inframark would not be present. If anyone had questions about any of the reports, he would try and answer same.

**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 – June 4, 2019 Town Council Regular Session Minutes
- b. Approve Administrative Actions

Mayor Pro-Tem Newton moved to approve Consent Agenda; Alderman Inman seconded. Motion carried: 6 in favor, 0 opposed.

**VII. ACTION ITEMS**

- a. Consider, discuss and act upon acceptance of Annual Financial Report for the Fiscal Year Ended September 30, 2018.

Louis Breedlove with Brooks Watson & Co. gave a summary of the Annual Financial Report for Fiscal Year ended September 30, 2018. The report was an unmodified, which was the best that could be received. There was some brief discussion regarding frequency of recalculation and retesting. Alderman Inman moved to accept the Annual Financial Report; Alderman Nelson seconded. Motion carried: 6 in favor, 0 opposed.

- b. Consider, discuss and act upon appointment of member to the Board of Adjustments to fill the position vacated by James Willoughby which expires on December 31, 2020.

Following a brief discussion regarding review of additional applications and applications from existing alternate members, Alderman Inman moved to table the action item; Alderman Rodriguez seconded. Motion carried: 6 in favor, 0 opposed.

- c. Consider, discuss and act upon variance application filed by Fortunata Winery pursuant to Article 3.07, Division 5 of the Code of Ordinances to grant a variance request to increase the permissible size of the Fortunata Winery sign located at 2297 FM 2931, Providence Village, Texas.

Brian Roberson gave a brief history regarding the sign being initially installed before an application was submitted, and then explained that the sign did not meet current sign ordinance size requirements. Mr. Roberson further reported that there several exceptions listed on the application and Shari Trusty, owner of the Fortunata Winery provided a photograph of the current sign. Alderman Inman moved to grant the sign variance as requested; Alderman Rodriguez seconded. Motion carried: 6 in favor, 0 opposed.

- d. Consider, discuss and act upon Ordinance No. 2019-210 amending the Code of Ordinances to modify Article 3.14 entitled “Rental Registration”; providing a penalty

up to \$500 per day, providing savings, repealing and severability clauses; and providing for effective date and publication.

Brian Roberson gave a summary of the history of the ordinance and stated that the ordinance committee had been working on the ordinance for over a year. He further reported that although numerous rental registration ordinances and programs were evaluated, most of the text for the Town's ordinance was adopted from the Little Elm Rental Registration program. Brian Roberson further stated that the Town's current Certificate of Occupancy process stands alone and would not change because of the Rental Registration process. He stated that the Rental Registration process would be more of an educational process.

Town Secretary read aloud the names and addresses of individuals who completed Public Meeting Appearance Card indicating their support of action item (d) and (e) but did not wish to speak, which included:

Marianne DeWree, a resident who resides at 1508 Oakcrest Dr., Providence Village, Texas; Nicole Savage, a resident who resides at 1509 Oakcrest Dr., Providence Village, Texas; Lee Savage, a resident who resides at 1509 Oakcrest Dr., Providence Village, Texas; Amy Seale, a resident who resides 9821 Cedarcrest Dr., Providence Village, Texas; Shawn Sherel, a resident who resides at 1540 Providence Blvd., Providence Village, Texas; and Heather Sherel, a resident who resides at 1540 Providence Blvd., Providence Village, Texas.

Greg Fachner, a resident who resides 9140 Blackstone Dr., Providence Village, Texas spoke in opposition to action items (d) and (e) stating he had issues with the ordinance. He stated that he has renters and believed that renters would take advantage of the process and make it too costly for landlords. Mr. Fachner also stated that the \$500 per day penalty was excessive.

James Willoughby, a resident who resides 8938 Stallings Dr., Providence Village, Texas spoke in favor of action items (d) and (e) stating that he too was a landlord and that the ordinance was designed for "absent" landlords who were not caring for their property and/or their tenants as they should and stated that he believed the fees involved to be reasonable.

Dee Hughes, a real estate agent who lives at 4937 Watson Dr., The Colony, Texas, stated that she manages property in Providence Village and she opposed the ordinance. She believes that the Town and landlords should work together to educate the tenants.

The Town Secretary read the emails from Grace Martens and Jayne Howell, both non-residents of the Town, who opposed the ordinance. Manoj Junlja, a landlord who resides in Frisco, Texas, states he has several properties in Providence Village and did not believe the ordinance was needed. Leslie Evans, a resident who resides at 10328 Nantucket Dr., Providence Village, Texas, spoke requesting further review of the ordinance.

Alderman Rodriguez moved to table the action item; Alderman Nelson seconded. Mayor Jordan spoke against tabling the ordinance. Alderman Blue spoke about the Rental Registration and although approved by the Ordinance Committee, he was not opposed to tabling the matter. Brendan McDonald from the town attorney's office explained the designation of \$500 and \$2,000 penalty fees from the municipal court for violations of ordinances and further explained that the fee was set by the Judge of the municipal court. Ms. McDonald also clarified that the amounts were the maximum "up to" limits.

Alderman Rodriguez withdrew his motion to table and moved to send the ordinance back to the Ordinance Committee for further evaluation; Mayor Pro-Tem Newton seconded. Motion carried: 5 in favor, Mayor Jordan opposed.

- e. Consider, discuss and act upon Ordinance No. 2011-25-16, an ordinance amending Ordinance No. 2011-25, as amended by Ordinance No. 2011-31, Ordinance No. 22011-33, Ordinance No. 2012-037, Ordinance No. 2011-25-06, Ordinance No. 2011-25-07, Ordinance No. 2011-25-08, Ordinance No. 2011-25-09, Ordinance No. 2011-25-10, Ordinance No. 2011-25-11, Ordinance No. 2011-25-12, Ordinance No. 2011-25-13, Ordinance No. 2011-25-14 and Ordinance No. 2011-25-15 of the Town of Providence Village, Texas which establishes the schedule of fees to add rental registration fees and late charges.

No action taken.

- f. Consider, discuss and act upon Ordinance No. 2019-212 renaming Somerset Drive to Don Fisher Drive within Providence Village's Town limits; providing for severability, savings and repealing clauses; and providing for an effective date.

Brian Roberson noted that this was placed on the agenda by Mayor Jordan. Alderman Nelson asked about the initial cost for changing a street sign and Brian Roberson reported that the cost was approximately \$1,500. Alderman Inman asked if we were charged by the letter and Mr. Roberson replied that it was by the length of the sign. Alderman Blue asked about useable life of the sign blade and Mr. Roberson reported that they do not have a useable life as they are only replaced when they've been destroyed. Alderman Inman asked about new developments and the potential for naming one of those streets and avoiding the cost. Mr. Roberson stated that it was an option and further stated that some of the developers have even asked for recommendations.

Mayor Pro-Tem Newton questioned Mayor Jordan on why he placed this item on the agenda when he had issues back in February about spending money. Mayor Pro-Tem Newton further stated that Don Fisher has done betterment for the entire Town, not just Providence HOA and stated that no one was more deserving to have the recognition than Don Fisher. Alderman Inman stated that if we are going to incur special projects, they needed to be included in the budget.

Mayor Pro-Tem Newton moved to take no action but to authorize the Town Manager to find another option for naming a street after Don Fisher without incurring

unnecessary expense; Alderman Inman seconded. Alderman Blue stated that we could always come back to the original ordinance if we do not find a less costly option. Alderman Nelson stated that she was in agreement with the council on looking for other options. Alderman Blue asked if there was a developer available and timeframe and Brian Roberson stated that there were current developments that would be great candidates for such an arrangement.

Alderman Blue moved to table and the Town Manager to contact the Enclave Development to rename a street after Don Fisher; Mayor Pro-Tem Newton seconded. Motion carried: 5 in favor, Mayor Jordan opposed.

Brenda McDonald, town attorney, stated that it was necessary for a vote to be taken on the original motion by Mayor Pro-Tem Newton. Motion carried: 5 in favor, Mayor Jordan opposed.

- g. Identify agenda items to be discussed at future meeting.
1. Budget Committee
  2. EDC Committee Members reappointment for September 1, 2019 expiration
  3. BOA Members

### VIII. ADJOURNMENT

Mayor Pro-Tem Newton moved to adjourn; Alderman Inman seconded. Motion carried: 6 in favor, 0 opposed. Mayor Jordan adjourned the meeting at 9:07 p.m.



Michael Jordan, Mayor

7/2/2019

Date Minutes Approved



Connie S. Hansen, TRMC  
Town Secretary

7/2/19

Date Minutes Approved

