

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

OCTOBER 6, 2022

Council Members:

Dr. Mark Vargus, Mayor
Darrell West – Mayor Pro-Tem
Clint Bushong
Serena Lepley
Matt Bissonnette
Eric Farage

Town Staff:

Linda Ruth, TRMC, CMC – Town Administrator/Town Secretary
W. Andrew Messer – Town Attorney

SPECIAL SESSION - 6:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Special Meeting of the Town Council to order at 6:00 p.m. on Thursday, October 6, 2022, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG:

(Agenda Item A)

Mayor Vargus led the Pledge of Allegiance.

VISITOR/CITIZENS FORUM:

(Agenda Item B)

No one requested to speak.

PUBLIC HEARING:

(Agenda Item C)

A public hearing was held to provide an opportunity for citizen comment on the critical water emergency.

No one requested to speak.

MOTION: Upon a motion made by Councilman Bissonnette and seconded by Councilman Farage, council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 6:01 p.m. *The motion carried.*

CONSENT AGENDA:

(Agenda Item D)

1. Resolution Regarding Denton County Transportation Authority Application for Municipal Setting Designation (Ruth)
2. Resolution Regarding Denton County Transportation Road Improvement Program (TRIP '22) (Ruth)
3. Minutes of August 11, 2022 Council Meeting (Ruth)
4. Minutes of September 8, 2022 Council Meeting (Ruth)

MOTION: Upon a motion made by Councilwoman Lepley and seconded Councilman Farage, council voted five (5) “ayes”, no (0) “nays” to approve the consent agenda items as presented. *The motion carried.*

REGULAR AGENDA:

(Agenda Item E.

Consideration of First Texas Final Plat and Construction Plans (Vargus)

(Agenda Item E.1)

Mayor Vargus reported that town engineers from KJE and the engineers for First Texas reviewed the plat and identified a few minor corrections that need to be made. Town Attorney reported the shot-clock requirement requires the town to take action to approve or deny within 30 days of submittal. Attorney Messer reported on the dedication corrections that need to be made on the plat prior to final acceptance. The developer will make the changes and submit a final document to the town for acceptance. Council can approve the final plat contingent upon making the noted changes. Scott Graves with KJE was available to answer any questions. Justin Zuniga with First Texas confirmed they will dedicate the abandoned portion of Lakecrest Drive and the old entrance to the town after it is abandoned. There was some discussion about sewer service for the Little Elm Independent School District property. See attached exhibit A to these minutes.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded Councilwoman Lepley, council voted five (5) “ayes”, no (0) “nays” to. approve the Lakewood Village Final Plat and the Civil Construction Plans subject to the following conditions:

- The applicant’s engineer amend the regional lift station design plans based on the Town Engineer’s comments to comply with TCEQ Subchapter C: §217.51 - 217.71 and resubmit an updated signed, sealed of plans and final plat.”
- The owners dedication block to be used on the Final Plat is the language attached as Exhibit A, in accordance with Town Ordinance 20-05 Subdivision Regulations § 6.3.A., C.2., and H.1.f.

- The “x” lots, including Lot 1x block F, A59x, A60x, A61x, D9x, F1x, Block F, B-11x, B-12x, B-13x, C-68x, C-69x, C-70x, and C-71x should be labeled in the table to designate the type of Town/public use being dedicated to the Town/public use (i.e., Town Hall site, open space) and the depiction of these areas in the Final Plat should correspondingly be labeled, pursuant to Town Ordinance 20-05 Subdivision Regulations § 6.3.A., 6.3.C.2., and H.1.f. and the Development Agreement ¶¶ 8.1 and 8.2.
- The area of the regional sewer lift station, lot 70-x, should be labeled as a sewer easement or alternatively dedicated in fee to the Town, pursuant to Development Agreement ¶ 9.2(c).
- The boundary line on the southwest corner should be accurately reflected and the note regarding a boundary conflict should be removed, pursuant to Town Ordinance 20-05 Subdivision Regulations 6.3(C)(1).
- A note should be added that the Little Elm ISD needs to request to abandon the portion of Lakecrest Drive on its property, pursuant to Development Agreement ¶ 6.1. and the front entry to be abandoned, after abandonment, deeded by the developer to the town.
- A turn lane needs to be depicted on El Dorado Parkway turning into Lakewood Village Drive, pursuant to Development Agreement Exhibit J.

The motion carried.

**Consideration of Cost Allocation
Recommendation by Town Engineer (Vargus)**

(Agenda Item E.2)

Mayor Vargus reviewed the need for a regional lift station to coordinate wastewater service to the developments west of Lakecrest Drive. The regional lift station design was approved by town engineer KJE, the town engineer designing the wastewater system expansion Enprotec Hibbs and Todd, and First Texas Homes, Inc engineer. The developers were unable to reach an agreement on the cost allocation for the regional lift station. The Town Engineer, KJE, was tasked with determination of the cost allocation. The engineer’s determination is binding upon the developers. KJE has made a determination on the cost allocation and provided that to the town. Town Attorney Messer reviewed the developments that will participate in the regional lift station. The Local Government Code Section 212.904 allows the town to provide a cost estimate and rough proportionality assessment to assess those costs to the developers. Town Attorney clarified the development called “Lakewood Village” in the engineer’s letter is not the town it is the development to be constructed by First Texas Homes.

**LAKWOOD VILLAGE TOWN COUNCIL
SPECIAL SESSION
OCTOBER 6, 2022**

Page 4

MOTION: Upon a motion made by Mayor Pro-Tem seconded by Councilman Farage council voted five (5) “ayes”, no (0) “nays” to approve the retained engineer’s apportionment for regional wastewater improvements and authorize the mayor to notify the included developments in the town limits and extra territorial jurisdiction.

EXECUTIVE SESSION:

(Agenda Item F)

At 6:27 p.m. Mayor Vargus recessed into executive session in accordance with

1. § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding First Texas Homes, Taylor Morrison-South Oak, Project Lakewood Village Partners, Project Slade Rock, Project Lightning Bolt; and
2. § 551.071(2), Texas Government Code to wit: consultation with Town Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter to receive legal advice re: Development agreements, development and zoning standards; and
3. § 551.072 Texas Government Code to wit: deliberations about real property regarding First Texas Homes, Taylor Morrison-South Oak, Project Lakewood Village Partners, Project Slade Rock, and Project Lightning Bolt.

RECONVENE:

(Agenda Item G)

Mayor Vargus reconvened the regular session at 7:27 p.m.

Mayor Vargus reported that he will be out of town during the regular session scheduled for November. There is a possibility the November meeting will either be cancelled or rescheduled.

ADJOURNMENT

(Agenda Item H)

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman Farage council voted five (5) “ayes” and no (0) “nays” to adjourn the Special Meeting of the Lakewood Village Town Council at 7:29 p.m. on Thursday October 6, 2022. The motion carried.

**LAKWOOD VILLAGE TOWN COUNCIL
SPECIAL SESSION
OCTOBER 6, 2022**

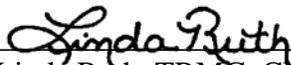
These minutes approved by the Lakewood Village Town Council on the 13th day of October 2022.

APPROVED:



Darrell West
Mayor Pro-Tem

ATTEST:



Linda Ruth, TRMC, CMC
Town Administrator/Town Secretary



Exhibit A

Revised Dedication Statement for First Texas Homes Plat

OWNER'S DEDICATION STATEMENT:

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That FIRST TEXAS HOMES, INC., acting herein by and through its duly-authorized officer, does hereby adopt this plat designating the herein described property as LAKEWOOD VILLAGE, an addition to the Town of Lakewood Village, Denton County, Texas, and does hereby dedicate, in fee simple, to the Town of Lakewood Village forever, the streets, rights-of-way, alleys, Town Hall site, lift station site, parks, open spaces, greenbelts, trails, walking paths, and public use areas shown hereon, and does hereby dedicate the easements shown on the plat for the purposes indicated to the Town of Lakewood Village forever, said dedications being free and clear of all liens and encumbrances, except as shown herein. No buildings, fences, trees, shrubs, or other improvements shall be constructed or placed upon, over, or across the easements on said plat, except as approved by the Lakewood Village Town Council. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public's and Town of Lakewood Village use thereof. The Town of Lakewood Village and any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on any of these easements and the Town of Lakewood Village or any public utility shall at all times have the right of ingress and egress to and from and upon any of said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective system without the necessity at any time of procuring the permission of anyone.

FIRST TEXAS HOMES, INC., does hereby bind itself, its successors and assigns to forever warrant and defend, all and singular, the above-described streets, rights-of-way, alleys, Town Hall site, lift station site, parks, open spaces, greenbelts, trails, walking paths, and public use areas shown, easements and rights unto the Town of Lakewood Village and utility easements unto the public, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Lakewood Village.

WITNESS MY HAND THIS _____ DAY OF _____, 2022.

Keith Hardesty, Division President
First Texas Homes, Inc.

**LAKEWOOD VILLAGE TOWN COUNCIL
SPECIAL SESSION
OCTOBER 6, 2022**

**LAKEWOOD VILLAGE TOWN COUNCIL
SPECIAL SESSION
OCTOBER 6, 2022**

STATE OF TEXAS)
) SS
COUNTY OF DALLAS)

Before me, the undersigned authority, a Notary Public in and for the said County and State on this day personally appeared Keith Hardesty, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

Given under my hand and seal of office, this _____ day of _____, 2022.

Notary Signature