

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

AUGUST 10, 2023

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

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Regular Meeting of the Town Council to order at 7:00 p.m. on Thursday, August 10, 2023, 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 on the critical water emergency to provide an opportunity for citizen comment.

No one requested to speak.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette the council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:01 p.m. *The motion carried.*

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PUBLIC HEARING:

(Agenda Item D)

A public hearing was held to provide an opportunity for citizen comment on the proposed *Lakewood Village Public Improvement District Operations & Maintenance Service and Assessment Plan* (the “O&M SAP”) and levying assessments against certain property located within the Lakewood Village Public Improvement District (the “District”).

No one requested to speak.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Farage the council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:02 p.m. *The motion carried.*

PUBLIC HEARING:

(Agenda Item E)

A public hearing was held on the proposed combined property tax rate of \$0.36/\$100 to provide an opportunity for citizen comment.

No one requested to speak.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman West the council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:02 p.m. *The motion carried.*

CONSENT AGENDA:

(Agenda Item F)

1. Minutes of July 10, 2023 Council Meeting (Ruth)
2. Engagement Letter with Nabors CPA Services for Fiscal Year 2022-2023 Audit (Ruth)
3. Professional Services Agreement with Northshore Lot Venture, LTD (Ruth)
4. Variance Request – 745 Highridge Drive for Front Facing Garage and Garage Size (Ruth)
5. Texas General Land Office Resilience Program Application for Resilient Communities Program (Ruth)

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

REGULAR AGENDA:

(Agenda Item G.

**Consideration of Assignment of Development
Agreement for Northshore Development to
Northshore Lot Venture Ltd. (Vargus)**

(Agenda Item G.1)

Mayor Vargus reported this item will not be considered. The terms of the agreement will still apply to the lots that are not being sold to the new developer.

**Consideration of Development Agreement for
Northshore Development (Vargus)**

(Agenda Item G.2)

Mayor Vargus introduced Kevin Harrell with Skorburg. Mr. Harrell reviewed the minimal changes they are proposing from the previously approved development standards for Northshore. Mr. Harrell reported that David Weekly Homes will be building the homes. There was some discussion regarding the lake front lots being retained by Lakewood Village Partners LLC.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette the council voted five (5) “ayes”, no (0) “nays” to approve the Development Agreement with Northshore Lot Venture Ltd. As presented. *The motion carried.*

**Consideration of Application for Zoning
Change by Northshore (Vargus)**

(Agenda Item G.3)

Mayor Vargus reported this will be considered at a special called meeting in a few weeks.

**Consideration of Northshore Preliminary Plat
(Vargus)**

(Agenda Item G.4)

Mayor Vargus reported that the Town Engineer, Kevin Ware, has recommended approval based on his review of the preliminary plat submittal.

MOTION: Upon a motion made by Councilman Bissonnette and seconded by Councilwoman Lepley the council voted five (5) “ayes”, no (0) “nays” to approve the Northshore preliminary plat. *The motion carried.*

**Consideration of Development Agreement for
The Enclave and The Arbors (Vargus)**

(Agenda Item G.5)

Mayor Vargus stated that he combined the previous agreements executed by LandPlan and Little Elm Independent School District and then amended by First Texas Homes. There was a consensus between the Town and Corson & Cramer Development to execute a new agreement that incorporates the terms of the previous agreements and amends them to reflect the new terms between the Town and Corson Cramer Development. Mayor Vargus reviewed the amendments in the new agreement. There was some discussion about using a water truck rather than the recycled water system. Larry Corson stated they expect to begin mid-September.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Farage the council voted five (5) “ayes”, no (0) “nays” to approve the Development Agreement for The Enclave and The Arbors. *The motion carried.*

**Discussion of Water and Wastewater Capital
Improvements (Vargus)**

(Agenda Item G.6)

Mayor Vargus stated the electrical connections for the well were run over the pipe and the lid was set on top of the wire which is pinching the cladding on the wire. The vibrations of the pump running are causing breakage in the cladding which has resulted in the risk of a dangerous electrical shock for anyone in the area. A rig must be brought in to make the repairs. Mayor Vargus reported the contractor has failed multiple water tests. The town’s Public Works department ran an independent test and passed. Mayor Vargus has requested the contractor have the laboratory come out and perform the test. The situation is becoming more emergent as people continue to use water outside approved times. The contractor has been instructed to comply with the requirements of the contract. The deadline for well completion was May 17, 2023. The penalty for going past the deadline is \$500 each day. The contractor has responded that the town cannot provide direction on means or methods for construction. The most recent estimate for well completion is November 2023.

Construction on the new sewer plant will begin soon. Bids on the water storage tank will be sent in the next few months.

There was some discussion about the water customers who are violating the approved watering times and water use maximum limits. If the town runs out of water the water will be turned off between 15 and 18 hours. The town has a water truck which will be watering the front area of yards to encourage people not to use their irrigation system.

**Consideration of Amendment of Critical
Water Emergency Ordinance (Vargus)**

(Agenda Item G.7)

Mayor Vargus and Councilman Bushong reported on the The council expressed frustration with citizen non-compliance with the water emergency restrictions. There was some discussion about increasing the rate for consumption over 50,000 in addition to the municipal court fine. Council discussed penalties for violation of the restrictions. Council expressed frustration with the property owners who are violating that are putting everyone else in town at risk of running out of water.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley the council voted five (5) “ayes”, no (0) “nays” to approve the Critical Water Emergency Ordinance. *The motion carried.*

**Consideration of Utility Policies Ordinance
(Vargus)**

(Agenda Item G.8)

Mayor Vargus reviewed the proposed changes in the utility policies ordinance.

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman Bissonnette the council voted five (5) “ayes”, no (0) “nays” to approve the Utilities Policies Ordinance as Presented. *The motion carried.*

**Consideration of 380 Agreement with the
Municipal Development District (Vargus)**

(Agenda Item G.9)

Mayor Vargus reviewed the history of the 380 financial agreement.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley the council voted five (5) “ayes”, no (0) “nays” to approve the 380 Agreement with the Municipal Development District as Presented. *The motion carried.*

**Consideration of Fiscal Year 2023-2024 Tax
Rate (Vargus)**

(Agenda Item G.10)

Mayor Vargus reported the tax rate has been lowered to a combined \$0.36/100 valuation.

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MOTION: Upon a motion made by Councilman Bissonnette and seconded by Councilman Farage the council voted five (5) “ayes”, no (0) “nays” to approve the Fiscal Year 2023-2024 tax rate as presented. *The motion carried.*

ROLLCALL VOTE

Mayor Vargus – present and not voting
Mayor Pro-Tem West - aye
Councilman Bushong - aye
Councilwoman Lepley - aye
Councilman Farage - aye
Councilman Bissonnette - aye

**Ratification of the Fiscal Year 2023-2024
Budget (Vargus)**

(Agenda Item G.11)

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Farage the council voted five (5) “ayes”, no (0) “nays” to ratify the Fiscal Year 2023-2024 budget as passed on July 13, 2023. *The motion carried.*

ROLLCALL VOTE

Mayor Vargus – present and not voting
Mayor Pro-Tem West - aye
Councilman Bushong - aye
Councilwoman Lepley - aye
Councilman Farage - aye
Councilman Bissonnette - aye

**Consideration of an Ordinance approving the
Lakewood Village Public Improvement
District Operations & Maintenance Service
and Assessment Plan and levying assessments
against certain property located within the
Lakewood Village Public Improvement
District (Vargus)**

(Agenda Item G.12)

Mayor Vargus reported this is the assessment on the properties for the annual maintenance and operations.

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MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Farage the council voted five (5) “ayes”, no (0) “nays” to ratify the Fiscal Year 2023-2024 budget as passed on July 13, 2023. *The motion carried.*

EXECUTIVE SESSION:

(Agenda Item H)

At 7:54 p.m. Mayor Vargus recessed into executive session in accordance with

1. § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding The Arbors, Taylor Morrison-South Oak, Northshore, The Villas; 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, zoning standards, and eminent domain; and
3. § 551.072 Texas Government Code to wit: deliberations about real property regarding The Arbors, Taylor Morrison-South Oak, Northshore; The Villas.

RECONVENE:

(Agenda Item I)

Mayor Vargus reconvened the regular session at 8:03 p.m. There was some discussion, no action was taken.

- G.9. Municipal Development District 380 Agreement - Mayor Vargus discussed the need to loop the water line serving South Oaks. There was some discussion about the need for a traffic light serving the South Oak development. There was some discussion about the Municipal Development District having the ability to utilize the 380 agreement for these purposes.

EXECUTIVE SESSION:

(Agenda Item H)

At 8:35 p.m. Mayor Vargus recessed into executive session in accordance with

1. § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding The Arbors, Taylor Morrison-South Oak, Northshore, The Villas; 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, zoning standards, and eminent domain; and
3. § 551.072 Texas Government Code to wit: deliberations about real property regarding The Arbors, Taylor Morrison-South Oak, Northshore; The Villas.

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RECONVENE:

(Agenda Item I)

Mayor Vargus reconvened the regular session at 8:51 p.m. No Action was taken.

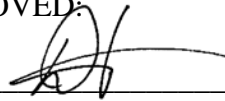
ADJOURNMENT

(Agenda Item J)

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Mayor Pro-Tem West council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Meeting of the Lakewood Village Town Council at 8:51 p.m. on Thursday, August 10, 2023. The motion carried.

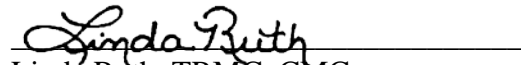
These minutes were approved by the Lakewood Village Town Council on the 12th day of October 2023.

APPROVED:



Darrell West
Mayor Pro-Tem

ATTEST:



Linda Ruth, TRMC, CMC
Town Administrator/Town Secretary

