

LAKWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

FEBRUARY 13, 2020

Council Members:

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

Town Staff:

Linda Asbell, TRMC, CMC – 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, February 13, 2020 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)

Roy Davenport, Sanger Texas, stated that in October 2019 the council passed an electioneering ordinance. Mr. Davenport stated that the ordinance appears to address only local town elections. Mr. Davenport stated that agenda item F.6. “Ryan Williams on Denton County Precinct 1” seems to be an unequal political platform. Mr. Davenport complemented Mr. Williams’ public service and stated he is not here to criticize Mr. Williams or the town’s actions, but he is concerned the council might inadvertently allow a one-sided view of a political candidate to be presented.

PUBLIC HEARING

(Agenda Item C)

A public hearing was held to provide an opportunity for citizen comment on the petition filed by The Sanctuary Texas, LLC requesting the creation of Public Improvement District 1. Mayor Vargus opened the public hearing at 7:05 p.m.

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Tim Green stated he is an attorney representing The Sanctuary Texas. The Sanctuary has 64 acres and wishes to develop approximately 275 lots. Mr. Green stated The Sanctuary has been negotiating with the town for approximately 16 months and they have approached the town to have their property removed from the Town's Certificate of Convenience and Necessity and removed from the Town's extraterritorial jurisdiction, but The Sanctuary would like to be a long-term utility customer of the town. The Sanctuary understands that in the short-term they might have to purchase water and sewer from Little Elm and eventually transfer that service to Lakewood Village. The Sanctuary needs to have a decision from the town to move forward with financing for developing the project. The Sanctuary would like to create the Public Improvement District and partner with the town.

Mayor Vargus reported the property was purchased in August of 2019 and submitted a plat that has problems with overlapping jurisdictions and no easements. Attorney Green stated his understanding is The Sanctuary has made two proposals to the Town: creation of the public improvement district, or removal from the extraterritorial jurisdiction and creation of a municipal utility district.

Mayor Vargus reported the sanctuary currently has no utilities and no easements. They have not done a well study and provided no engineering. The Sanctuary has submitted one document that shows water service from a well that is not able to serve their development and the sewer service crosses an area in which they do not have easements.

MOTION: Upon a motion made by Matt Bissonnette and seconded by Mayor Pro-Tem West council voted four (4) "ayes" and no (0) "nays" to continue the public hearing until the April 9, 2020 council meeting. The motion carried.

PUBLIC HEARING

(Agenda Item D)

A public hearing was held to provide an opportunity for citizen comment on the proposed Comprehensive Plan. Mayor Vargus opened the public hearing at 7:12 p.m.

Mayor Vargus reported on the history of the comprehensive plan and the process for updating the plan. Councilman Bushong reported that projects listed in the current plan have largely been completed. The council will review projects that need to be included in the next plan.

No one requested to speak.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette council voted four (4) "ayes" and no (0) "nays" to close the public hearing. The motion carried.

CONSENT AGENDA:

(Agenda Item E)

Mayor Vargus reported on efforts to obtain a Standard and Poor's rating for the bond sale.

1. Minutes of January 8, 2020 Council Meeting (Asbell)
2. Minutes of January 16, 2020 Council Meeting (Asbell)
3. Minutes of November 14, 2019 Council Meeting (Asbell)
4. Engagement Agreement with Standard and Poor's Global Ratings (Vargus)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilwoman Lepley, council voted four (4) "ayes", no (0) "nays" to approve the consent agenda items as presented. *The motion carried.*

REGULAR AGENDA:

(Agenda Item F)

**Consideration of Resolution Creating Public
Improvement District No. 1 (Asbell)**

(Agenda Item F.1)

No action was taken

**Consideration of Agreement with P3Works
(Asbell)**

(Agenda Item F.2)

Mayor Vargus reported that P3Works was engaged as a Public Improvement District consultant related to The Sanctuary Texas' execution of a Professional Services Agreement. Mayor Vargus reported that Marlon McMakin has terminated the professional services agreement, therefore the town has no reason to continue the contract with P3Works to consult on this matter.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette, council voted four (4) "ayes", no (0) "nays" to terminate the contract with P3Works. *The motion carried.*

**Discussion of Concrete Road Project
(Vargus)**

(Agenda Item F.3)

Mayor Vargus reported that the concrete road designs will be available to the public at any time town hall is open. Mayor Vargus will be available to review the plans with citizens. Plans show

the road profile, location, grading plans and other elements associated with the road project. The bid documents have been placed online and over 30 companies have downloaded the document. Mayor Vargus reported that LandPlan has given permission for the contractor to stage their equipment on the property to the northwest of Town Hall. Mayor Vargus reported on the mandatory pre-bid meeting scheduled for February 17, 2020. Mayor Vargus reviewed the timeline for bidding and the bond sale. Mayor Vargus reported that approximately 25 properties have a structure of some sort in the town's right-of-way which will need to be moved or removed. Information will be provided to the property owners and will be included in the Mayor's letter next month. Mayor Vargus reviewed the process of construction of the roads and stated the town does not have the ability to require the contractor to follow a specific construction route. There was some discussion about widening the intersection at Lakecrest and Highridge. Lakecrest will not be converted to a concrete road until LandPlan develops.

**Consideration of Engagement of Fugro for
Materials Testing and Inspection (Vargus)**

(Agenda Item F.4)

Mayor Vargus reported during the concrete road construction the contractor will test compaction of the road and the quality of the concrete approximately every ten feet. One option is to allow the contractor to monitor the quality control and have the town engineer review the results, another is to hire a company to oversee quality control.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette council voted four (4) "ayes" and no (0) "nays" to approve the engagement of Fugro for materials testing and inspection. The motion carried.

EXECUTIVE SESSION:

(Agenda Item G)

At 7:36 p.m. Mayor Vargus recessed into executive session in accordance with (1) § 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: Agenda Item F.6.

RECONVENE:

(Agenda Item H)

Mayor Vargus reconvened the regular session at 7:39 p.m. No action was taken.

**Consideration of North Texas Groundwater
Conservation District Well Monitoring
Program (Vargus)**

(Agenda Item F.5)

Town Secretary Asbell reviewed the well monitoring program and reported that Mark Patterson of Patterson Professional Services supports participation in the program. The monitoring equipment is not intrusive, and the town would only need to provide access a few times each year for the North Texas Groundwater Conservation District to install equipment and retrieve data.

MOTION: Upon a motion made by Councilman Bissonnette and seconded by Mayor Pro-Tem West council voted four (4) “ayes” and no (0) “nays” to approve participation in the well monitoring program. The motion carried.

**Discussion with Ryan Williams on Denton
County Precinct 1 (Vargus)**

(Agenda Item F.6)

No action taken

Discussion of Investment Report (Vargus)

(Agenda Item F.7)

Mayor Vargus reviewed the investment report which included the fund balances at the end of the first quarter of 2020. Mayor Vargus reviewed the reimbursement plan for expenses paid toward the concrete road project prior to the sale of the bonds. Mayor Vargus reported the interest rate received on investments have gone down from 2.2% to 1.83%. While it is not desirable to have interest rates go down on investments that means the town will benefit from low interest rates on the bonds sold for the concrete roads. The first payment on the bonds will not be made for one year and the bond proceeds will be in the investment account accruing interest for the town.

VISITOR/CITIZENS FORUM:

(Agenda Item B)

Council returned to Visitor/Citizens Forum. Mayor Vargus reported that Mr. Ryan Williams will not be permitted to speak to the council on Agenda Item F.6, but Mr. Williams is permitted to speak during a visitor citizen forum.

Mr. Williams stated that he is not a politician, he comes from a business background. Mr. Williams stated that he has been a volunteer law enforcement officer for 18 years and he understands the concerns of the citizens of precinct 1. Mr. Williams stated his family started a medical business which was sold recently which allowed him to retire and focus on family and

service. After his retirement he discovered that Denton County was paying a \$119,000 salary to the current county commissioner who is providing only part-time hours to the county. In the last 10 years precinct has had a 39% increase in population. Mr. Williams stated he has the freedom to serve as commissioner full time. Mr. Williams is not supportive of high density, he supports good projects and holding developers accountable for the product they develop. Mr. Williams stated that he highly values the input of citizens and the current commissioner does not listen to individuals. The current commissioner only pays attention to high density areas like Frisco. Mr. Williams stated he will not always be able to do what a citizen wants but he will always listen and provide information.

Roy Davenport, Sanger, spoke again and stated the he appreciates that the town council has taken the advice of the town attorney by not allowing Mr. Williams speech to be a separate agenda item. Mr. Davenport stated that Mr. Williams has no knowledge of politics because he has not voted in 16 years. Mr. Davenport stated that Mr. Williams has no experience in county government. Mr. Davenport stated that the town council should not allow one candidate to speak when the other candidate is not here to defend himself.

REGULAR AGENDA:

(Agenda Item F)

**Discussion of Water and Wastewater
Infrastructure (Vargus)**

(Agenda Item F.8)

Attorney Messer stated the comprehensive plan is a planning tool. A zoning ordinance is adopted after the comprehensive plan is adopted. The comprehensive plan is updated every five years. The comprehensive plan does not adopt zoning, but the zoning must be consistent with the comprehensive plan. Property owners can request a zoning change which, if approved by council, would trigger a change in the comprehensive plan. Attorney Messer stated a comprehensive plan is a very important tool and it is good that the council is reviewing the plan and allowing the public to see the process. Mayor Vargus stated the council will review the comprehensive plan over the next several months to make the required updates.

Discussion of Fence Ordinance (Vargus)

(Agenda Item F.9)

Mayor Vargus reported that often an ordinance is adopted and then later amended to reflect operational application of the ordinance. Mayor Vargus stated that because council never anticipated a resident would concrete their entire front yard it was not prohibited in the zoning ordinance. The council had to go back and adopt a permeable surface coverage ratio to prevent anyone else from making their entire front yard a parking lot. Mayor Vargus reported the same thing has happened with the fence ordinance. A property in town has installed a temporary “rental” fence, the house went into foreclosure, the tenant has moved out, and the temporary

fence was left on the property. The fence is an eye-sore and has caused concerns about who has responsibility to remove the fence. Councilman Bushong reviewed the proposed language.

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman Bissonnette, council voted four (4) “ayes”, no (0) “nays” to approve the fence ordinance as discussed. *The motion carried.*

**Consideration of Utility policies ordinance
(Vargus)**

(Agenda Item F.10)

Mayor Vargus reviewed the proposed changes to the utilities policy. Mayor Vargus reported that a “sight order” is recognition of an electronic check and applies to automatic e-checks and online payments.

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman Bissonnette, council voted four (4) “ayes”, no (0) “nays” to approve the Utilities Policy Ordinance as presented. *The motion carried.*

**Consideration of Lighting Ordinance
(Asbell)**

(Agenda Item F.11)

Town Secretary Asbell reported on the recent passage of a state law which allows official Dark Sky Communities to extend their lighting ordinances to cover the extraterritorial jurisdiction. Town Secretary reviewed the changes with the council. There was some discussion about including specific language in Section 7 to specify new facilities constructed in the town or the extraterritorial jurisdiction will adhere to the requirements.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette, council voted four (4) “ayes”, no (0) “nays” to approve the Lighting Ordinance as discussed. *The motion carried.*

**Consideration of Subdivision Ordinance
(Asbell)**

(Agenda Item F.12)

Town Secretary Asbell reported on the proposed changes to the subdivision ordinance. Council discussed the proposed language within the subdivision ordinance requiring developers to comply with the lighting ordinance.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley, council voted four (4) “ayes”, no (0) “nays” to approve the Subdivision Ordinance as presented. *The motion carried.*

**Discussion of Animal Control Ordinance
(Vargus)**

(Agenda Item F.13)

Mayor Vargus reported that it is an owner’s responsibility to keep their animal under control at all times. Operationally the town does not cite owners who keep their animals under control but do not have them on a leash. Mayor Vargus reported he would like to see language that permits owners to keep dogs off-leash but under their control. Mayor Pro-Tem West reported that he was recently accosted by a dog that was on a leash but had gotten away from the owner. There was some discussion about the town’s process for registering animals and the resident’s responsibility for keeping the records updated with current rabies vaccine information. Councilwoman Lepley reported on interest within the State to support backyard chickens. Municipalities have the ability to place restrictions on the keeping of chickens. There was some discussion about the intrusions of odor and mess into neighbors. There was some discussion about the need to inspect coops and register the keeping of chickens to assure the maintenance and cleanliness of the area. There was some discussion about language that would allow owners of smaller lots to also keep chickens. Attorney Messer reported that many municipalities are passing ordinances regulating the keeping of chickens. The ordinances are very specific and can be highly customized to reflect the local community.

EXECUTIVE SESSION:

(Agenda Item G)

At 8:37 p.m. Mayor Vargus recessed into executive session in accordance with (1) § 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; (2) § 551.072 Texas Government Code to wit: deliberations about real property regarding Sam Hill Ventures, Sanctuary at Sunset Cove, Le Tuong, Project Left Field, and Project Lightning Bolt; (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding Sam Hill Ventures, Sanctuary at Sunset Cove, Le Tuong, Project Left Field, and Project Lightning Bolt; and § 551.076 Texas Government Code to wit: Deliberations about Security Devices.

RECONVENE:

(Agenda Item H)

Mayor Vargus reconvened the regular session at 9:45 p.m. No action was taken.

REPORTS:

(Agenda Item I)

Mayor Vargus reported the next council meeting will be February 27, 2020.

Town Secretary Asbell reported the Municipal Development District is working on the Volunteer Appreciation Dinner which will be held in March.

ADJOURNMENT

(Agenda Item J)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilwoman Lepley council voted four (4) “ayes” and no (0) “nays” to adjourn the Special Meeting of the Lakewood Village Town Council at 9:47 p.m. on Thursday, January 16, 2020. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 12th day of March 2020.

APPROVED:



Darrell West
MAYOR PRO-TEM

ATTEST:



Linda Asbell, TRMC, CMC
TOWN SECRETARY

