

**LAKEWOOD VILLAGE TOWN COUNCIL**

**COUNCIL MEETING**

**MAY 11, 2017**

**Council Members:**

Dr. Mark Vargus, Mayor  
Ed Reed – Mayor Pro-Tem  
Clint Bushong  
Gary Newsome  
Ray Duff - ABSENT  
Dan Tantalo

**Town Staff:**

Linda Asbell, TRMC, 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, May 11, 2017, 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)**

Fred Hunt, 404 Peninsula Drive, spoke regarding the letter Councilman Tantalo distributed during the election. Mr. Hunt stated that he thoroughly reviewed the minutes of council meetings, Mayor's letters, auditor's reports and other official town documents. Mr. Hunt asked Councilman Tantalo to explain his statement in the letter that the town council is using \$7,000,000 in sewer and water commitments to coerce annexation of as much of the area on the other side of Eldorado as possible. Mr. Hunt stated that he does not see any facts to support that statement in any documents that he has reviewed. Mr. Hunt asked Councilman Tantalo to explain. Councilman Tantalo stated it is actually a lot more than \$7,000,000 and the only reason someone would annex in is because the Town can offer sewer. Councilman Tantalo stated that the town worked to get the Sewer Certificate of Convenience and Necessity to provide service to that area and the authority to offer sewer is different from operating a sewer system. Mayor Vargus stated that this topic is becoming a discussion and cannot be handled during the visitor/citizens forum at this meeting. The items will be placed on the agenda at the next meeting so there can be a proper discussion.

**CONSENT AGENDA:**

**(Agenda Item C)**

1. Minutes of April 13, 2017 Council Meeting (Asbell)
2. Canvass of Election Returns for the May 6, 2017 General Election (Asbell)
3. Resolution Declaring the Results of the May 6, 2017 General Election (Asbell)

Councilman Bushong stated that the swearing in of re-elected and newly elected councilmembers will take place at the June Council meeting

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

**REGULAR AGENDA:**

**(Agenda Item D)**

**Consideration of Replat Request for 3959  
Spinnaker Run Pointe (Asbell)**

**(Agenda Item D.1)**

Mr. Bill Hidell, owner of 3959 Spinnaker Run Pointe was present. Town Secretary Asbell reported that she has received confirmation from the Town of Little Elm that their Planning & Zoning Commission passed the replat unanimously and the item is scheduled to be approved on the consent agenda at the next Little Elm Council meeting. Town Secretary Asbell also reported that the Town Engineer, Todd Strouse has spoken to Mr. Hidell and resolved the previous concerns he had with the replat. Engineer Strouse has no exceptions taken on the replat and now recommends approval. Mayor Vargus reported that this property straddles Little Elm ETJ and Town of Lakewood Village ETJ.

**MOTION:** Upon a motion made by Mayor Pro-Tem Reed and seconded by Councilman Bushong, council voted four (4) “ayes”, and no (0) “nays” to approve the replat as presented. *The motion carried.*

**Consideration of Lakewood Village  
Municipal Development District Board of  
Directors Request to Operate United States  
Army Corps of Engineers Water System at  
Boy’s Camp Road (Asbell)**

**(Agenda Item D.2)**

Mayor Vargus reported that the town operates the water system in a USACE park area. The town operates the system for a fee and covers the cost of the lab fees.

**LAKWOOD VILLAGE TOWN COUNCIL  
REGULAR SESSION  
MAY 11, 2017**

**Page 3**

Mayor Vargus reported that operating the USACE water system would increase the water revenues of the MDD by approximately 15%. Town Secretary Asbell reported that she serves on the MDD Board of Directors. Eric Farage, President of the MDD was unable to attend the meeting.. Town Secretary Asbell reported that the MDD Board of Directors would like to formally request that the Town allow them to take over operations of the USACE water system on Boy's Camp Road. The Board makes this request because the water system is located inside the MDD boundaries but is outside the corporate limits of the Town of Lakewood Village. The Municipal Development District Board would like to take over operations of the system beginning October 1, 2017.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Mayor Pro-Tem Reed, council voted four (4) "ayes", and no (0) "nays" authorize the Municipal Development District Board of Directors to take responsibility for the operation of the USACE water system located on Boy's Camp Road beginning October 1, 2017. *The motion carried.*

**Presentation by Patterson Professional  
Services on the Status of the Water and  
Wastewater Systems (Asbell)**

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**(Agenda Item D.3)**

Mayor Vargus introduced Mark Patterson of Patterson Professional Services. Mayor Vargus stated that Patterson has been operating the water system for approximately five years and is doing an excellent job. Mayor Vargus expressed appreciation to Mark Patterson for the dedication he has shown to the town. Mr. Patterson stated that the town is running at approximately 50% capacity in the waste water system and slightly above 50% capacity in the water system. Mr. Patterson stated that his company serves a number of communities and in his experience engineers will report worst case scenario and then back off so the town should not be alarmed by numbers presented by Town Engineers. The system is operating efficiently and he has no concerns. Mr. Patterson reported that because of the water concerns in Flint Michigan the Environmental Protection Agency is watching lead and copper content very closely. He stated that Lakewood Village has been very proactive about replacing waterlines and keeping the system in good repair. Mr. Patterson stated that most towns the size of Lakewood Village does not have GIS mapping. Lakewood Village has proactively instituted GIS mapping which is a great benefit to both the town and the operator. There was some discussion about ammonia pre-treatment. There was some discussion about the process for treating for ammonia. There was some discussion about the town becoming Tier I certified for using gray-water for landscaping within the town. Mr. Patterson reported that he used a gray-water system for irrigation on soccer fields in the city of Gainsfield. Mr. Patterson stated that there is no "normal" process for cities, all cities operate differently. Councilman Tantalo requested that a report be submitted to the council for review prior to the next council system report presentation. Mr. Patterson thanked the council for their support of Patterson Professional Services.

**Consideration of Resolution Opposing Senate  
Bill 1515 and Senate Bill 1004 (Asbell)**

**(Agenda Item D.4)**

Mayor Vargus reported that Town Secretary Asbell has spent a lot time monitoring the legislative efforts and has been bringing concerns about proposed legislation to the council. Mayor Vargus thanked Secretary Asbell for her efforts. Town Secretary Asbell reported on the impact of these Senate Bills on municipalities if they are passed. This legislation takes away some of the ability of cities to regulate the placement of wireless nodes and other telecommunications equipment in the rights of way or on town own street poles. Mayor Vargus reported that public property cannot be used to make a profit for private companies.

Summer Paulsen, reported that committee substitute for SB 1004 was reported favorably which means the committee has made some adjustments to the bill and approved it to be considered by the House. SB 1515 has not been approved by the House Committee as of today.

There was some discussion about the trend of legislation to relocate local control and centralize it at the State level. Council asked if Representative Pat Fallon supports these bills. Summer Paulsen reported that she interns for Representative Pat Fallon and, she knows that he authored a bill opposing erosion of local control.

There was some discussion about the potential negative impact of construction of equipment in the rights-of-way and the loss of revenue to municipalities for leasing of those spaces. Becky Hunt reported that she has experience with this exact situation in London, where she previously lived, with a thirty-foot cell tower in a residential area.

Councilman Tantalo stated that council should have had the packet prior to Monday and had more opportunity to review this information. Mayor Vargus stated that Town Secretary Asbell was working twelve-hour days conducting the election. Councilman Bushong stated that he had plenty of time to review the packet and is prepared to vote on this issue. Councilman Tantalo stated that this resolution will have no impact and will make no difference in the efforts of legislators. Mayor Vargus stated that Town Secretary Asbell has invested a lot of time to coordinate with other cities so legislators are aware of the collective action and position of municipalities.

**MOTION:** Upon a motion made by Mayor Pro-Tem Reed and seconded by Councilman Newsome, council voted three (3) “ayes”, one (1) “abstention” (Councilman Tantalo) to approved the Resolution Opposing Senate Bill 1515 and Senate Bill 1004. *The motion carried.*

**Consideration of Resolution Opposing House  
Bill 2485 (Asbell)**

**(Agenda Item D.5)**

Summer Paulsen reported that House Bill 2485 has been approved by the House Committee and is expected to be before the House for a vote soon.

Town Secretary Asbell reported on concerns with this bill because it eliminates the May election date in even-numbered years. Town Secretary Asbell reported about the concern with voter fatigue and “no-votes” if voters submit a straight-party ballot. Mayor Vargus reported on legislation a few years ago that attempted to move municipal elections to November. Town Secretary Asbell reported that there were several “under votes” in the most recent election and that could have a significant cumulative effect on the municipal positions on a November ballot. Mayor Vargus reported that Lakewood Village will be its own precinct next year. This will allow Lakewood Village voters to have a full ballot that will include County, School District, and local positions. There was some concern about under-votes and non-participation participation in an extremely long ballot. There was some discussion about moving elections to November and concerns with impact on Lakewood Village elections.

**MOTION:** Upon a motion made by Councilman Newsome and seconded by Councilman Bushong, council voted four (4) “ayes”, no (0) “nays” to approved the Resolution Opposing House Bill 2485. *The motion carried.*

**EXECUTIVE SESSION:**

**(Agenda Item E)**

Mayor Vargus reported that the council had no need to meet in executive session.

**RECONVENE:**

**(Agenda Item F)**

**COUNCIL AND STAFF COMMENTS**

**(Agenda Item G)**

Mayor Vargus distributed flyers on a fund-raiser that Mr. Hidell hosting to benefit the Little Elm Food Bank.

Town Secretary Asbell announced that April 26, 2017 was the 40<sup>th</sup> anniversary of the incorporation of the Town of Lakewood Village.

Mayor Pro-Tem Reed and Councilman Newsome were thanked for building a new bulletin board. Mayor Pro-Tem Reed, Councilman Newsome, and Darrel West installed the new board at the mailbox location on Highridge Drive.

**LAKWOOD VILLAGE TOWN COUNCIL  
REGULAR SESSION  
MAY 11, 2017**

**Page 6**

Councilman Newsome reported that the road repair vendor will repair the failed patches at no cost to the town and will bring a proposal to the council for additional repairs in August or September.

Councilman Newsome reminded everyone that fence permit fees have been waived through June 30, 2017.

Town Secretary Asbell reported that 474 Peninsula is planned for demolition next week.

Councilman Bushong thanked Jane Schoknecht and Robin West for doing a great job working on election day.

Town Secretary Asbell reported that the Texas Municipal League has received the report on the hail damage to town buildings from the adjuster. The report is currently being reviewed by the appraiser.

**ADJOURNMENT**

**(Agenda Item H)**

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Mayor Pro-Tem Reed council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Meeting of the Lakewood Village Town Council at 8:10 p.m. on Thursday, April 13, 2017. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 11th day of May 2017.

APPROVED

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Ed Reed  
MAYOR PRO-TEM

ATTEST:

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Linda Asbell, TRMC  
TOWN SECRETARY