

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

JULY 26, 2012

Council Members:

Mike Schnittker, Mayor - ABSENT
Dr. Mark Vargus, Mayor Pro-Tem
Ken Guthrie - ABSENT
Harold Wood
Carl Menckhoff, M.D.
Dave Getka

Town Staff:

Linda Asbell, Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Pro-Tem Vargus called the Town Council to order at 7:00 p.m. on Thursday, July 26, 2012, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG

(Agenda Item A)

Mayor Pro-Tem Vargus led the pledge of allegiance

VISITOR/CITIZENS FORUM:

(Agenda Item B)

No one requested to speak.

REGULAR AGENDA:

(Agenda Item C)

Consideration of Variance Request for Front Entry Garage and Roof Pitch for 470 Peninsula

(Agenda Item C.1)

Mike Lindley, owner of the lot, spoke about the design restrictions on his house because of the limited size of the lot. Mr. Lindley stated he has a one car garage on the side of the house that will have a front entry facing the street. Mr. Lindley reported that he spoke to his neighbors and all the other houses in the area already have front entry garages. There was some discussion about the roof pitch being 5/12 pitch

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Getka the Council voted four (4) “ayes” and no (0) “nays” to approve the variance request for a front entry garage and roof pitch to 5/12 at 470 Peninsula. The motion carried.

**Consideration of Ordinance Designating
Stop Sign Locations**

(Agenda Item C.2)

Mayor Pro-Tem Vargus reported that at the last meeting there was some discussion about the need for an additional stop-sign at 331 Lakecrest, southbound on Shoreline.

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Wood the Council voted four (4) “ayes” and no (0) “nays” to approve the ordinance designating stop sign locations. The motion carried.

**Consideration of Junked/Abandoned Vehicle
Ordinance**

(Agenda Item C.3)

Mayor Pro-Tem Vargus reviewed the proposed ordinance. There was some discussion on the “parking on an approved surface” requirement. There was some concern about being overly restrictive regarding the owners use of their property. Councilman Getka recommended the deadline for removing a vehicle parked on an unimproved surface to be 72 hours.

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Menckhoff the Council voted three (3) “ayes” and one (1) “nays” (Mayor Pro-Tem Vargus) to table this item to the next meeting. The motion carried.

**Consideration of Resolution Authorizing
Town Attorney to File a Lawsuit against
Gary Barnes DBA AquaMat of Texas**

Mayor Pro-Tem Vargus reported that a demand letter was sent by Attorney Messer to Mr. Barnes and Mr. Barnes failed to respond. Mayor Pro-Tem Vargus reported that additional violations were discovered and the fines have now increased. There was some discussion about why the Texas Commission on Environmental Quality takes so long to notify the Town of violations.

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Wood the Council voted four (4) “ayes” and no (0) “nays” to approve the resolution authorizing the Town Attorney to file a lawsuit against Gary Barnes, DBA AquaMat of Texas. The motion carried.

**Consideration of Resolution Authorizing
Town Attorney or His Designee to Represent
the Town of Lakewood Village in the Appeal
of Aqua Texas, Inc., and Motion for
Immediate Interim Rate Relief and
Impleader**

(Agenda Item C.5)

Mayor Pro-Tem Vargus reviewed the history of the request made by Aqua Texas to increase their rates and the Town Council's denial of the request. Mayor Pro-Tem Vargus reported that Town Attorney needs to hire a "water law expert" to respond to this issue. There was some discussion about the potential cost. Council discussed the Town's ability to serve the customers that Aqua Texas has improperly taken.

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Getka the Council voted four (4) "ayes" and no (0) "nays" to approve the resolution authorizing the Town Attorney or his designee to represent the Town of Lakewood Village in the appeal of Aqua Texas, Inc. and motion for immediate interim rate relief and impleader. The motion carried.

**Consideration of Approval of Depository
Agreement with Point Bank**

(Agenda Item C.6)

Mayor Pro-Tem Vargus reported that the current banking agreement, providing us 2.5% interest, expired on June 30th. A request for proposals was sent out to Independent Bank, Prosperity Bank, and Point Bank. Prosperity Bank offered 0.3% and Point Bank offered 0.5%, both with no charge for services.

MOTION: Upon a motion made by Councilman Wood and seconded by Councilman Menckhoff the Council voted four (4) "ayes" and no (0) "nays" to approve the depository agreement with Point Bank. The motion carried.

EXECUTIVE SESSION:

(Agenda Item D)

In accordance with Texas Government Code § 551.072 – To deliberate the purchase, exchange, lease or value of real property when deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Mayor Pro-Tem Vargus adjourned the regular session at 8:00 p.m.

RECONVENE:

(Agenda Item E)

Mayor Pro-Tem Vargus reconvened the regular session of the council meeting at 8:31 p.m.

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MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Wood the Council voted four (4) “ayes” and no (0) “nays” to authorize the Lakewood Village Municipal Development District to negotiate for the purchase of real property on Shady Lane in Rocky Point for a price not to exceed \$2,000. The motion carried.

COUNCIL AND STAFF COMMENTS:

(Agenda Item F)

Councilman Getka requested spare flags be purchased for Town Hall. Town Secretary reported that four flags have already been ordered. and should be delivered within the next week.

Town Secretary Asbell reported that she has hired a part-time assistant who will work on Mondays.

Mayor Pro-Tem Vargus reported that next council meeting will have important discussions on the budget for Fiscal Year 2012-2013.

ADJOURNMENT

(Agenda Item G)

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Wood the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 8:40 p.m. on Thursday, July 26, 2012. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 16th day of August 2012

APPROVED

Mike Schnittker
MAYOR

ATTEST:

Linda Asbell
TOWN SECRETARY