

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

MARCH 24, 2014

Council Members:

Mike Schnittker, Mayor - ABSENT
Dr. Mark Vargus, Mayor Pro-Tem
Ken Guthrie
Clint Bushong
Carl Menckhoff, M.D. - ABSENT
Dave Getka – APPEARED VIA TELECONFERENCE

Town Staff:

Linda Asbell, TRMC, Town Secretary
W. Andy Messer, Town Attorney

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 7:04 p.m. on Monday, March 24, 2014, 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)

Dave Sykes, 430 Peninsula, Lakewood Village, spoke about the number of dogs running loose in town. Mr. Sykes reported that his wife was driving her car that morning and hit a dog running loose and was very upset by the experience. Mr. Sykes requested that information be placed in the next Mayor's letter reminding everyone to keep their dogs on a leash or inside a fence.

Mayor Pro-Tem Vargus announced that council would now adjourn into Executive Session.

EXECUTIVE SESSION:

(Agenda Item F)

Mayor Pro-Tem Vargus recessed into executive session in compliance with Section 551.071, Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; and Section 551.071(2)

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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 regarding professional services agreement.; and Section 551.072 Deliberations about Real Property: LandPlan

RECONVENE:

(Agenda Item G)

Mayor Pro-Tem Vargus reconvened into the special session at 8:25 p.m.

Mayor Pro-Tem Vargus reported that the lawsuit discussed in executive session is an issue related to building in the extra territorial jurisdiction. Mayor Pro-Tem Vargus reported that the Professional Services Agreement with LandPlan was a little unclear in some areas and some items were missing. He stated that those items would be clarified and the agreement would be placed on the April 10, 2014 council agenda for approval.

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Bushong the Council voted four (4) “ayes” and no (0) “nays” to disapprove the professional services agreement with LandPlan. *The motion carried.*

CONSENT AGENDA

(Agenda Item C)

1. Minutes of December 12, 2013 Council Meeting
2. Minutes of February 11, 2014 Council Meeting
3. Minutes of March 17, 2014 Council Meeting
4. Certification of Unopposed Candidates
5. Ordinance Cancelling the May 2014 Election and Declaring Winners
6. Resolution Designating of the Denton Record Chronicle as the Official Newspaper

Mayor Pro-Tem Vargus reported that the Little Elm Journal no longer meets the qualifications required by Local Government Code to be considered as an official newspaper.

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

PUBLIC HEARING:

(Agenda Item D)

A public hearing was held to give the public an opportunity to provide input on the proposed 2014 Comprehensive Plan.

Mayor Pro-Tem Vargus opened the public hearing at 7:51. Mayor Pro-Tem Vargus reported that the comprehensive plan is a vision for the town. Councilman Bushong reported that the comprehensive plan is a free-form document that outlines the items that are important to the town. Council invited citizen input. There was some discussion about the method of adoption of the plan. Councilman Bushong reported that the previous comprehensive plan was adopted five years ago and reflects some planned capital improvements. Mayor Pro-Tem Vargus reported that the Town is investigating impact fees and planning for developments like the LandPlan property. Mayor Pro-Tem Vargus explained the planning process for developers. Councilman Bushong reported that the comprehensive plan is a planning tool for the town. Mr. Newsome stated that he appreciates the opportunity to have an interactive dialogue with the council. Councilman Bushong stated that he has provided the information on the town website. Town Attorney reported on the use of the visitor/citizens forum and the council and staff comments.

REGULAR AGENDA:

(Agenda Item E)

**Consideration of Change Order for
Lakecrest Fire Hydrant/Water Main Project**

(Agenda Item E.1)

Mayor Pro-Tem Vargus reviewed the status of the Lakecrest Fire Hydrant/Water Main Project. Also, reported that the two road cuts on Highridge Drive will be repaired with asphalt. Mayor Pro-Tem Vargus reported that the project proposal has been expanded to include two more streets which would extend the 6" water line another 300 feet. Mayor Pro-Tem Vargus reported that new valves will be installed to allow for areas to be isolated for repairs. It is critical to have this installed prior to the new concrete roads being installed. There was some discussion about the driveways which are being cut for the installation of the water main which will be repaired when the concrete roads are installed.

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Guthrie the Council voted four (4) "ayes" and no (0) "nays" to approve the change order for Lakecrest fire hydrant/water main project for an amount not to exceed \$12,000. *The motion carried.*

**Discussion of Economic Development
Incentive Concurrent with Concrete Road
Project**

(Agenda Item E.2)

Mayor Pro-Tem Vargus reported that he would like to be able to offer the opportunity to citizens to contract privately with the road construction company to improve their driveways and the town would waive the inspection fees. There was some discussion about the Economic

Development Corporation covering the cost of the flatwork permit for the residents. There was some discussion about potential scheduling problems with the road construction contractor. Attorney Messer advised that the EDC funds could not be used for residential driveway construction. Mayor Pro-Tem Vargus reported that the town could waive the flatwork fees and the EDC could reimburse the town for a portion of the roads equal to the fee amount waived. Councilman Guthrie clarified that this offer would be limited to a specific window of time.

**Consideration of Relocation of Mailboxes
from Hillside Drive**

(Agenda Item E.3)

Mayor Pro-Tem Vargus reported that the mailboxes on Hillside must be moved due to the road construction. Mayor Pro-Tem Vargus stated that he believes the ideal location for the mailboxes would be on town owned property so they do not have to be moved again. There was some discussion of a wooden deck being constructed on the south side of Town Hall near the playground and installing a parking place for the town secretary to free the driveway for residents to use. There was some discussion about the arrangement of the mailboxes and whether or not it would need to be ADA compliant. Mayor Pro-Tem Vargus stated he will obtain pricing for the decking and moving the mailboxes and bring it back to council for approval. No motion made

MOTION: *No motion was made.*

**Consideration of Authorizing Mayor Pro-
Tem Vargus to direct Southwest Securities in
the Soliciting of Bids for Financing Related
to the Certificates of Obligation**

(Agenda Item E.4)

Mayor Pro-Tem Vargus reported that the road bids came in approximately \$1.58M. The town would need to add an additional 3% to 5% for a contingency. Mayor Pro-Tem Vargus reported that he does not want to add the contingency into the amount of money borrowed for the roads. He would like to sell \$1.6M in bonds. Mayor Pro-Tem Vargus reported that he would like council to authorize him to direct the sale and create an amortization schedule

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Guthrie the Council voted four (4) “ayes” and no (0) “nays” to authorize Mayor Pro-Tem Vargus to direct Southwest Securities in the Soliciting of Bids for Financing Related to the Certificates of Obligation for \$1,600,000.00. *The motion carried.*

At this time the Council considered item E.6.

**Consideration of Council Meeting Schedule
for May and June 2014**

(Agenda Item E.6)

Mayor Pro-Tem Vargus stated that with the major projects being considered it would be better to have two meetings per month rather than have one long meeting a month. There was some discussion on the notifications given for the public hearings and considerations of ordinances for zoning and budget. The proposed schedule would include the 2nd Thursday and 4th Thursday for both May and June. There was some discussion on the notice requirements for zoning changes. There was some discussion about the possibility of meeting dates changing which would require additional council action.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Guthrie the Council voted four (4) “ayes” and no (0) “nays” to approve the May and June 2014 schedule as discussed. *The motion carried.*

**Consideration of Proposed Comprehensive
Plan**

(Agenda Item E.5)

Councilman Guthrie reviewed some comments he had on the land use categories. Councilman Guthrie stated that security would be a concern for some land uses. There was some discussion on the benefits/drawbacks of commercial properties. Councilman Guthrie stated that council needs to look into solutions for parks being made more usable. There was discussion about the possibility of creating a parks committee. There was some discussion about the need to review the fence ordinance. There was some discussion about the update of the thoroughfare plan. There was some discussion about the partnership with the Our Lands and Waters Foundation on the USACE park off of Boys Camp Road. Attorney Messer stated that his review of the comprehensive plan is for both general and legal issues. Attorney Messer stated that he has not had sufficient time to complete a thorough review of the proposed plan and he prefers that the Council table this item until his office has had time to review and return the document with comments. Mayor Pro-Tem Vargus thanked Councilman Bushong for the time he invested in creating this plan and this other ordinances he has written

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Getka the Council voted four (4) “ayes” and no (0) “nays” to table the Comprehensive Plan until the April council meeting. *The motion carried.*

COUNCIL AND STAFF COMMENTS:

(Agenda Item H)

No comments were made

ADJOURNMENT

(Agenda Item I)

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Bushong the Council voted four (4) “ayes” and no (0) “nays” to adjourn the Special Session of the Lakewood Village Town Council at 9:21 p.m. on Monday, March 24, 2014. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 10th day of April 2014.

APPROVED

Mike Schnittker
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY