

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

APRIL 10, 2014

Council Members:

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

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 Schnittker called the Town Council to order at 7:04 p.m. on Thursday, April 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 Schnittker led the pledge of allegiance

VISITOR/CITIZENS FORUM:

(Agenda Item B)

Dave Sykes, Peninsula, stated that the town has many trees that are overhanging the streets and the town should look at ways to keep the trees cut back and away from the streets.

PUBLIC HEARING:

(Agenda Item C)

A public hearing was held to give the public an opportunity to provide input on the proposed 2014 Comprehensive Plan. Mayor Schnittker opened the public hearing at 7:07.

No one spoke

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MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Getka the Council voted five (5) “ayes” and no (0) “nays” to close the public hearing at 7:07 p.m. *The motion carried.*

REGULAR AGENDA:

(Agenda Item D)

Consideration of all matters incident and related to the issuance and sale of “Town of Lakewood Village, Texas, Certificates of Obligation, Series 2014”, including the adoption of an ordinance authorizing the issuance of such certificates of obligation.

(Agenda Item D.1)

Mark McLiney with Southwest Securities reported that 6 weeks ago the Town issued notice that the Town was going to sell \$1.6M in bonds. Mr. McLiney reported that the town opted to sell bonds via a private placement which saves time and money and only entities with excellent financial records are able to sell via private placement. Mr. McLiney stated that the town received bids from seven banks. American National Bank bid with a base interest rate of 1.99% was the low bidder. \$29,925 is the cost of issuance and the town council has the option to pay the debt early after five years. Mr. McLiney reported that recently the City of Saginaw, which has an AAA bond rating, sold 10-year bonds and they received the same interest rate as the Town of Lakewood Village received. Mr. McLiney stated that the Town of Lakewood Village has set up an excellent financial history with strong fund balances. There was some discussion about obtaining a bond rating. Mayor Pro-Tem Vargus stated that the size of the town was an initial concern, but the strength of the town’s financials outweighed the bank’s concerns.

Cory Admire reported that there are no issues with any documents. Ms. Admire stated that the Town Secretary has provided all information required and the Attorney General’s office has accepted all documents. The bond closing will be on May 6, 2014.

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Getka the Council voted five (5) “ayes” and no (0) “nays” to adopt the Ordinance authorizing the issuance of \$1,600,000 “Town of Lakewood Village, Texas, Certificates of Obligation, Series 2014” and approving and authorizing the execution of a Paying Agent/Registrar Agreement and a Purchase Letter in relation to such Certificates of Obligation. *The motion carried.*

There was some discussion about the total cost for issuing the bonds.

Consideration of Award of Bid for Concrete Road Improvements Phase I to Jagoe-Public Company for bid items A and B in the amount of \$1,580,404.70

(Agenda Item D.2)

Clayton Barnard with Freese & Nichols, the Town Engineer, reported that Jagoe was the low bidder. There was some discussion about the length of the paving of Shoreline Drive. Mr. Barnard reported that they did some reference checks on Jagoe and all indications came back that Jagoe is a good company to work with. Mr. Barnard reported that Jagoe was open to performing add on jobs, like expanding a driveway, and would work directly with the residents for those jobs.

Mr. Barnard stated that Freese & Nichols will be updating the plans and will send those to Jagoe to be signed. After the company signs the documents the town will then sign and execute the documents. A pre-construction meeting will be scheduled and then a notice to proceed will be issued which will establish a construction start date.

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Bushong the Council voted five (5) “ayes” and no (0) “nays” to approve the of Award of Bid for Concrete Road Improvements Phase I to Jagoe-Public Company for bid items A and B in the amount of \$1,580,404.70. *The motion carried.*

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Guthrie the Council voted five (5) “ayes” and no (0) “nays” to authorize the Mayor to sign and execute all documents associated with the execution of the contract. *The motion carried.*

Consideration of Relocation of Mailboxes from Hillside Drive

(Agenda Item D.3)

Mayor Pro-Tem Vargus reported that the mailboxes need to be moved and a few bids have been received to build a deck next to town hall. There was some discussion about moving all mailboxes to a single location. Some preliminary bids have been received and are in the neighborhood of \$8,000. There was some discussion about the need to anchor the mailboxes to a wooden deck. There was some discussion about the timeline for construction of the deck and moving the boxes in relation to the construction start date of the roads. Mayor Schnittker reported that he would prefer to give a spending limit and authorization to a councilmember now rather than waiting until the May meeting. There was some discussion about the longevity of a wooden deck versus the longevity of a recycled Trex type material. There was some discussion about using EDC funds for this project.

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Getka the Council voted five (5) “ayes” and no (0) “nays” to authorize Councilman Guthrie to pursue the relocation of the mailboxes and spend up to \$10,000 to accomplish that task. *The motion carried.*

**Discussion of Status of Capital Improvement
Projects**

(Agenda Item D.4)

Mayor Pro-Tem Vargus reported that Sam Morgan will be sanitizing the new water line over the weekend. A third party will inspect the lines. Mr. Morgan will start installing the water service lines to the individual homes on Monday, April 14, 2014. The project is expected to be completed by the end of the month. Mr. Morgan will be use a camera to check the sewer lines while he is working on this project.

Town Secretary, Linda Asbell, reported that Bulldog Steel is in the process of finishing the final external weld seams and fitting the cradles on the new pressure tank for the water system. They will then hydro-test the tank and paint it prior to delivery. They have given a tentative delivery date of either April 18th or April 21st.

**Consideration of Proposed Comprehensive
Plan**

(Agenda Item D.5)

Councilman Bushong reported that he incorporated all the input he received from the last council meeting. Councilman Bushong stated that Deputy Town Attorney Brenda McDonald provided revisions that made the document much more readable. Town Attorney Messer reported that the recommended changes give the town more flexibility. There was some discussion about the changes made in the document from the last council meeting. There was some discussion about the frequency of the need to update the Comprehensive Plan. Town Attorney Messer reported that comprehensive plans are binding and zoning cannot be accomplished without the plan. Town Attorney Messer stated that including very specific information about goals is atypical of most cities. Mayor Pro-Tem Vargus stated that he investigated the “green-space” requirements that are typical in other cities. Mayor Pro-Tem Vargus reported that the other cities use the National Recreation and Park Association recommendation of 10 acres of parks per 1,000 population. There was discussion about the method of application of the green-space standard. There was some discussion about the proposed thoroughfare plan and the goal to slow traffic speed. There was some discussion about the location of proposed roads in the thoroughfare plan. There was some discussion about limiting the length of screening walls.

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Bushong the Council voted four (4) “ayes” and one (1) “nays” (Councilman

Guthrie) to approve the 2014 Comprehensive Plan as discussed. *The motion carried.*

**Consideration of Minutes of March 24, 2014
Council Meeting**

(Agenda Item D.6)

MOTION: Upon a motion made by Councilman Bushong and seconded by Mayor Pro-Tem Vargus the Council voted four (4) “ayes” and one (1) “nays” (Councilman Guthrie) to approve the minutes as presented. *The motion carried.*

Councilman Guthrie stated that he believes Mayor Pro-Tem Vargus’ statement upon reconvening was not that the Professional Services Agreement would be placed on the April agenda for “approval”. Councilman Guthrie stated he believes Mayor Pro-Tem Vargus stated, or his intention was to state, that it would be placed on the agenda for consideration. There was some discussion; council stated they agree with the minutes as presented.

**Consideration of Opening Additional Bank
Accounts for Segregation of Funds for
Certificate of Obligation Bond Funding,
Capital Improvement and/or Development
Projects**

(Agenda Item D.7)

Mayor Pro-Tem Vargus explained the need for the additional accounts to facilitate required segregation of funds.

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Guthrie the Council voted five (5) “ayes” and no (0) “nays” to approve opening the additional bank accounts. *The motion carried.*

EXECUTIVE SESSION:

(Agenda Item E)

At 9:16 p.m. Mayor Schnittker 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) 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

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RECONVENE:

(Agenda Item F)

Mayor Schnittker reconvened into the regular session at 9:50 p.m.

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Guthrie the Council voted five (5) “ayes” and no (0) “nays” to approve the professional services agreement with LandPlan as amended. *The motion carried.*

COUNCIL AND STAFF COMMENTS:

(Agenda Item G)

Councilman Bushong reported that council would be receiving a Zoning Ordinance, Subdivision Ordinance, and a Development Handbook for their review and comments.

ADJOURNMENT

(Agenda Item H)

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Menckhoff, council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 9:21 p.m. on Thursday, April 10, 2014. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 8th day of May 2014.

APPROVED

Mike Schnittker
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY