

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

JUNE 26, 2014

Council Members:

Mike Schnittker, Mayor - ABSENT
Dr. Mark Vargus, Mayor Pro-Tem
Ken Guthrie
Clint Bushong
Carl Menckhoff, M.D.
Dave Getka – Arrived at 8:41 p.m.

Town Staff:

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

SPECIAL SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Pro-Tem Vargus called the Town Council to order at 7:03 p.m. on Thursday, June 26, 2014, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG:

(Agenda Item A)

Boy Scout Troup 45 presented the colors and led the pledge of allegiance

PRESENTATIONS:

(Agenda Item B)

Town Secretary, Linda Asbell, administered the oaths of office and presented the certificates of election to re-elected Councilman Guthrie, Councilman Bushong, and Councilman Menckhoff.

American Legion Post 182 presented a plaque and expressed their appreciation to the Town Council for the Town's support of and generosity to the Post over the last several years.

VISITOR/CITIZENS FORUM:

(Agenda Item C)

No one requested to speak

EXECUTIVE SESSION:

(Agenda Item D)

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At 7:11 p.m. 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 551.004, Texas Government Code to wit: Personnel Matters, to deliberate appointment to the unexpired term of Council Place 6 (Mayor).

RECONVENE:

(Agenda Item E)

Mayor Pro-Tem Vargus reconvened into the regular session at 7:29 p.m.

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 add Councilman Menckhoff as and authorized signatory on the bank accounts. *The motion carried.*

CONSENT AGENDA:

(Agenda Item F)

1. Minutes of the June 12, 2014 Council Meeting
2. Interlocal Agreement with Denton County for the Collection of Ad Valorem Taxes
3. Resolution Naming the Little Elm Journal as the Official Newspaper
4. Acceptance of Resignation of Mayor Schnittker

Councilman Menckhoff requested a clarification in the Minutes of June 12th Item F.3. to reflect that it was passed as discussed.

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

REGULAR AGENDA:

(Agenda Item G)

**Consideration of Appointment to Council
Place 6 (Mayor) for Unexpired Term.**

(Agenda Item G.1)

Councilman Menckhoff reported that Mayor Pro-Tem Vargus will be acting mayor. Council has the option to appoint a mayor, however, council will continue as they have historically, by not appointing someone to the position of mayor. The position will be vacant until the next election.

MOTION: *No motion was made.*

Consideration of Election of Mayor Pro-Tem

(Agenda Item G.2)

Councilman Guthrie reported that the Mayor Pro-Tem will be the acting mayor. Councilman Bushong stated that he hopes Mayor Pro-Tem Vargus is willing to continue to serve as Mayor Pro-Tem.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Guthrie the Council voted four (4) “ayes” and no (0) “nays” to elect Dr. Mark E. Vargus, current Mayor Pro-Tem, to continue to serve as Mayor Pro-Tem. *The motion carried.*

**Reconsideration by Request of Mayor of
Implementation of Stage 2 Water
Management Status**

(Agenda Item G.3)

Mayor Pro-Tem Vargus stated that a great deal of misunderstanding has surrounded this item. Mayor Pro-Tem Vargus reported on the capacity of the system and the peak production and storage capabilities. The road construction company works from 7am to 4pm. Up to 50,000 gallons per day are needed by the construction company but the wells can produce over 100,000 gallons. Mayor Pro-Tem Vargus stated that the only request is for citizens to not irrigate between 6pm and 4am. The water system in Rocky Point has a 10,000 gallon storage and the system uses only 3,000 to 4,000 gallons per day. There was some discussion about whether or not the condition meets the criteria for Stage 2. Bushong explained Stage 2 requirements for initiation based on item C. “Water demand approaches a reduced delivery capacity for all or part of the system due to supply or production capacity limitations.” There was some discussion on the exemptions for restrictions. Mayor Pro-Tem Vargus clarified that the town is invoking the timing restrictions associated with Stage 2 water management status. There was some discussion about providing information to the citizens via their water bill. There was some discussion about application of a limited variant of Stage 2 and invoking additional restrictions as they are needed. Town Attorney Messer clarified that under the actions available that the town is not invoking the restrictions against fire hydrant usage for construction purposes. The town council discussed enacting part “B” of the actions available. Councilman Bushong clarified that no official complaints have been received.

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Bushong the Council voted four (4) “ayes” and no (0) “nays” to ratify their vote of June 12, 2014 to implement stage 2 water management status action B. *The motion carried.*

**Consideration of Waste Water Treatment
Plant Refurbishment Project**

(Agenda Item G.4)

Mayor Pro-Tem Vargus reported that Mark Patterson of Patterson Professional Services has provided a proposal to repair and refurbish the waste water treatment plant in connection with Texas Commission on Environmental Quality requirements. There was some discussion about possible unanticipated repairs that will be discovered and required during the refurbishment process. There was some discussion about authorizing Mayor Pro-Tem Vargus to approve up to \$20,000 for additional repairs above the proposed contract amount.

MOTION: Upon a motion made by Councilman Guthrie and seconded by Mayor Pro-Tem Vargus the Council voted four (4) “ayes” and no (0) “nays” to approve the proposal by Patterson Professional Services for a maximum of \$42,000 for the waste water treatment plant refurbishment. *The motion carried*

MOTION: Upon a motion made by Councilman Guthrie and seconded by Councilman Bushong the Council voted four (4) “ayes” and no (0) “nays” to authorize Mayor Pro-Tem Vargus to spend up to \$20,000 for additional repairs to the waste water treatment plant. *The motion carried*

**Consideration of Waiving of Permit Fees for
Work Performed by Jagoe-Public Company**

(Agenda Item G.5)

Mayor Pro-Tem Vargus reported that several plumbing issues have been discovered with properties that are currently non-conforming due to being constructed prior to the town’s incorporation. Mayor Pro-Tem Vargus reported that approximately 25 people have contacted Jagoe to negotiate side jobs for additional concrete repairs/construction.

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Guthrie the Council voted four (4) “ayes” and no (0) “nays” to waive the permit fees for work performed by Jagoe-Public Company. *The motion carried.*

Discussion of 2014 Concrete Road Project

(Agenda Item G.6)

Mayor Pro-Tem Vargus reported that updates are being placed on the town website as they become available. The order the roads constructed will now go down Lakecrest and turn to build Hillside. Several underground culvert crossings have been discovered and are being handled as they are uncovered. The milling of the asphalt will be placed at the sewer plant for now and then

possibly could be used by the Municipal Development District for improvement of the roads in the Rocky Point area. There was some discussion on replacing the bulletin board for notices by the mailboxes. There was discussion about the new covered mail delivery area. Mayor Pro-Tem Vargus reported that the town will be using credit card points to purchase park benches and tables so no town funds will be expended. Councilman Guthrie reported that the new mail facility is scheduled to be completed approximately June 30th. There was some discussion about a change order related to underground crossings on Peninsula. There was some discussion about private culverts under driveways that are inoperable and the town covering the expense of correcting those four culverts that have been identified.

**Consideration of Residential Code
Ordinance**

(Agenda Item G.7)

Councilman Bushong reviewed the reason for the proposed changes to the residential code. The changes were highlighted and outlined in Councilman Bushong's memo. There was some discussion on the requirements for driveway constructions. There was some discussion about retaining walls, and ducts. There was some discussion about the penalty for working without a permit.

Councilman Getka took his place on the dais at 8:41 p.m.

There was some discussion about enforcement of the working without a permit provision.

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", with Councilman Menckhoff abstaining, to approve the Residential Code Ordinance as discussed.
The motion carried.

**Consideration of Improvements to Water
Plant Well House**

(Agenda Item G.8)

Mayor Pro-Tem Vargus reviewed the new equipment and improvements made in the well house which is producing extreme heat inside the building. The air-conditioning is required to keep the equipment cool and functioning properly. Mayor Pro-Tem Vargus reported that the amount is below the threshold for budget expenses so official council action is not necessary.

MOTION: *No motion was made*

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Discussion of 2014-2015

(Agenda Item G.9)

Mayor Pro-Tem Vargus reported that due to the bond payment the budget will be tight and will not be “business as usual”. The budget will require extensive review and will be provided at the next council meeting.

COUNCIL AND STAFF COMMENTS:

(Agenda Item H)

Councilman Guthrie reported that the last water bills were produced using the new billing software. Councilman Guthrie reported that Linda Asbell, Summer Paulsen, and he have been working extensively on implementation of the new software for a number of months. Councilman Guthrie reported that citizens now have the ability to log in to their account and pay their bill online. Mayor Pro-Tem Vargus reported that Councilman Guthrie created his own software and databases to transfer the information on the accounts to the new software.

Councilman Getka requested that LED lighting be placed on the next agenda for upgrading all of town hall.

ADJOURNMENT

(Agenda Item I)

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Guthrie, council voted five (5) “ayes” and no (0) “nays” to adjourn the Special Session of the Lakewood Village Town Council at 8:59 p.m. on Thursday, June 26, 2014. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 14th day of August 2014.

APPROVED

Dr. Mark E. Vargus
ACTING MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY