

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

DECEMBER 15, 2014

Council Members:

Dr. Mark. E. Vargus, Mayor
Carl Menckhoff, M.D., Mayor Pro-Tem
Dave Getka - Absent
Gary Newsome
Ed Reed
Clint Bushong

Town Staff:

Linda Asbell, TRMC, Town Secretary

SPECIAL SESSION -5:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Special Session of the Town Council to order at 5:06 p.m. on Monday, December 15, 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 Vargus led the pledge of allegiance.

VISITOR/CITIZENS FORUM:

(Agenda Item B)

Sheri Bertrand, 409 Lakecrest, stated that she attended a meeting approximately 2 months ago where she brought her dog and she noticed the minutes of the last council meeting included a discussion prohibition on dogs attending meetings. Ms. Bertrand stated that following her major accident approximately 12 months ago it is it unsafe for her to walk down the streets safely when people are driving in excess of 30 miles per hour. Ms. Bertrand offered to propose the changes and provide the information needed for the council to lower the speed limit. Mayor Vargus reported that the issue with lowering the speed limits is enforcement. Ms. Bertrand stated that she would provide a video she took with her iPhone to prove the speeding violations.

REGULAR AGENDA:

(Agenda Item C)

**Presentation of Audit Findings for Fiscal
Year 2013-2014**

(Agenda Item C.1)

Wayne Nabors reviewed the audit findings for the Fiscal Year 2013-2014. Mr. Nabors reported that the audit report is “clean” again this year. Mr. Nabors reported an increase in General Fund/MDD of \$774,424, of that, \$172,786 is unrestricted. The \$172,786 represents an approximate 59% reserve which is very strong. Mr. Nabors reviewed the Utility Fund revenues and expenses. Mr. Nabors reviewed fund equity classifications and definitions. Mr. Nabors reported on the debt service requirements and Interest & Sinking tax rate. Mr. Nabors reviewed the potential income from the legal action against former employee Dawn Sendziak. Town Secretary, Linda Asbell, reported to the council that the District Attorney will be taking action against Ms. Sendziak which should result in her arrest and extradition to attend a hearing here in Texas for violation of the terms of her probation. Mr. Nabors reported that appropriate procedures are being followed in the town and the records were all correct and were made available to him. Mr. Nabors reported that the Town Council could be very proud of these audit findings. Mayor Vargus reported that the audit took three days and Wayne Nabors, Linda Asbell and Summer Paulsen spent a lot of time working through the requirements of this audit. Mayor Vargus thanked Mr. Nabors for expediting the audit and finalizing it for this meeting. There was some discussion on risk management, controls, and management decisions.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Newsome the Council voted four (4) “ayes” and no (0) “nays” to accept the audit as presented. *The motion carried.*

Discussion on Fence Ordinance

(Agenda Item C.2)

Mayor Vargus reported that Councilman Bushong and he discussed the fence requirements during the review of the zoning ordinance but the Town Attorney recommended that the fence requirements be left as a stand-alone ordinance. There was some discussion about the intention of the prohibition on waterfront fencing. There was some discussion on the possibility of providing an avenue to allow some privacy around a house or a pool but not allow fencing all the way to the end of the property line. Mayor Vargus reported that he would provide language for council to consider at a future council meeting. There was some discussion on regulating fencing in the front yard. There was some discussion about requiring “Knox Box” locks on any gated properties to allow for emergency services access.

Discussion on Status of Road Construction

(Agenda Item C.3)

Councilman Reed reported that the roads are approximately 95% complete. The next pour will be Shoreline from Hillside to Peninsula on December 18th. Because of the holidays the crews

will be working only two or three day weeks for the next few weeks. There was some discussion on the issue with people parking on the new sod and causing damage. Mayor Vargus reported that the concrete rubble will be removed and the construction are will be cleaned up this week. Mayor Vargus reported that Chris Roberts with Jagoe has been exceptionally helpful and easy to work with. The estimated completion date for all the clean-up will be mid-January.

**Discussion on Status of Residential
Construction in Lakewood Village**

(Agenda Item C.4)

Mayor Vargus reported that he regularly deals with the builders and meets frequently with the building inspector. Mayor Vargus reviewed the slab plans for a house at 428 Hillside and discussed the drainage issues with the property. Mayor Vargus reviewed the history of communication regarding fill dirt and soil compaction on the property. Mayor Vargus reported that the builder has been notified of the prohibition on lot to lot drainage. The house will not pass final occupancy inspection unless the drainage issue has been corrected. There was discussion about the builder wanting to bring in concrete equipment to pour his foundation prior to the final tests being done on the new roads.

Mayor Vargus reviewed the construction of a stone wall at the end of Hillside. There have been several discussions with the property owner informing him that this construction is in violation because he is building it in the town right-of-way and it constitutes a hazard.

Mayor Vargus reported that the house at 829 Carrie received their approved build permit after two months of submissions and revisions.

**Discussion of Status of LandPlan
Development:**

(Agenda Item C.5)

Mayor Vargus reviewed the history of development meetings and efforts between the Town and LandPlan. Mayor Vargus reported that LandPlan consulted with a company that recommended design for the development be a higher density subdivision which would be marketed toward the retiring executive community. Mayor Pro-Tem Menckhoff stated that although many years have been spent working with LandPlan and it seems as though no forward progress has been made. There was some discussion about LandPlan proposing lots that were between 50 feet and 70 feet wide. There was some discussion about the previously submitted site design from LandPlan that had two phases; Phase I with 1/3 acre lots, and Phase II with 1/2 acre lots. Mayor Pro-Tem Menckhoff stated that he believes this should be developed the right way for the long-term benefit of the town. Mayor Pro-Tem Menckhoff recommended that the Town contact LandPlan and let them know the smallest lot size the town is willing to accept to prevent LandPlan from wasting time and money on developing something the town would not accept.

Consideration of Termination of Professional Services Agreement with LandPlan

(Agenda Item C.6)

There was some discussion on the liability of holding the PSA agreement money. There was some discussion on the long term cost to the relationship with LandPlan if the agreement is terminated.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Reed the Council voted three (3) “ayes” and one (1) “abstain” (Mayor Pro-Tem Menckhoff) to terminate the Professional Services Agreement with LandPlan. *The motion carried.*

Discussion of Sanitation Related Franchise Fees:

(Agenda Item C.7)

There was some discussion about making it mandatory for builders to obtain a roll-off container. The containers will generate sales tax and franchise tax which will be used for road repairs. There was some discussion about imposing a general franchise tax of \$2.00. There was some discussion on the franchise fee being included in the consolidated fee ordinance.

Consideration of Minutes of the November 13, 2014

(Agenda Item C.8)

MOTION: Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Bushong the Council voted four (4) “ayes” and no (0) “nays” to approve the minutes of the November 13, 2014 Council Meeting. *The motion carried.*

EXECUTIVE SESSION:

(Agenda Item D)

At 8:23 p.m. Acting Mayor Vargus recessed into executive session in compliance with Section (1) 551.07 Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.072 Texas Government Code to wit: deliberations about real property; and (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations .

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RECONVENE:

(Agenda Item E)

Acting Mayor Vargus reconvened the special session of the Lakewood Village Town Council at 9:55 PM.

No action was taken.

COUNCIL AND STAFF COMMENTS:

(Agenda Item I)

Mayor Vargus reported on the abatement process at 423 Hillside. The Town spent over \$4,300 to correct the violations with the pool.

Mayor Vargus reported that the Bizios trial has been postponed until after the appeals court decision has been received.

Mayor Vargus reported that he received a complaint about the size of the mailboxes and the trash around the boxes.

Future Council items were discussed: Water rates, upgrading building codes.

ADJOURNMENT

(Agenda Item J)

MOTION: Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Newsome, council voted four (4) “ayes” and no (0) “nays” to adjourn the Special Session of the Lakewood Village Town Council at 9:57 p.m. on Monday, December 15, 2014. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 8th day of January 2015.

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY