

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

MARCH 10, 2022

Council Members:

Dr. Mark Vargus, Mayor
Darrell West – Mayor Pro-Tem
Clint Bushong
Serena Lepley
Matt Bissonnette
Eric Farage

Town Staff:

Linda Ruth, TRMC, CMC – Town Administrator/Town Secretary
Andy Messer, Town Attorney

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Regular Meeting of the Town Council to order at 7:00 p.m. on Thursday, March 10, 2022 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)

No one requested to speak

PUBLIC HEARING:

(Agenda Item C)

A public hearing was held to provide an opportunity for citizen comment on the proposed animal control ordinance.

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Mayor Pro-Tem West, council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:04 pm. *The motion carried.*

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CONSENT AGENDA:

(Agenda Item D)

1. Minutes of February 10, 2022 Council Meeting (Ruth)
2. Ratification of engineering contract with Enprotec Hibbs/Todd (Ruth)
3. Ratification of appraisal contract with Peyco Southwest Realty Inc. (Ruth)
4. Receipt and Acceptance of Certificate of Unopposed Candidates (Ruth)
5. Ordinance Cancelling General Election and Declaring Winners (Ruth)
6. Ordinance Adopting a new official map of the Town of Lakewood Village Municipal Limits and Extraterritorial Jurisdiction (Ruth)
7. Contract with P3Works for administration of the Operations and Maintenance Public Improvement District (Ruth)
8. Contract with P3Works for administration of the Capital Public Improvement District (Ruth)
9. Resolution accepting a petition seeking the dissolution of the existing Lakewood Village Public Improvement District No. 1, and calling for a public hearing for the Town Council's April 14, 2022 meeting (Ruth)
10. Resolution accepting a petition seeking the creation of the Lakewood Village Public Improvement District No. 1 within the extraterritorial jurisdiction of the Town and calling for a public hearing for the Town Council's April 14, 2022 meeting (Ruth)
11. Resolution of the Town of Lakewood Village, Texas, accepting a petition seeking the dissolution of the existing Lakewood Village Operation and Maintenance Public Improvement District No. 1, and calling for a public hearing for the Town Council's April 14, 2022 meeting (Ruth)
12. Resolution of the Town of Lakewood Village, Texas, accepting a petition seeking the creation of the Lakewood Village Operation and Maintenance Public Improvement District No. 1 within the extraterritorial jurisdiction of the Town and calling for a public hearing for the Town Council's April 14, 2022 meeting. (Ruth)

Mayor Vargus reported the contract with Kimley Horn was over one-million dollars, the Enprotec contract is "not-to-exceed" of approximately \$600,000. Mayor Vargus expects the cost to be reduced further via change order.

Eric Hancock, 2340 W. Sherman Drive, Aubrey, TX, requested council withdraw the ratification of the engineering contract and consider it individually.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette, council voted five (5) "ayes", no (0) "nays" to approve consent agenda items as presented. *The motion carried.*

REGULAR AGENDA:

(Agenda Item E.

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**Discussion and consideration of all matters
incident and related to the issuance and sale
of the Town of Lakewood Village, Texas
Combination Tax and Limited Pledge
Revenue Certificates of Obligation, Series
2022, including the adoption of an ordinance
authorizing the issuance of such certificates
(Vargus)**

(Agenda Item E.1)

Mr. Andrew Friedman with SAMCO, distributed the bid results from the \$5,000,000 25-year bond sale. Mr. Friedman reported the reason only two bids were received was due to a rise in interest rates as a result of the conflict between Russia and Ukraine. Interest rates are still historically low but are on the move due to volatility. The lack of bidders is not a reflection on the credit of the town or the viability of the project.

Mayor Vargus reported the town had to go out as “non-bank qualified”. Mr. Friedman reported “bank qualified” allows the town access to better interest rates. The town must not issue more than \$10,000,000 in debt that year. Due to the anticipated Public Improvement District bonds the certificates of obligation could not be sold as “bank qualified”. The Public Improvement District will be responsible for reimbursing the town for the difference between the non-bank qualified and bank qualified rate. The town will receive a total of \$5,000,000 from this bond sale. Mr. Friedman reported the town has a highly desirable AA- credit rating. The bonds can be paid off after 10 years. Mayor Vargus reviewed the payment schedule.

Mr. Friedman reviewed the difference between general obligation bonds and the Public Improvement District bonds. The Public Improvement District bonds will be paid by the PID and are not a debt obligation the town will have to pay. The only burden on the town would be the foreclosure process in the event the Public Improvement District defaults but would be handled by the PID administrator.

Eric Hancock, 2340 W. Sherman Drive, Aubrey, TX, requested council not approve the ordinance.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Farage, council voted five (5) “ayes”, no (0) “nays” to approve the ordinance authorizing Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2022 as presented. *The motion carried.*

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**Consideration of Animal Control Ordinance
(Lepley)**

(Agenda Item E.2)

Councilwoman Lepley reviewed the proposed ordinance and stated she has incorporated all the items requested by council. Town Secretary Ruth reviewed the addition of the regulations related to the restraint of dogs due to a recent change in state law. Town Attorney Messer stated regulation of backyard chickens is very community specific.

Ed Reed, 620 Melody Lane, reported he is experiencing an abundance of undesirable wildlife on his property. Mr. Reed reported he caught nine skunks and four opossums in the last 15 months at a cost of \$2,131.58. Mr. Reed asked the town to share the cost of the wildlife removal.

MOTION: Upon a motion made by Councilman Bissonnette and seconded by Councilman Farage, council voted five (5) “ayes”, no (0) “nays” to approve the animal control ordinance. *The motion carried.*

**Discussion of Extended Water Emergency
Ordinance (Vargus)**

(Agenda Item E.3)

Mayor Vargus reviewed a breakdown of the water consumption during 2021 by street. Mayor Vargus reported an even/odd restriction will not work and proposed clustering assigned days of the week by street. There was some discussion about the anticipated usage using clusters versus daily production and the need for time limits. In winter the town used approximately 48,000 gallons per day which takes approximately seven hours of pumping to refill. Mayor Vargus reviewed the proposed ordinance and the proposed penalties. Town Attorney Messer reported that other cities took similar measures during the drought which occurred approximately five years ago. Mayor Vargus will include information about the restrictions in the March and April Mayor’s letters and the restrictions will begin May 1st. The ordinance will remain in effect until the Mayor determines the water emergency is resolved. Mayor Vargus reviewed the increasing water rates based on consumption. Fire Chief Rust reported fire hydrants should be able to produce 1,500 gallons per minute. A fire would require the use of several hydrants for a long period of time. Chief Rust reported the fire department has the ability to shuttle water using drop tanks if necessary but it causes delays and makes firefighting much more difficult.

Mayor Vargus reported he wants to discuss these items E.4. and E.5. with the Town Attorney. The Town council will adjourn into executive session and take action on those items after the executive session.

EXECUTIVE SESSION:

(Agenda Item F)

At 7:52 p.m. Mayor Vargus recessed into executive session in accordance with

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1. § 551.071(2), Texas Government Code to wit: 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 re: Development agreements, development and zoning standards; and

RECONVENE:

(Agenda Item G)

Mayor Vargus reconvened the regular session at 8:21 p.m. Council resumed consideration of the regular agenda.

**Consideration of Resolution Accepting
Annexation Petition for 4.553 acres (Ruth)**

(Agenda Item E.4)

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley, council voted five (5) “ayes”, no (0) “nays” to approve the resolution accepting the annexation petition for 4.553 acres and setting a public hearing. *The motion carried.*

**Consideration of Resolution Accepting
Annexation Petition for 0.1745 acres (Ruth)**

(Agenda Item E.5)

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley, council voted five (5) “ayes”, no (0) “nays” to approve the resolution accepting the annexation petition for 0.1745 acres and setting a public hearing. *The motion carried.*

EXECUTIVE SESSION:

(Agenda Item F)

At 8:23 p.m. Mayor Vargus recessed into executive session in accordance with

2. § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding First Texas Homes, Taylor Morrison-South Oak, Project Lakewood Village Partners, Project Slade Rock, Project Lightning Bolt; and
3. § 551.072 Texas Government Code to wit: deliberations about real property regarding First Texas Homes, Taylor Morrison-South Oak, Project Lakewood Village Partners, Project Slade Rock, and Project Lightning Bolt.

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RECONVENE:

(Agenda Item G)

Mayor Vargus reconvened the regular session at 9:00 p.m. No action was taken.

ADJOURNMENT

(Agenda Item H)

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Mayor Pro-Tem West council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Meeting of the Lakewood Village Town Council at 9:00 p.m. on Thursday March 10, 2022. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 14th day of April 2022.

APPROVED:



Darrell West
Mayor Pro-Tem

ATTEST:



Linda Ruth, TRMC, CMC
Town Administrator/Town Secretary

