



**LAKEWOOD VILLAGE TOWN HALL
100 HIGHRIDGE DRIVE
LAKEWOOD VILLAGE, TEXAS
TOWN COUNCIL MEETING
OCTOBER 12, 2023 7:00 P.M.**

REGULAR SESSION – AGENDA

Call to Order and Announce a Quorum is Present

A. PLEDGE TO THE FLAG:

B. VISITOR/CITIZENS FORUM: Pursuant to Texas Government code 551.007 (adopted in 2019): A governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body's consideration of the item. A person who addresses the Council concerning an agenda item, including a Public Hearing, must limit his/her remarks to the specific subject matter being considered by the Council under that agenda item.

C. PUBLIC HEARING – A public hearing is scheduled on the critical water emergency to provide an opportunity for citizen comment.

D. CONSENT AGENDA: All the items on the Consent Agenda are considered to be self-explanatory and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member requests an item be removed from the Consent Agenda.

1. Minutes of August 10, 2023 Council Meeting (Ruth)
2. Minutes of August 31, 2023 Council Meeting (Ruth)
3. Minutes of September 14, 2023 Council Meeting (Ruth)
4. Denial of Preliminary Plat Submittal for The Villas (Ruth)

E. REGULAR AGENDA:

1. Consideration of Variance Request for Roof Pitch at 695 Melody (Ruth)
2. Consideration of Variance Request for Masonry Requirement at 695 Melody (Ruth)
3. Consideration of Contract for Ground Storage Tank to Texas Aquastore, Inc (Ruth)
4. Discussion on Status of Capital Improvement Projects (Vargus)
5. Discussion of Fiscal Year 2022-2023 Fourth Quarter Investment Report (Vargus)
6. Consideration of Establishing Limits for Time Spent on Open Records Request (Ruth)
7. Consideration of Subdivision Ordinance (Vargus)
8. Consideration of Ordinance Adopting Public Works Construction Standards (Bushong)
9. Consideration of Franchise Ordinance Atmos Energy (Ruth)
10. Consideration of Atmos Rate Review Mechanism Resolution (Ruth)

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REGULAR AGENDA
AUGUST 10, 2023**

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- F. EXECUTIVE SESSION:** – In accordance with Texas Government Code, Section 551.001, et seq., the Town Council will recess into Executive Session (closed meeting) to discuss the following:
1. § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding First Texas Homes, Taylor Morrison-South Oak, Northshore, The Villas; and
 2. § 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, zoning standards, and eminent domain; and
 3. § 551.072 Texas Government Code to wit: deliberations about real property regarding First Texas Homes, Taylor Morrison-South Oak, Northshore; The Villas.
- G. RECONVENE:** Reconvene into regular session and consideration of action, if any, on items discussed in executive session.

H. ADJOURNMENT

I do hereby certify that the above notice of meeting was posted on the designated place for official notice at 6:15 p.m. on Friday, October 6, 2023.



Linda Ruth, TRMC, CMC
Town Administrator/Town Secretary



The Town Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development), 418.183 (Homeland Security)

This facility is wheelchair accessible and accessible parking spaces are available. Please contact the Town Secretary's office at 972-294-5555 for further information.

One or more board members of the LAKEWOOD VILLAGE MUNICIPAL DEVELOPMENT DISTRICT may attend this meeting. No action will be taken by the MDD board.

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

AUGUST 10, 2023

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

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, July 13, 2023, 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 on the critical water emergency to provide an opportunity for citizen comment.

No one requested to speak.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette the council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:01 p.m. *The motion carried.*

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PUBLIC HEARING:

(Agenda Item D)

A public hearing was held to provide an opportunity for citizen comment on the proposed *Lakewood Village Public Improvement District Operations & Maintenance Service and Assessment Plan* (the “O&M SAP”) and levying assessments against certain property located within the Lakewood Village Public Improvement District (the “District”).

No one requested to speak.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Farage the council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:02 p.m. *The motion carried.*

PUBLIC HEARING:

(Agenda Item E)

A public hearing was held on the proposed combined property tax rate of \$0.36/\$100 to provide an opportunity for citizen comment.

No one requested to speak.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman West the council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:02 p.m. *The motion carried.*

CONSENT AGENDA:

(Agenda Item F)

1. Minutes of July 10, 2023 Council Meeting (Ruth)
2. Engagement Letter with Nabors CPA Services for Fiscal Year 2022-2023 Audit (Ruth)
3. Professional Services Agreement with Northshore Lot Venture, LTD (Ruth)
4. Variance Request – 745 Highridge Drive for Front Facing Garage and Garage Size (Ruth)
5. Texas General Land Office Resilience Program Application for Resilient Communities Program (Ruth)

MOTION: Upon a motion made by Councilman Farage and seconded by Councilwoman Lepley the council voted five (5) “ayes”, no (0) “nays” to approve consent agenda items as presented. *The motion carried.*

REGULAR AGENDA:

(Agenda Item G.

**Consideration of Assignment of Development
Agreement for Northshore Development to
Northshore Lot Venture Ltd. (Vargus)**

(Agenda Item G.1)

Mayor Vargus reported this item will not be considered. The terms of the agreement will still apply to the lots that are not being sold to the new developer.

**Consideration of Development Agreement for
Northshore Development (Vargus)**

(Agenda Item G.2)

Mayor Vargus introduced Kevin Harrell with Skorburg. Mr. Harrell reviewed the minimal changes they are proposing from the previously approved development standards for Northshore. Mr. Harrell reported that David Weekly Homes will be building the homes. There was some discussion regarding the lake front lots being retained by Lakewood Village Partners LLC.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette the council voted five (5) “ayes”, no (0) “nays” to approve the Development Agreement with Northshore Lot Venture Ltd. As presented. *The motion carried.*

**Consideration of Application for Zoning
Change by Northshore (Vargus)**

(Agenda Item G.3)

Mayor Vargus reported this will be considered at a special called meeting in a few weeks.

**Consideration of Northshore Preliminary Plat
(Vargus)**

(Agenda Item G.4)

Mayor Vargus reported that the Town Engineer, Kevin Ware, has recommended approval based on his review of the preliminary plat submittal.

MOTION: Upon a motion made by Councilman Bissonnette and seconded by Councilwoman Lepley the council voted five (5) “ayes”, no (0) “nays” to approve the Northshore preliminary plat. *The motion carried.*

**Consideration of Development Agreement for
The Enclave and The Arbors (Vargus)**

(Agenda Item G.5)

Mayor Vargus stated that he combined the previous agreements executed by LandPlan and Little Elm Independent School District and then amended by First Texas Homes. There was a consensus between the Town and Corson & Cramer Development to execute a new agreement that incorporates the terms of the previous agreements and amends them to reflect the new terms between the Town and Corson Cramer Development. Mayor Vargus reviewed the amendments in the new agreement. There was some discussion about using a water truck rather than the recycled water system. Larry Corson stated they expect to begin mid-September.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Farage the council voted five (5) “ayes”, no (0) “nays” to approve the Development Agreement for The Enclave and The Arbors. *The motion carried.*

**Discussion of Water and Wastewater Capital
Improvements (Vargus)**

(Agenda Item G.6)

Mayor Vargus stated the electrical connections for the well were run over the pipe and the lid was set on top of the wire which is pinching the cladding on the wire. The vibrations of the pump running are causing breakage in the cladding which has resulted in the risk of a dangerous electrical shock for anyone in the area. A rig must be brought in to make the repairs. Mayor Vargus reported the contractor has failed multiple water tests. The town’s Public Works department ran an independent test and passed. Mayor Vargus has requested the contractor have the laboratory come out and perform the test. The situation is becoming more emergent as people continue to use water outside approved times. The contractor has been instructed to comply with the requirements of the contract. The deadline for well completion was May 17, 2023. The penalty for going past the deadline is \$500 each day. The contractor has responded that the town cannot provide direction on means or methods for construction. The most recent estimate for well completion is November 2023.

Construction on the new sewer plant will begin soon. Bids on the water storage tank will be sent in the next few months.

There was some discussion about the water customers who are violating the approved watering times and water use maximum limits. If the town runs out of water the water will be turned off between 15 and 18 hours. The town has a water truck which will be watering the front area of yards to encourage people not to use their irrigation system.

**Consideration of Amendment of Critical
Water Emergency Ordinance (Vargus)**

(Agenda Item G.7)

Mayor Vargus and Councilman Bushong reported on the The council expressed frustration with citizen non-compliance with the water emergency restrictions. There was some discussion about increasing the rate for consumption over 50,000 in addition to the municipal court fine. Council discussed penalties for violation of the restrictions. Council expressed frustration with the property owners who are violating that are putting everyone else in town at risk of running out of water.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley the council voted five (5) “ayes”, no (0) “nays” to approve the Critical Water Emergency Ordinance. *The motion carried.*

**Consideration of Utility Policies Ordinance
(Vargus)**

(Agenda Item G.8)

Mayor Vargus reviewed the proposed changes in the utility policies ordinance.

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman Bissonnette the council voted five (5) “ayes”, no (0) “nays” to approve the Utilities Policies Ordinance as Presented. *The motion carried.*

**Consideration of 380 Agreement with the
Municipal Development District (Vargus)**

(Agenda Item G.9)

Mayor Vargus reviewed the history of the 380 financial agreement.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley the council voted five (5) “ayes”, no (0) “nays” to approve the 380 Agreement with the Municipal Development District as Presented. *The motion carried.*

**Consideration of Fiscal Year 2023-2024 Tax
Rate (Vargus)**

(Agenda Item G.10)

Mayor Vargus reported the tax rate has been lowered to a combined \$0.36/100 valuation.

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MOTION: Upon a motion made by Councilman Bissonnette and seconded by Councilman Farage the council voted five (5) “ayes”, no (0) “nays” to approve the Fiscal Year 2023-2024 tax rate as presented. *The motion carried.*

ROLLCALL VOTE

Mayor Vargus – present and not voting
Mayor Pro-Tem West - aye
Councilman Bushong - aye
Councilwoman Lepley - aye
Councilman Farage - aye
Councilman Bissonnette - aye

**Ratification of the Fiscal Year 2023-2024
Budget (Vargus)**

(Agenda Item G.11)

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Farage the council voted five (5) “ayes”, no (0) “nays” to ratify the Fiscal Year 2023-2024 budget as passed on July 13, 2023. *The motion carried.*

ROLLCALL VOTE

Mayor Vargus – present and not voting
Mayor Pro-Tem West - aye
Councilman Bushong - aye
Councilwoman Lepley - aye
Councilman Farage - aye
Councilman Bissonnette - aye

**Consideration of an Ordinance approving the
Lakewood Village Public Improvement
District Operations & Maintenance Service
and Assessment Plan and levying assessments
against certain property located within the
Lakewood Village Public Improvement
District (Vargus)**

(Agenda Item G.12)

Mayor Vargus reported this is the assessment on the properties for the annual maintenance and operations.

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MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Farage the council voted five (5) “ayes”, no (0) “nays” to ratify the Fiscal Year 2023-2024 budget as passed on July 13, 2023. *The motion carried.*

EXECUTIVE SESSION:

(Agenda Item H)

At 7:54 p.m. Mayor Vargus recessed into executive session in accordance with

1. § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding The Arbors, Taylor Morrison-South Oak, Northshore, The Villas; and
2. § 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, zoning standards, and eminent domain; and
3. § 551.072 Texas Government Code to wit: deliberations about real property regarding The Arbors, Taylor Morrison-South Oak, Northshore; The Villas.

RECONVENE:

(Agenda Item I)

Mayor Vargus reconvened the regular session at 8:03 p.m. There was some discussion, no action was taken.

- G.9. Municipal Development District 380 Agreement - Mayor Vargus discussed the need to loop the water line serving South Oaks. There was some discussion about the need for a traffic light serving the South Oak development. There was some discussion about the Municipal Development District having the ability to utilize the 380 agreement for these purposes.

EXECUTIVE SESSION:

(Agenda Item H)

At 8:35 p.m. Mayor Vargus recessed into executive session in accordance with

1. § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding The Arbors, Taylor Morrison-South Oak, Northshore, The Villas; and
2. § 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, zoning standards, and eminent domain; and
3. § 551.072 Texas Government Code to wit: deliberations about real property regarding The Arbors, Taylor Morrison-South Oak, Northshore; The Villas.

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RECONVENE:

(Agenda Item I)

Mayor Vargus reconvened the regular session at 8:51 p.m. No Action was taken.

ADJOURNMENT

(Agenda Item J)

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 8:51 p.m. on Thursday, August 10, 2023. The motion carried.

These minutes were approved by the Lakewood Village Town Council on the 12th day of October 2023.

APPROVED:

Darrell West
Mayor Pro-Tem

ATTEST:

Linda Ruth, TRMC, CMC
Town Administrator/Town Secretary



LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

AUGUST 31, 2023

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

SPECIAL SESSION - 6:30 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Special Meeting of the Town Council to order at 6:30 p.m. on Thursday, August 31, 2023, 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.

Prior to the public hearings Mayor Vargus explained the development process and the place zoning ordinance takes in the development process timeline.

PUBLIC HEARING:

(Agenda Item C)

A public hearing was held to provide an opportunity for citizen comment on a proposed zoning change to property described as Denton CAD Property ID 636539, being an approximate 0.1640 acre tract of land in Denton County, Texas, legally described as A0339A C.C. Dickson, Tr 2A(1), 0.164 Acres; Denton CAD Property ID 183763, being an approximate 14.9108 acre tract of land in Denton County, Texas, legally described as A0339A C.C. Dickson, Tr 2A, 14.9108 Acres; Denton CAD Property ID 44330, being an approximate 0.8100 acre tract of land in Denton County,

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Texas, legally described as A0339A C.C. Dickson, Tr 3, .81 Acres, Old DCAD Tr #3; Denton CAD Property ID 123076, being an approximate 0.2800 tract of land in Denton County, Texas, legally described as A1044A Wm H. Pea, Tr 5, .28 Acres; Denton CAD Property ID 45584, being an approximate 3.7490 acre tract of land in Denton County, Texas, legally described as A0750A Wm Loftin, Tr 3, 3.749 Acres; Denton CAD Property ID 133261, being an approximate 52.8130 acre tract of land in Denton County, Texas, legally described as A0750A Wm Loftin, Tr 4A, 52.813 Acres; Denton CAD Property ID 133254, being an approximate 0.5880 acre tract of land in Denton County, Texas, legally described as A1169A B.C. Shahan, Tr 45D, .588 Acres, Old DCAD Tr #3C(4); and Denton CAD Property ID 45675, being an approximate 4.7000 acre tract of land in Denton County, Texas, legally described as A1169A B.C. Shahan, Tr 46, 4.7 Acres, Old DCAD Tr #3B; to change the zoning from a Planned Development – PD2 –to Planned Development – PD3.

Sandra Viscuso, 316 Hillside Drive, Lakewood Village, requested clarification on the current zoning and what the new ordinance will change. Mayor Vargus

George Beach, 5026 Cardinal Ct, Little Elm stated that they purchased their home because they wanted to be surrounded by larger lots and homes.

Mayor Vargus explained the development negotiations that have taken place over the previous two and one-half years.

Susan Bryant requested clarification on the timeline of the development. Councilman Bushong explained the timeline is, for the most part, controlled by the landowner.

Mayor Vargus explained the widening of Eldorado Parkway and the coordination with the developers. Councilman Bushong explained the non-contiguous nature of town corporate limits on the north side of Eldorado Parkway.

Susan Bryant requested information about the stoplight to be installed at the new Lakewood Village entrance. Mayor Vargus explained the number of turn lanes and the timing of the light to minimize the impact of through traffic on Eldorado.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley the council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 6:49 p.m. *The motion carried.*

PUBLIC HEARING:

(Agenda Item D)

A public hearing was held to provide an opportunity for citizen comment on a proposed zoning change to property described as Parcel 1: Denton CAD Property ID 45679, being an approximate

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19.0230 acre tract of land in Denton County, Texas, legally described as A1169A B.C. Shahan, Tr 45, 19.023 acres, Old DCAD Tr #3C; Parcel 2; Denton CAD Property ID 133249, being an approximate 19.1390 acre tract of land in Denton County, Texas, legally described as A1169A B.C. Shahan, Tr 45A, 19.139 acres, Old DCAD Tr #3C(1; to change the zoning from a Single-Family Residential – District 6 zoning to Planned Development – PD.

Kevin Harrell with Skorburg introduced himself and his company. He expressed excitement about getting going with the project.

Susan Bryant, 5026 Cardinal Ct., Little Elm asked if municipal sewer is going to be made available to residents on Cardinal Ct. Mayor Vargus reported on the areas of corporate town limits that will have sewer service. Ms. Bryant asked about annexation. Councilman Bushong explained the limits of annexation.

Sandra Viscuso, asked about the water capacity. Mayor Vargus stated the new well will have enough volume to sufficiently provide water to the current residents, new developments, and the school.

There was some discussion about the traffic study requirements and the portions of Eldorado Parkway that are controlled by the county.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley the council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 6:58 p.m. *The motion carried.*

REGULAR AGENDA:

(Agenda Item E.

**Consideration of Zoning for The Enclave and
The Arbors at Lakewood Village (Vargus)**

(Agenda Item E.1)

Mayor Vargus and Larry Corson reported there have been no changes to the development standards since they were discussed and approved within the development agreement.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Farage the council voted five (5) “ayes”, no (0) “nays” to approve the zoning ordinance for Planned Development 3 for The Enclave and The Arbors. *The motion carried.*

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**Consideration of Zoning for by Northshore
(Vargus)**

(Agenda Item E.2)

Kevin Harrell with Skorborg stated they will be closing on the property tomorrow September 1st and they are eager to get started with the development.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette the council voted five (5) “ayes”, no (0) “nays” to approve the zoning ordinance for Planned Development 4 for The Northshore. *The motion carried.*

**Consideration of Contract with AUC Group
for Portions of the Wastewater Treatment
Plant Expansion (Vargus)**

(Agenda Item E.3)

Town Engineers send out bids for the project. AUC Group contract was the apparent winner of the bid. Mayor Vargus reviewed the contract and the approximate cost of \$1,700,000. Mayor Vargus reported the town will serve as the “general contractor” which will save the town approximately \$2,000,000. Mayor Vargus reported that AUC will construct the components of the wastewater plant offsite and will bring in the individual components to set them in place. Mayor Vargus reported that he made a design change to increase the size of the clarifier. The expected completion date will be the end of 2024.

MOTION: Upon a motion made by Councilman Farage and seconded by Councilwoman Lepley the council voted five (5) “ayes”, no (0) “nays” to approve the contract with AUC Group for portions of the wastewater treatment plant expansion. *The motion carried.*

ADJOURNMENT

(Agenda Item F)

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Mayor Pro-Tem Special Meeting of the Lakewood Village Town Council at 7:06 p.m. on Thursday, August 31, 2023. The motion carried.

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These minutes were approved by the Lakewood Village Town Council on the 12th day of October 2023.

APPROVED:

Darrell West
Mayor Pro-Tem

ATTEST:

Linda Ruth, TRMC, CMC
Town Administrator/Town Secretary



LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

SEPTEMBER 14, 2023

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 - ABSENT

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, September 14, 2023, 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 on the critical water emergency to provide an opportunity for citizen comment.

No one requested to speak.

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman Farage the council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:01 p.m. *The motion carried.*

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SEPTEMBER 14, 2023**

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REGULAR AGENDA:

(Agenda Item D.

**Discussion on Status of Capital Improvement
Projects (Vargus)**

(Agenda Item D.1)

There was some discussion.

**Consideration of Resolution Regarding Name
of Lakewood Village Elementary (Vargus)**

(Agenda Item D.2)

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette the council voted five (5) “ayes”, no (0) “nays” to approve the resolution to name the new elementary school “Lakewood Village Elementary” and designate Oak Point Police Department as the preferred agency for the School Resource Officer. *The motion carried.*

**Consideration of Acquisition of Utility
Easement on Carrie Lane (Vargus)**

(Agenda Item D.3)

MOTION: Upon a motion made by Councilman Farage and seconded by Mayor Pro-Tem West the council voted five (5) “ayes”, no (0) “nays” to authorize Mayor Vargus to acquire a utility easement at the northwest end of Carrie Lane. *The motion carried.*

Discussion of Subdivision Ordinance (Vargus)

(Agenda Item D.4)

There was some discussion.

**Discussion of Ordinance Adopting Public
Works Construction Standards (Bushong)**

(Agenda Item D.5)

There was some discussion.

EXECUTIVE SESSION:

(Agenda Item E)

At 7:42 p.m. Mayor Vargus recessed into executive session in accordance with

1. § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding

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First Texas Homes, Taylor Morrison-South Oak, Northshore, The Villas; and

2. § 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, zoning standards, and eminent domain; and
3. § 551.072 Texas Government Code to wit: deliberations about real property regarding First Texas Homes, Taylor Morrison-South Oak, Northshore; The Villas.

RECONVENE:

(Agenda Item F)

Mayor Vargus reconvened the regular session at 8:21 p.m.

ADJOURNMENT

(Agenda Item G)

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman Bissonnette council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Meeting of the Lakewood Village Town Council at 8:21 p.m. on Thursday, August 10, 2023. The motion carried.

These minutes were approved by the Lakewood Village Town Council on the 12th day of October 2023.

APPROVED:

Darrell West
Mayor Pro-Tem

ATTEST:

Linda Ruth, TRMC, CMC
Town Administrator/Town Secretary





September 25, 2023

Ms. Linda Ruth
Town of Lakewood Village
100 Highridge Drive
Lakewood Village, Texas

Re: Villas at Lakewood Village
Preliminary Plat Review – 1st Review

Dear Ms. Ruth:

Eikon has completed our review of the submitted preliminary plat with associated drawings and found them to be deficient in several areas. The preliminary plat checklist that was signed by the applicant listed the date of the signature as 9-11-1987, which is an incorrect date.

Based on the comments provided, we are recommending denial of the preliminary plat. We recommend that applicant address the comments and resubmit for further review.

Please let me know any questions.

Regards
Kevin Ware, PE



BUILDING DEPARTMENT

VARIANCE REQUEST

1

100 Highridge Drive
Lakewood Village, TX 75068
(972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

REVISED: 10/09/2014

APPLICANT / OWNER

Applicant Name	Address
Brian Luttrell	695 Melody Lane, Lakewood Village TX
Day Time Telephone	
925-360-0834	
Email	
brian.luttrell@att.net	
Owner Name	Same as Applicant? <input checked="" type="checkbox"/> Yes
	Address
	695 Melody Lane, Lakewood Village TX
Day Time Telephone	
925-360-0834	
Email	
brian.luttrell@att.net	

PROPERTY

Address or General Location	
695 Melody Lane, Lakewood Village TX	
Legal Description (If Platted)	
THE SHORES OF LAKEWOOD VILLAGE SEC 5 PH 3 BLK A LOT 14	
Lot Size <input type="checkbox"/> Square Feet OR <input checked="" type="checkbox"/> Acres	Zoning Classification
1.027 acres	Residential
Existing Use of Land and/or Building(s)	
Single family residence	

REQUESTED VARIANCE

Variance to Section(s) of the Ordinance
Zoning ordinance 19-02, Section 4.3.8. Exterior Construction of Buildings - Single Family - Roof Pitch (page 36)
Current Ordinance Requirement(s)
All roof pitches shall have a minimum rise of six (6) inches over twelve (12) inches of run. For two story houses, roofs over entryways may be reduced to two (2) over twelve(12) pitch with the approval of the director.
Requested Variance(s)
I wish to build a workshop in backyard with solar panels installed on the roof. The solar panel companies recommends a 1 or 2 inch rise over twelve inches of run. I request a variance to allow for a 2 inch rise over 12 inches of run. The home will not support the needed number of panels. There is an 8 foot high fence surrounding my backyard. After grading, much of the workshop will not be visible to the street or neighbors. We're unclear if this ordinance applies to accessory buildings.



BUILDING DEPARTMENT

VARIANCE REQUEST

100 Highridge Drive
Lakewood Village, TX 75068
(972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

REVISED: 10/09/2014

SUBMITTAL REQUIREMENTS

If the applicant is not the owner, a letter signed and dated by the owner certifying their ownership of the property and the authorizing the applicant to represent the person, organization, or business that owns the property.

If not platted, a metes and bounds legal description of the property.

A written statement documenting the reason for the variance(s), including evidence that the request complies with the following criteria as required for approval of a variance.

- 1) A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
- 2) The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;
- 3) The variance is the minimum amount necessary to allow a reasonable use of the property;
- 4) The sole reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship;
- 5) The variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district; and,
- 6) The variance will not alter the essential character of the zoning district within which the subject property is located, and is in harmony with the intent and purposes of the zoning ordinance.

Site plan, submitted on drawing sheet size 11" X 17", showing:

- 1) Scale and north arrow;
- 2) Location of site with respect to streets and adjacent properties;
- 3) Property lines and dimensions;
- 4) Location and dimensions of buildings;
- 5) Building setback distances from property lines;
- 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; and
- 7) Any other proposed features of the site which are applicable to the requested variance.

NOTICE

To the best of my knowledge, this application and associated documents are complete and correct, and it is understood that I or another representative should be present at all public meetings concerning this application.

Applicant Signature

Brian D. Lattrell

Date

10/6/2023



BUILDING DEPARTMENT

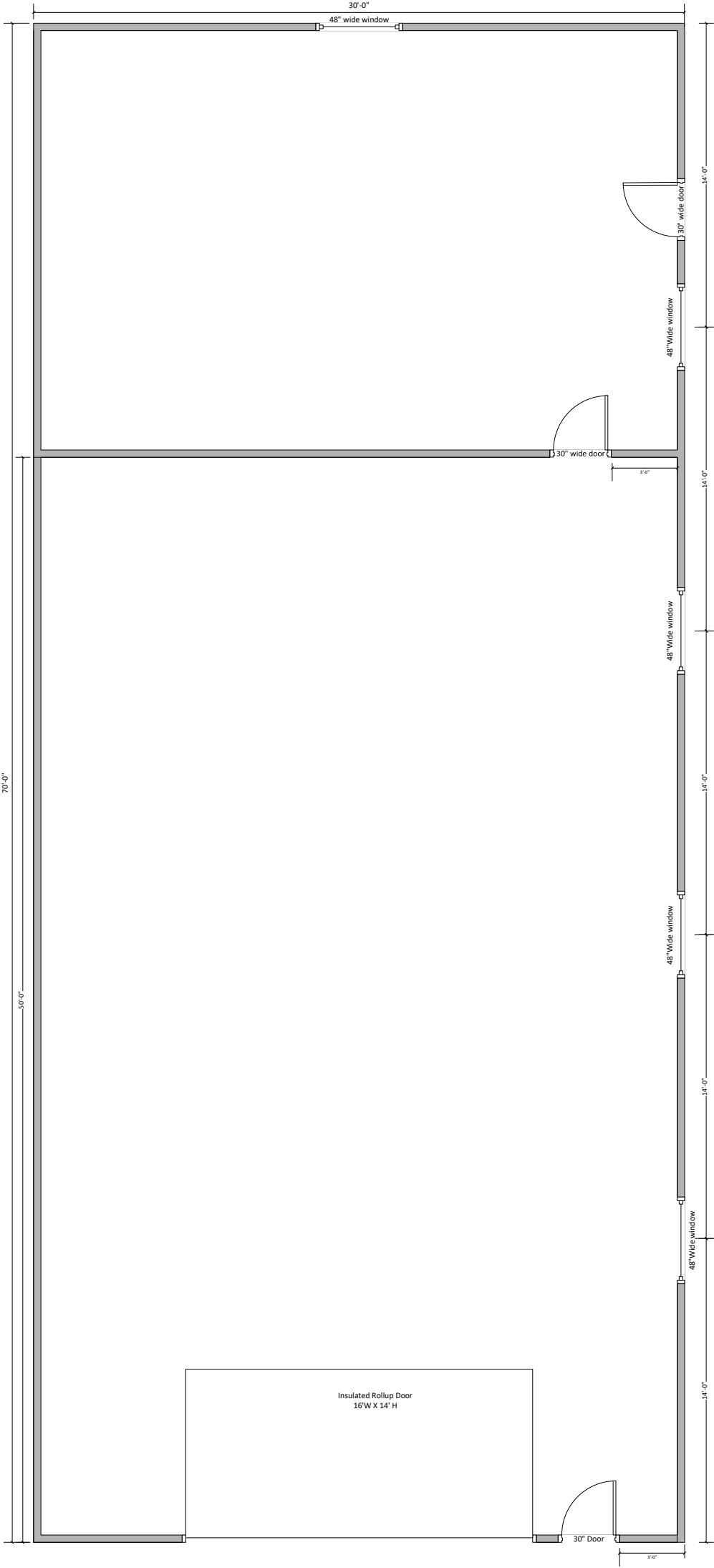
VARIANCE REQUEST

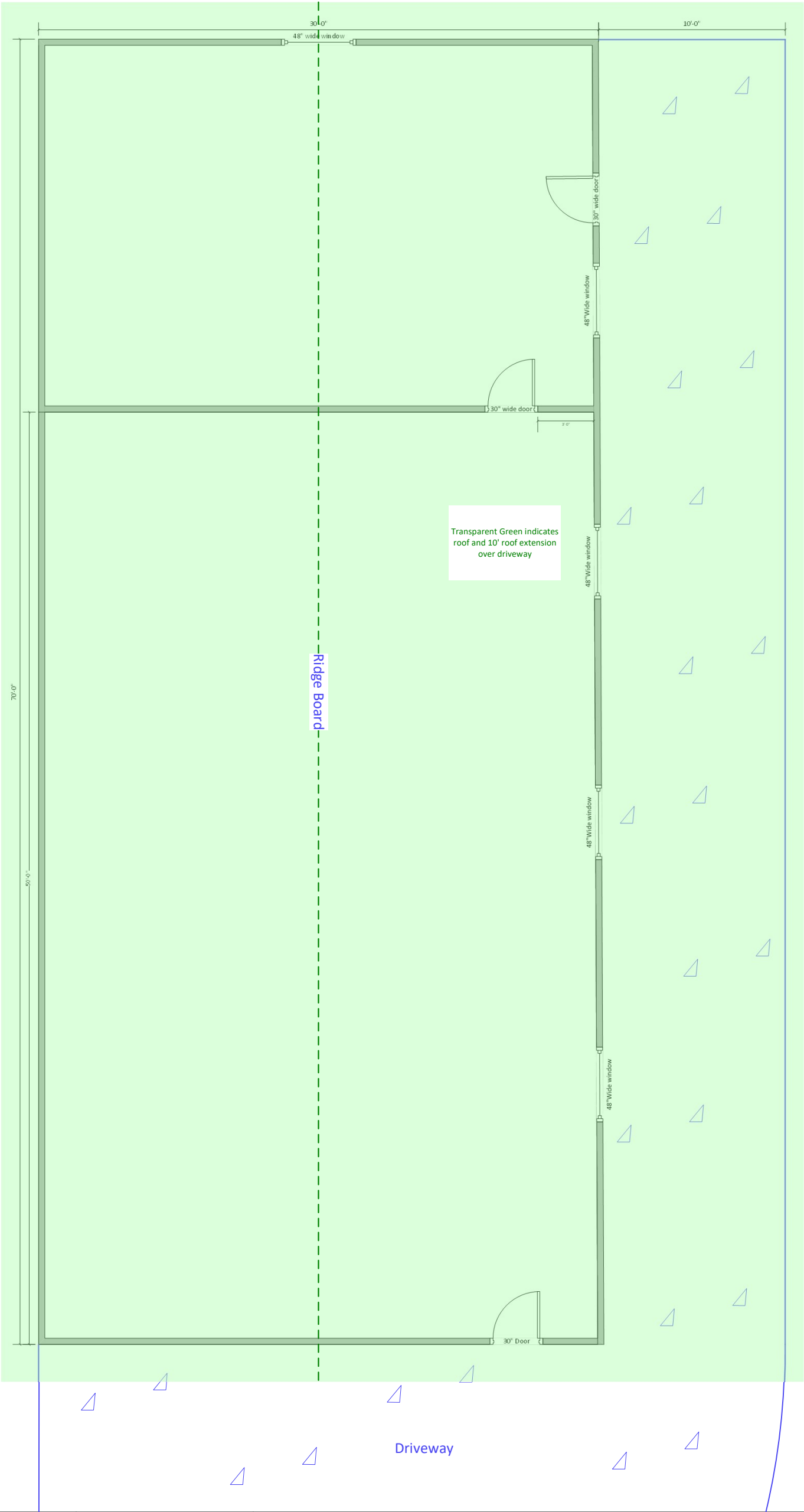
100 Highridge Drive
Lakewood Village, TX 75068
(972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

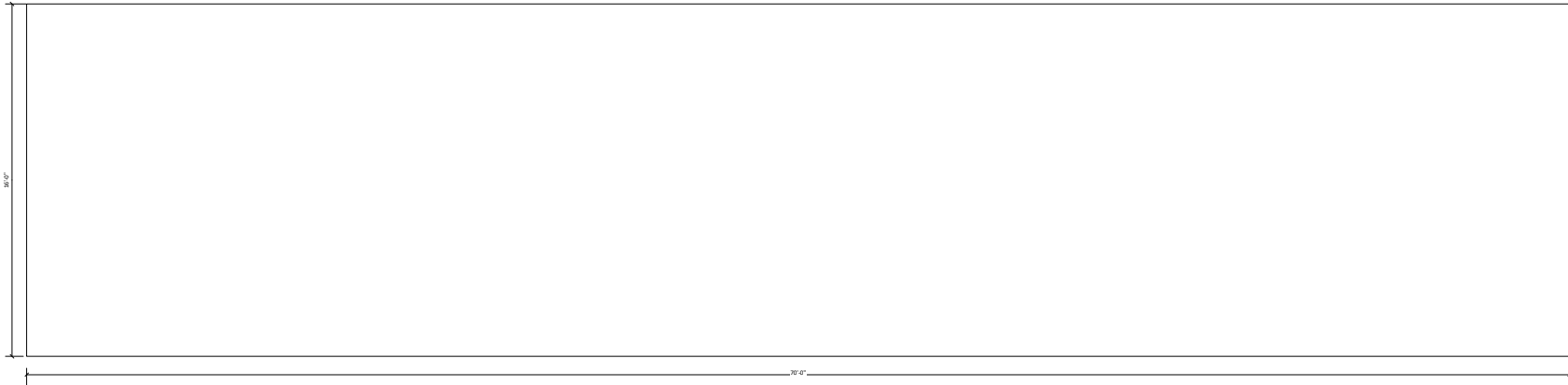
REVISED: 10/09/2014

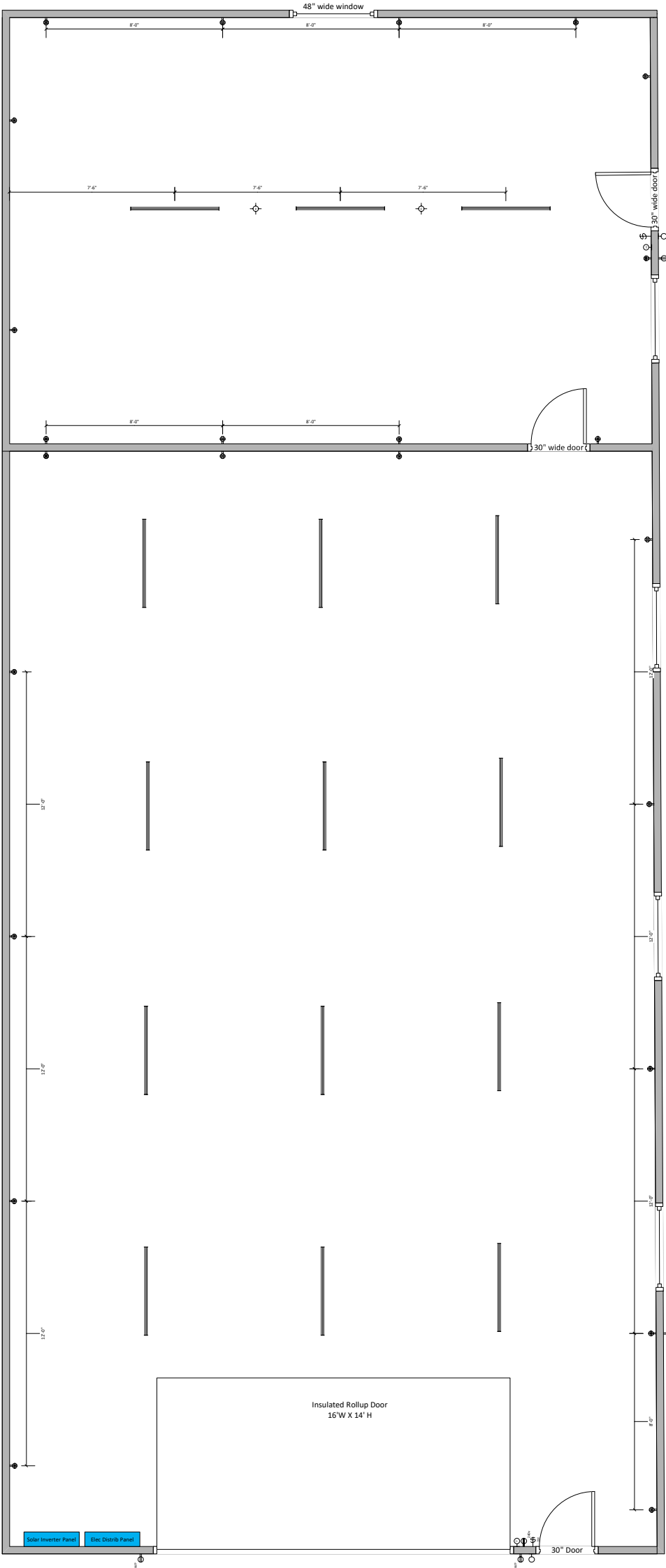
TOWN USE ONLY

Received By Linda Ruth	Receipt Number N/A
Date Submitted 10/06/2023	Case Number N/A
Date Notices Mailed N/A	Date Notice Published N/A
Town Council Meeting Date 10/12/2023	
Decision	
Conditions	









LEGEND

LED Overhead Light

⦿

Quadruplex outlet

⦿

240 volt outlet

⦿

Waterproof outlet

⦿

Switches

⦿

Ceiling Fan

⦿

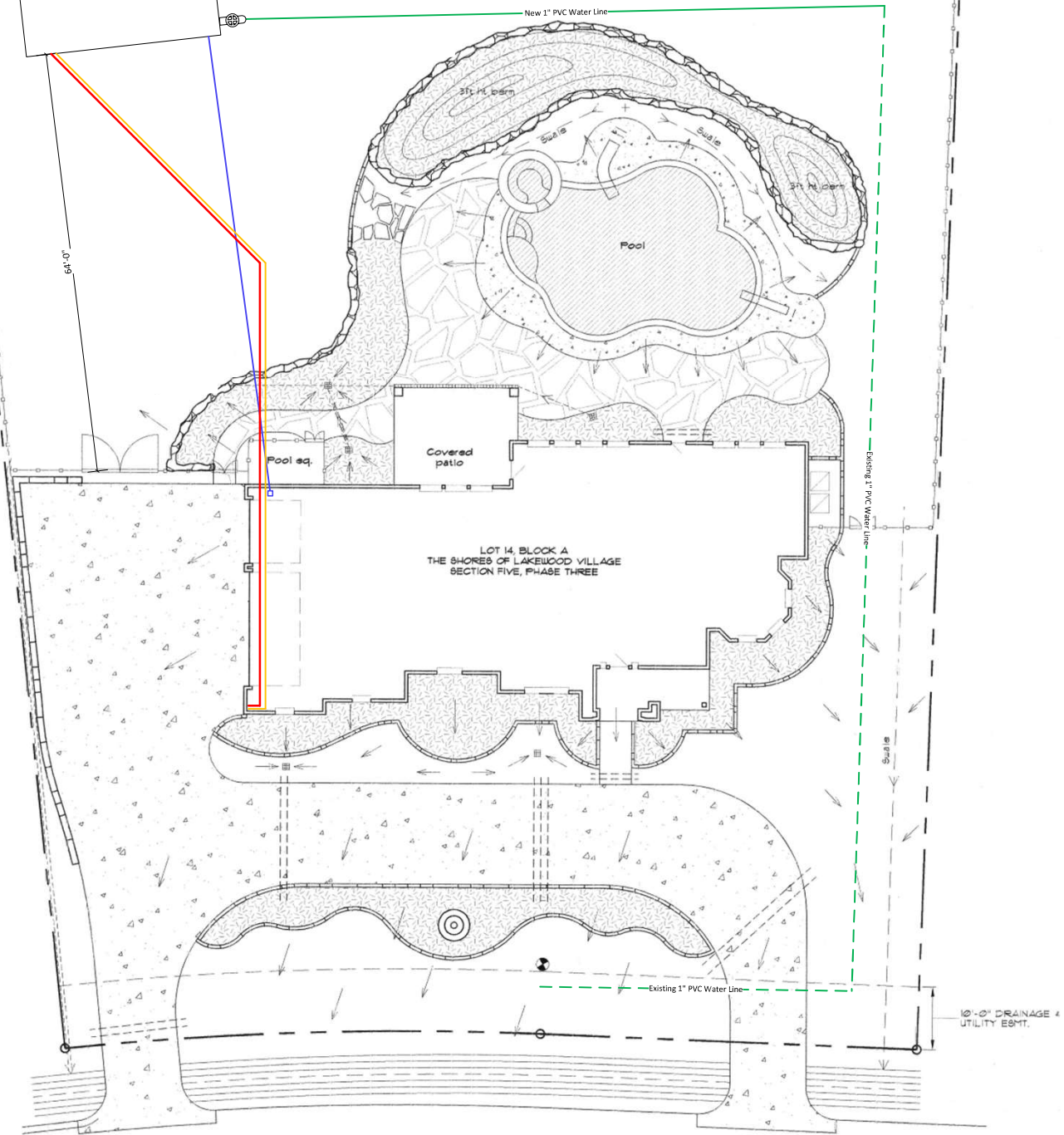
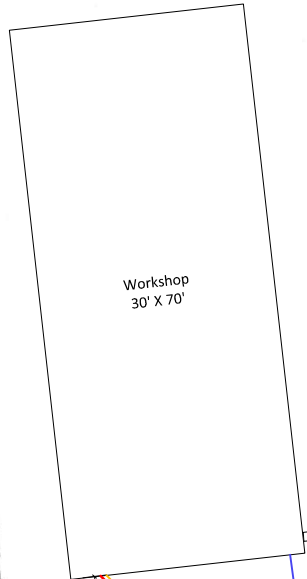
Wall Light

⦿

Thermostat

LEGEND

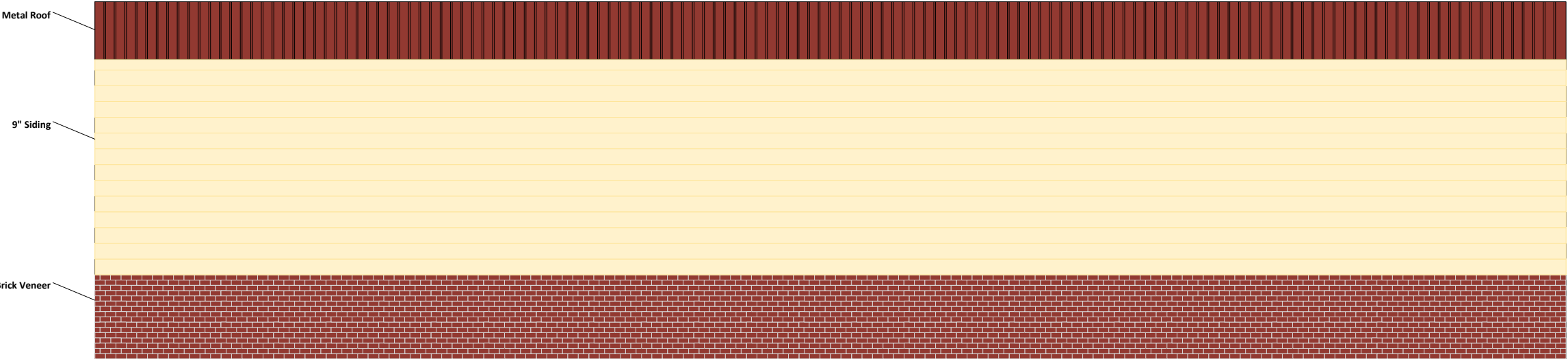
- 3" Rigid Conduit for 240 volt load lines
- 1" Rigid Conduit for solar panel inverter signaling
- 1" Rigid Conduit for ethernet network and video surveillance wiring
- New 1" PVC Water Line



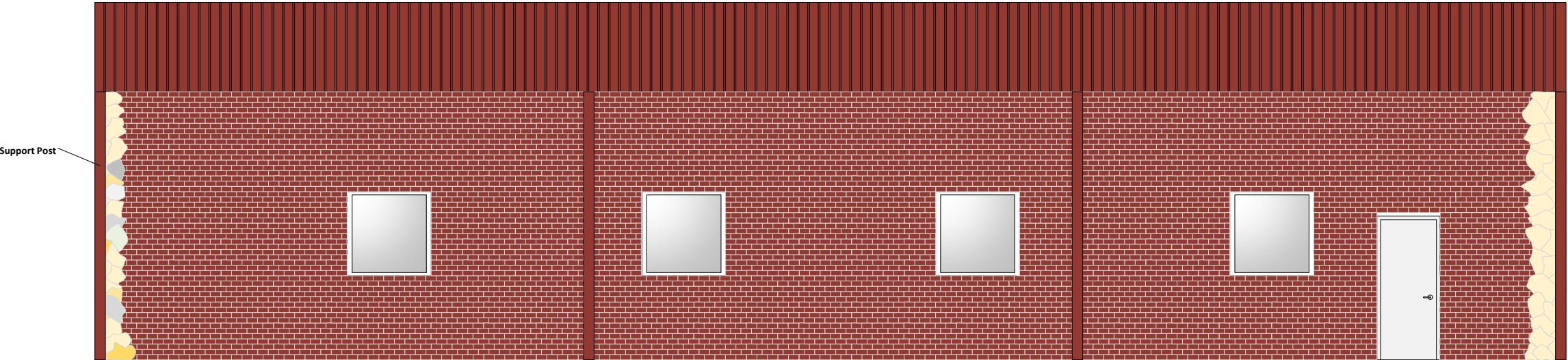


NOTES

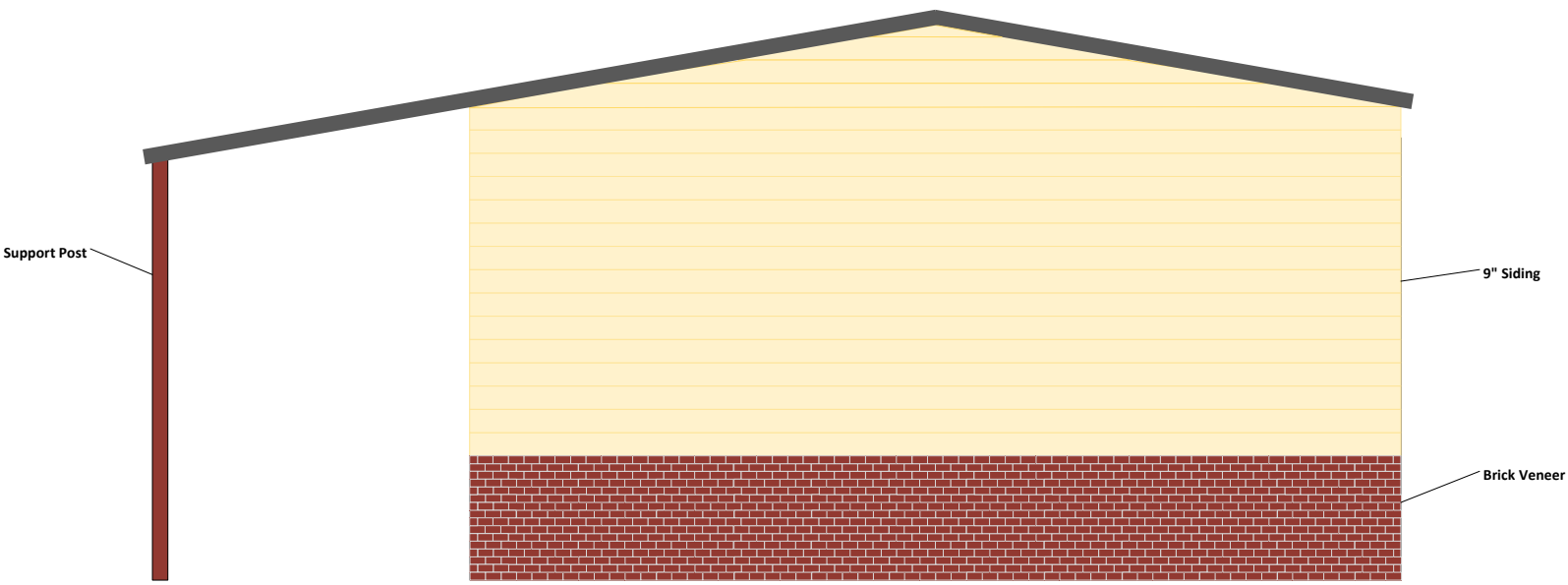
- 1. The workshop shall be 30 ft wide by 70 ft deep.
- 2. The 10 foot wide driveway along side the workshop shall be covered by an extended roof & eave.
- 3. The eastern side of the roof will need to support 60 solar panels. Each panel weights approximately 41 lbs. each.
- 4. The workshop shall be insulated. Need to consider RHINO's premium Pro-Value Insulation Package
- 5. Insulation shall not be applied until after solar panel installation and all electrical work is completed.
- 6. An HVAC system will also be installed.



Southwest facing wall



Northeast facing wall



Northwest facing wall

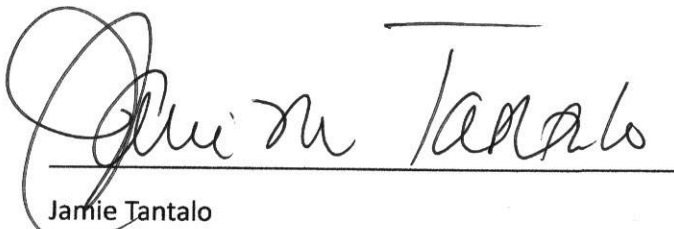


Southeast facing wall

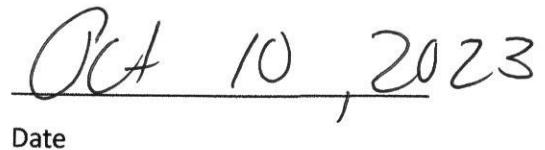
11 October 2023

Jamie Tantalo, currently residing at 710 Carrie Lane, Lakewood Village, TX, has reviewed the elevation diagrams for the proposed workshop to be constructed by Brian and Jennifer Luttrell at 695 Melody Lane, Lakewood Village, TX. The workshop will be constructed in the Luttrell's backyard and will be partially viewable from my backyard. The elevation diagram reflects a roof slope of 2-inch rise for every 12 inches of run. The elevation diagrams also reflect exterior wood siding and brick veneer. The low roof pitch and use of wood siding requires variance approval by the Lakewood Village Town Council.

Jamie Tantalo of 710 Carrie Lane approves of the proposed elevation diagrams with my signature shown below.

A handwritten signature in cursive script, reading "Jamie Tantalo", written over a horizontal line.

Jamie Tantalo
710 Carrie Lane
Lakewood Village TX 75068

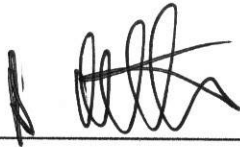
A handwritten date "Oct 10, 2023" written over a horizontal line.

Date

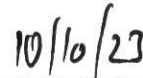
11 October 2023

Bernie Mueller, currently residing at 700 Carrie Lane, Lakewood Village, TX, has reviewed the elevation diagrams for the proposed workshop to be constructed by Brian and Jennifer Luttrell at 695 Melody Lane, Lakewood Village, TX. The workshop will be constructed in the Luttrell's backyard and will be partially viewable from my backyard. The elevation diagram reflects a roof slope of 2-inch rise for every 12 inches of run. The elevation diagrams also reflect exterior wood siding and brick veneer. The low roof pitch and use of wood siding requires variance approval by the Lakewood Village Town Council.

Bernie Mueller of 700 Carrie Lane approves of the proposed elevation diagrams with my signature shown below.

A handwritten signature in black ink, appearing to read 'Bernie Mueller', written over a horizontal line.

Bernie Mueller
700 Carrie Lane
Lakewood Village TX 75068

A handwritten date '10/10/23' in black ink, written over a horizontal line.

Date



BUILDING DEPARTMENT

VARIANCE REQUEST

#2

100 Highridge Drive
Lakewood Village, TX 75068
(972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

REVISED: 10/09/2014

APPLICANT / OWNER

Applicant Name	Address
Brian Luttrell	695 Melody Lane, Lakewood Village TX
Day Time Telephone	
925-360-0834	
Email	
brian.luttrell@att.net	
Owner Name	Same as Applicant? <input checked="" type="checkbox"/> Yes
Brian Luttrell	Address
Day Time Telephone	695 Melody Lane, Lakewood Village TX
925-360-0834	
Email	
brian.luttrell@att.net	

PROPERTY

Address or General Location	
695 Melody Lane, Lakewood Village TX	
Legal Description (If Platted)	
THE SHORES OF LAKEWOOD VILLAGE SEC 5 PH 3 BLK A LOT 14	
Lot Size	Zoning Classification
<input type="checkbox"/> Square Feet OR <input checked="" type="checkbox"/> Acres	Residential
1.027 acres	
Existing Use of Land and/or Building(s)	
Single family residence	

REQUESTED VARIANCE

Variance to Section(s) of the Ordinance
Zoning ordinance 19-02, Section 4.3.8. Exterior Construction of Buildings - Accessory Structures (page 36)
Current Ordinance Requirement(s)
Accessory structures greater than two hundred fifty (250) square feet must meet the eighty (80) percent masonry requirement and must be of the same general materials and to the greatest extent possible match the appearance of the main dwelling.
Requested Variance(s)
I wish to build a workshop in my backyard. I plan to meet the 80% masonry requirement on the workshop for the southeast and northeast facing walls which face the street and backyard/pool. I am requesting a variance to the 80% masonry requirement for the southwest and northwest walls which face the 8 foot high fence. The north side of the structure will be graded below normal soil height so I expect 80% of the southwest and northwest walls will not be viewable. Therefore having no masonry work on these walls should not negatively impact the neighborhood.



BUILDING DEPARTMENT

VARIANCE REQUEST

100 Highridge Drive
Lakewood Village, TX 75068
(972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

REVISED: 10/09/2014

SUBMITTAL REQUIREMENTS

If the applicant is not the owner, a letter signed and dated by the owner certifying their ownership of the property and the authorizing the applicant to represent the person, organization, or business that owns the property.

If not platted, a metes and bounds legal description of the property.

A written statement documenting the reason for the variance(s), including evidence that the request complies with the following criteria as required for approval of a variance.

- 1) A unique physical condition exists within or adjacent to the subject tract or structure(s) located thereon which distinguishes it from other similarly situated, and which creates an exceptional hardship, difficulty, or inequity that would result from literal enforcement of the ordinance;
- 2) The condition or characteristic noted above is not caused by an action of the property owner, occupant, or applicant;
- 3) The variance is the minimum amount necessary to allow a reasonable use of the property;
- 4) The sole reason for the variance is not a desire of the owner, occupant, or applicant for increased financial gain or reduced financial hardship;
- 5) The variance will not adversely affect public health or safety, and will not substantially or permanently interfere with the appropriate use of adjacent conforming property in the same district; and,
- 6) The variance will not alter the essential character of the zoning district within which the subject property is located, and is in harmony with the intent and purposes of the zoning ordinance.

Site plan, submitted on drawing sheet size 11" X 17", showing:

- 1) Scale and north arrow;
- 2) Location of site with respect to streets and adjacent properties;
- 3) Property lines and dimensions;
- 4) Location and dimensions of buildings;
- 5) Building setback distances from property lines;
- 6) Location, dimensions, and surface type of off-street parking spaces and loading areas; and
- 7) Any other proposed features of the site which are applicable to the requested variance.

NOTICE

To the best of my knowledge, this application and associated documents are complete and correct, and it is understood that I or another representative should be present at all public meetings concerning this application.

Applicant Signature

Brian D. Lattrell

Date

10/6/2023



BUILDING DEPARTMENT

VARIANCE REQUEST

100 Highridge Drive
Lakewood Village, TX 75068
(972) 294-5555 Office (972) 292-0812 Fax
linda@lakewoodvillagetx.us

REVISED: 10/09/2014

TOWN USE ONLY

Received By Linda Ruth	Receipt Number N/A
Date Submitted 10/06/2023	Case Number N/A
Date Notices Mailed N/A	Date Notice Published N/A
Town Council Meeting Date 10/12/2023	
Decision	
Conditions	



October 3, 2023

Town of Lakewood Village
100 Highridge Drive
Lakewood Village, Texas 75068
Attn: Dr. Mark E. Vargus

**Re: Recommendation of Award
New 300,000 Gallon Ground Storage Tank
Town of Lakewood Village**

Dear Dr. Vargus:

Bids for the referenced project were opened on September 26, 2023. Three (3) bids were received, and the bid tabulation is attached. The low bidder is Texas Aquastore, Inc.

Enprotec / Hibbs & Todd, Inc. has evaluated the responsiveness of Texas Aquastore, Inc., for conformity with all material conditions of the Advertisement for Bids and the Instructions to Bidders. Additionally, we have evaluated the responsibility of Texas Aquastore, Inc., based on our previous experience with this firm. Based on our evaluations, Enprotec / Hibbs & Todd, Inc. recommends awarding the construction contract for the New 300,000 Gallon Ground Storage Tank project, to Texas Aquastore, Inc. as the lowest qualified bidder in the amount of \$749,477.00.

We look forward to working with the Town of Lakewood Village as this project moves into the construction phase.

Sincerely,

Enprotec / Hibbs & Todd, Inc.

A handwritten signature in black ink, appearing to read 'L Arce', is written over a light blue horizontal line.

Leroy Arce, P.E.

LA/jd

Attachment: Bid Tabulation

c: Project File 8278 P:\Projects\Lakewood Village, Town of\8278 300,000 Gallon GST\5. Bidding Phase\Bidder Evaluation\Letter of Recommendation.docx

TABULATION OF BIDS FOR: New 300,000 Gallon Welded Steel Ground Storage Tank, Town of Lakewood Village, Texas

BIDS RECEIVED: 9/26/2023


PE Firm Registration No. 1151

BASE BID				Texas Aquastore, Inc.		Maguire Iron, Inc.		Tank Builders, Inc.	
Item No.	Quantity	Unit	Item	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
1	1	LS	Mobilization, Bonds & Insurance	\$ 35,000.00	\$ 35,000.00	\$ 40,000.00	\$ 40,000.00	\$ 52,700.00	\$ 52,700.00
2	1	LS	300,000 Gallon Welded Steel Tank	NO BID	NO BID	\$ 981,000.00	\$ 981,000.00	\$ 985,800.00	\$ 985,800.00
3	1	EA	10" Tank Inlet Gate Valve	\$ 3,500.00	\$ 3,500.00	\$ 4,000.00	\$ 4,000.00	\$ 7,500.00	\$ 7,500.00
4	1	EA	12" Tank Outlet Gate Valve	\$ 4,000.00	\$ 4,000.00	\$ 5,000.00	\$ 5,000.00	\$ 8,000.00	\$ 8,000.00
TOTAL BASE BID PRICE (Items 1 thru 4)					\$ 42,500.00		\$ 1,030,000.00		\$ 1,054,000.00

ALTERNATE A BID				Texas Aquastore, Inc.		Maguire Iron, Inc.		Tank Builders, Inc.	
Item No.	Quantity	Unit	Item	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
A1	1	LS	300,000 Gallon Factory Coated Glass-Fused-To-Steel Bolted Steel Tank	\$ 706,977.00	\$ 706,977.00	NO BID	NO BID	NO BID	NO BID
TOTAL ALTERNATE A BID PRICE (Item A1)					\$ 706,977.00		NO BID		NO BID

ALTERNATE B BID				Texas Aquastore, Inc.		Maguire Iron, Inc.		Tank Builders, Inc.	
Item No.	Quantity	Unit	Item	Unit Cost	Amount	Unit Cost	Amount	Unit Cost	Amount
B1	1	LS	300,000 Gallon Precast Sire Wound Prestressed Concrete Tank	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID
TOTAL ALTERNATE B BID PRICE (Item B1)					NO BID		NO BID		NO BID

I, LEROY ARCE, P.E., #114163, DO HEREBY CERTIFY THAT THE ABOVE-REFERENCED BIDS WERE RECEIVED, IN ACCORDANCE WITH THE ADVERTISED PROCEDURES, OPENED, AND READ ALOUD. THE BID TABULATION HEREIN IS A TRUE AND ACCURATE REPRESENTATION OF THE BIDS READ ALOUD.


LEROY ARCE, P.E., #114163



9/26/2023

Investment Report 9/30/23

Depository - Point Bank			
	30-Sep-22	30-Sep-23	
General Fund	\$14,724	\$31,542	
General Fund Reserve	\$38,564	\$3,076	
Tax	\$82	\$214	
Total Unrestricted	\$53,370	\$34,832	
Utility Fund	\$29,504	\$3,493	
Utility Fund Reserve	\$150,550	\$5,548	
Rocky Point Operating	\$1,551	\$7,533	
Rocky Point Reserve	\$17,903	\$14,220	
TOTAL Proprietary	\$199,508	\$30,794	
Debt Servicing	\$115	\$4,565	
MDD	\$43,859	\$56,808	
TOTAL Depository Funds	\$296,852	\$126,999	(\$169,853)

Investments - TexPool Prime			
	30-Sep-22	30-Jun-23	
General Reserve	\$1,479,223	\$2,108,046	
Utility Reserve	\$201,607	\$585,249	
TOTAL	\$1,680,830	\$2,693,295	\$1,012,465
<i>Yield</i>	<i>3.160%</i>	<i>5.587%</i>	

Grand Totals			
	30-Sep-22	30-Sep-23	
General Fund (Incl Tax)	\$1,532,593	\$2,142,878	\$610,285
Utility Fund	\$381,661	\$594,290	\$212,629
MDD (Incl Rocky Point)	\$63,313	\$78,561	\$15,248
Debt Servicing	\$115	\$4,565	
	\$1,977,682	\$2,820,294	\$842,612

2020 CO First Call - Feb 2027 - \$3,971,175

Debt Servicing

Bond Payments Due in 2024		
GF Series 2014	-	
GF Series 2020	\$151,212- Feb 1	3.16%
	\$74,337 - Aug 1	
UF Series 2022	\$111,806 - Feb 1	3.178%
	\$86,306 - Aug 1	
Total Due GF	\$225,549	
Total Due UF	\$198,112	
GRAND TOTAL	\$423,661	

GF Budgeted I&S \$209,000

GF Series 2020 Future Payments		
2025	\$343,675	FYE 9/30/25
2026	\$339,575	

UF Series 2022 Future Payments		
2025	\$309,813	FYE 9/30/25
2026	\$309,113	



MEMORANDUM

TO: Town Council
FROM: Linda Ruth, Town Administrator/Town Secretary
DATE: October 5, 2023
RE: Agenda Item E.3. - Establishing Time Limits for Open Records Requests

The Texas Legislature recognized the disruption that can be caused by what they termed as vexatious requestors and as a result they have given municipalities the authority to establish both monthly and yearly time limits for an individual requestor. The limits may not be less than 36 hours per year and not less than 15 hours per month. With our small office even those limits could be disruptive so I do not recommend increasing those limits.

In fiscal year 2022-2023 I responded to 97 open records requests from 32 individual requestors. Of the total, 31 requests came from 4 requestors who regularly request information on properties who have mowing, code, or other violations. These requestors are likely investors looking for distressed properties with owners who are struggling. The investors stopped submitting requests in April 2023. That leaves 66 requests from 28 requestors. Of those remaining requests, 36, or 55% came from a single requestor. Of the 36 requests from the single requestor 13 of those were duplicate requests (multiple requests for the same information).

I did not track the amount of time I spent on each request in the last year. I can estimate that a simple request can take between 10 and 20 minutes. A more complex request can require between 4 and 6 hours, possibly longer. I believe we had 5 requests that took over 2 hours, and one request that took approximately 7 hours.

The Texas Legislature provides the following definition: *A vexatious requestor is a person who abuses the Public Information Act (PIA) by sending frequent and/or voluminous PIA requests to a city, especially a small city, to disrupt the operations of city business.*

This ordinance will allow me to track cumulative time spent on individual requestors and limit the use of city resources on vexatious requestors.

TOWN OF LAKEWOOD VILLAGE

ORDINANCE 23-XX

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE PROVIDING FOR A REASONABLE LIMIT ON THE AMOUNT OF TIME TO BE SPENT WITHOUT CHARGE FOR THE REPEAT PUBLIC INFORMATION REQUESTORS; REQUIRING PAYMENT FOR THE TIME AND EXPENDITURES INCURRED BEYOND THIS LIMIT; PROVIDING FOR EXPECTATIONS; PROVIDING FOR AN OPEN MEETING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Public Information Act (Texas Gov't Code Chapter 552, or "the Act" herein) gives the public the right to request access to governmental information; and,

WHEREAS, the Act authorizes the governmental body to charge and to require payments from requestors before complying with certain requests for production of public information or for copies of public information; and

WHEREAS, in 2017, the Texas Legislature, in recognition of the fact that a municipality may expend significant resources in responding to requests for public information without recovering its costs, amended Section 552.275 of the Act, which authorizes the governmental body of a municipality to establish reasonable monthly and yearly limits on the amount of time and personnel of the governmental body are required to spend producing public information inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time; and

WHEREAS, Section 552.275 of the Act provides that a yearly time limit established may not be less than 36 hours for a requestor during a 12-month period that corresponds to the fiscal year of the governmental body, and a monthly time period may not be less than 15 hours for a requestor for a one-month period; and authorizes a municipality to require requestors exceeding those time limits to pay for the municipality's costs before the town will process the request if the municipality has sent a written cost estimate; and

WHEREAS, the Town Council desires to adopt a policy in this regard to provide a method of maximizing its human and financial resources while striking a reasonable balance with the obligation of the Town to make available public information and has determined that 36 hours is a reasonable yearly time limit and 15 is a reasonable monthly time limit to be imposed under Section 552.275.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS:

SECTION I—FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION II—POLICY ADOPTION

That the Town Council of the Town of Lakewood Village hereby adopts the following:

A. DEFINITIONS:

1. *Public Information:* All information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official town business by the Town Council or by any employee of the Town. It also includes data the Town owns or has a right of access to but was prepared or stored by a third party. The definition of “public information” applies to and includes to any electronic communication created, transmitted, received or maintained by any device. This term shall be construed in accordance with the provisions of this Act as set forth in Tex. Gov’t Code Chapter 552, as may be amended.
2. *Requestor:* a person who submits a written request to the Town of Lakewood Village for inspection or copies of public information.

B. POLICY:

1. In accordance with the Section 552.275, the Town Council establishes an annual time limit of 36 hours and a monthly time limit of 15 hours as the amount of time that employees are required to devote without charge to produce public information for inspection or duplication or providing copies of public information to any one requestor. This annual time shall apply to each twelve (12) month period commencing each fiscal year beginning October 1, effective with the date of adoption of this Ordinance.
2. That the Town Secretary shall provide the requestor with a written statement of the amount of personnel time spent complying with each request and the cumulative amount of time spent complying with requests from that requestor during the applicable twelve-month period. The time spent preparing the written statement of total time spent may not be included.
3. When the time spent on responding to a particular requestor’s requests equals or exceeds the time limits imposed by Section B.1, the Town Secretary shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses necessary to comply with the request, even if the requester intends to only inspect the documents. The estimate must be provided on or before the tenth (10th) day after the date on which the public information was requested. The amount of the cost shall be established by the rules of the Attorney General and fee schedule as provided in the Texas Administrative Code, Title 1, Part 3, Chapter 70, Rules 70.3 as amended. Holidays and days which the Town Secretary’s office is administratively closed do not count toward the ten-day deadline.
4. If the Town Secretary determines that additional time is required to prepare the written estimate of cost and provides the requestor with a written statement of that determination, the Town Secretary shall provide the written estimate of costs required

- as soon as practicable, but on or before the 10th day after the date the Town provides the written statement that additional time is required.
5. The Town Secretary is authorized to request photo identification from a requestor for the purpose of establishing that the requestor has not:
 - i. Exceeded a limit established by the governmental body under Section B.1; and
 - ii. Concealed the requestor's identity
 6. If the Town Secretary has provided the requestor with the written estimate costs under Section B.3, and the time limits prescribed by Section B.1 have been exceeded, the Town Secretary will not be required to produce public information for inspection or duplication or to provide copies of the public information in response to the requestor's request unless on or before the 10th day after the date the Town Secretary provided the written statement under that section, the requestor
 - i. submits payment of the amount stated in the written statement provided, or
 - ii. Provides identification, and submits applicable payment as required by Government Code Section 552.262 if photo identification establishes the time limits have not been exceeded by that requestor.
 7. If the requestor fails or refuses to provide identification or submit payment as required under Section B.3, the requestor is considered to have withdrawn the requestor's pending request for public information.
 8. Any time spent complying with a request in the name of a minor is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other person who has control of the minor under a court order and with whom the minor resides, unless that parent, guardian, or other person establishes that another person submitted that request in the name of the minor.

C. APPLICABILITY

1. This Policy does not apply if the requestor is an individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes new or information for and is seeking information for:
 - i. A radio or television broadcast station that hold a license issued by the Federal communications commission; or
 - ii. A newspaper that is qualified under Section 2051.044 of the Texas Gov't Code to publish legal notices or is a free newspaper of general circulation and that is

published at least once a week and available and of interest to the general public in connection with the dissemination of news; or

- iii. A newspaper of general circulation that is published on the internet by a news medium engaged in the business of disseminating news or information to the general public.
 - iv. A magazine that is published at least once a week or on the Internet by a news medium engaged in the business of disseminating news or information to the general public.
- 2. This Policy does not apply if the requestor is a representative of a publicly funded legal services organization that is exempt from federal income tax under Section (501)(a), Internal Revenue Code of 1986, as amended, being listed as an exempt entity under Section 501(c)(3) of that code.
 - 3. This Policy does not apply if the requestor is an elected official of the United States, this State, or a political subdivision of this State.
 - 4. This Policy does not apply to any other requestors that are specifically exempted by Section 552.275 of the Act, as may be amended.
 - 5. This Policy does not replace or supersede the other sections of the Act and does not preclude the Town from charging for cost of labor in response to a request for copies or a request for inspection for which a charge is authorized under another section of the Act. The limit established in this Policy applies to all requestors equally except as exempted by the Act.
- D. The Office of the Town Secretary will maintain and enforce this Policy. It shall be the Town Secretary's responsibility to enforce the Policy equally to all requestors except as exempted by the Act, to provide detailed statements, and to maintain a record of the cumulative amount of time each requestor has accrued toward the established limit per fiscal year. The Town Secretary is hereby expressly authorized to implement additional policies and procedures relative to the handling of requests for public information that are consistent with the Act and this Policy.

SECTION III—EFFECTIVE DATE

This Ordinance shall become effective immediately upon its adoption.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS on this 12th day of October 2023.

Dr. Mark E. Vargus

Mayor

ATTESTED:

Linda Ruth, TRMC, CMC
Town Administrator/Town Secretary



**TOWN OF LAKEWOOD VILLAGE
PUBLIC WORKS CONSTRUCTION STANDARDS 23-XX**

AN ORDINANCE TO ADOPT THE ~~2004 EDITION OF THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS~~ PUBLIC WORKS CONSTRUCTION STANDARDS MOST RECENTLY ADOPTED BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, WITHIN THE TOWN OF LAKEWOOD VILLAGE AND THE TOWN OF LAKEWOOD VILLAGE EXTRATERRITORIAL JURISDICTION; PROVIDING A SAVINGS/REPEALING CLAUSE, PROVIDING A PENALTY CLAUSE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lakewood Village, Texas (“Town Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the Town of Lakewood Village, Texas and the citizens inside the Town of Lakewood village Extraterritorial Jurisdiction (collectively “Lakewood Village”) to adopt the ~~2004 Edition of the North Central Texas Council of Governments (“NCTCOG”)~~ Public Works Construction Standards most recently adopted by the North Central Texas Council of Governments (“NCTCOG”), save and except the deletions and amendments set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Adoption of the ~~2004~~ Public Works Construction Standards

The North Central Texas Council of Governments, ~~2004 Edition, copyrighted by the North Central Texas Council of Governments.~~ Public Works Construction Standards, including Appendix A, save and except the deletions and amendments set forth in Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby adopted as the Public Works Construction Standards Code for Lakewood Village, regulating the design of subdivisions and municipal capital projects in Lakewood Village. The ~~2004~~ Public Works Construction Standards is made a part of this Ordinance as if fully set forth herein.

Section 3: Repeal

~~No~~ Ordinances 14-11 ~~is~~ are repealed.

Section 4: Penalty Clause

A. Violation

A person who knowingly violates any provision of this chapter is guilty of separate offenses for each day during which the violation is continued. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Each offense is punishable by a fine of not more than two-thousand (\$2,000) nor less than two-hundred (\$200). The minimum fine established in this paragraph shall be doubled for the second conviction of the same offense within any 24-month period and tripled for the third and subsequent convictions of the same offense within any 24-month period. At no time shall the minimum fine exceed the maximum fine established in this paragraph.

Section 5: Legal Rights

The penal provision imposed under this Ordinance shall not preclude the Town of Lakewood Village from filing suit to enjoin the violation. The Town of Lakewood Village retains all legal rights and remedies available to it pursuant to local, state, and federal law.

Section 6: Severability

A. Unconstitutional or Invalid Section

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

B. Independent Sections

The Town hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

Section 7: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 8: Effective Date

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the 12th day of October, 2023.

Dr. Mark E. Vargus
Mayor

ATTEST:

Linda Ruth, TRMC, CMC
Town Administrator/Town Secretary

Exhibit A

Town of Lakewood Village Amendments

~~2004~~ NCTCOG Public Works Construction Standards



PUBLIC WORKS CONSTRUCTION STANDARDS

**Adopted: September 11th, 2014
Amended: October 12, 2023**

USE AND MODIFICATION

The Public Works Construction Standards are regional provisions recommended by the Public Works Council and endorsed by the NCTCOG Executive Board. The use of these standards shall be under the supervision and seal of a professional engineer in the State of Texas. Any modification to these standard specifications and drawings shall be clearly noted on engineering plans and contract documents prepared under the supervision and seal of a registered professional engineer.

In the interpretation and application of the provisions of these standards, it is the intention of the Town Council that the principles, standards and requirements provided for herein shall be the minimum requirements for the design of both subdivisions and municipal capital projects in the Town and the ETJ. Where other Town ordinances or regulations of the Town are more restrictive in their requirements, such other ordinances or regulations shall govern.

AMENDMENTS

The Town Council may from time to time amend, supplement or change by ordinance the text of this Construction Standards Ordinance on its own initiative or upon petition for a text amendment.

VARIANCE REQUESTS

All variances from the requirements included in the Construction Standards shall be approved by the Town Council. An approval of an alternative material, design or method of construction shall not affect nor relieve the Engineer of the obligation and responsibility of such material, design or method of construction for the intended purposes.

In the event that specific circumstances dictate requirements not already included in the Public Works Construction Standards, it shall be the responsibility of the Engineer to provide the additional information as deemed necessary in writing for review by the Town Council.

DIVISION 2000 PAVEMENT SYSTEMS

Applicability of the 2004 NCTCOG Public Works Construction Standards are amended as follows:

Division 2010 Reinforced Concrete Pavement: Six-Lane Divided Thoroughfare

Reinforcement shall be No. 4 bars at 18" C-C in both directions.

Division 2020 Reinforced Concrete Pavement: Four-Lane Divided Thoroughfare

Reinforcement shall be No. 4 bars at 18" C-C in both directions.

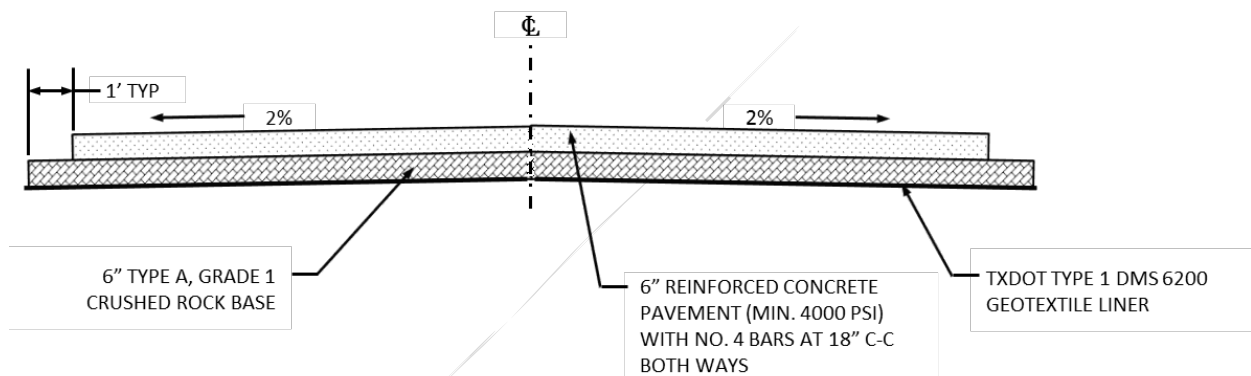
Division 2030 Reinforced Concrete Pavement: 2- & 4- Undivided Thoroughfare

Reinforcement shall be No. 4 bars at 18" C-C in both directions.

Residential Streets

Reinforcement shall be No. 4 bars at 18" C-C in both directions.

Typical Concrete Cross-Section without Curbs





End of Exhibit A

ADOPTION AND SUMMARY OF AMENDMENTS

Ordinance Number	Date	Summary
14-11	September 11, 2014	• Initial adoption.