



**LAKEWOOD VILLAGE TOWN HALL
100 HIGHRIDGE DRIVE
LAKEWOOD VILLAGE, TEXAS**

**TOWN COUNCIL MEETING
JANUARY 8, 2020 7:00 P.M.**

SPECIAL SESSION – AGENDA

Call to Order and Announce a Quorum is Present

A. PLEDGE TO THE FLAG:

B. VISITOR/CITIZENS FORUM: At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. The council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

C. 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 December 12, 2019 Council Meeting (Asbell)
2. Minutes of December 18, 2019 Council Meeting (Asbell)
3. Ordinance Calling General Election for May 2, 2020 (Asbell)

D. REGULAR AGENDA:

1. Discussion of Concrete Road Project (Vargus)
2. Consideration of Utility Line Improvements Related to Concrete Road Project (Vargus)
3. Discussion of Recycled Water Project (Farage/Lepley)
4. Consideration of Development Agreement with Tuong E. Le (Vargus)
5. Discussion and Consideration of All Matters Incident and Related to Approving and Authorizing Publication of Notice of Intention to Issue Certificates of Obligation, Including the Adoption of A Resolution Pertaining Thereto (Vargus)
6. Discussion of Republic Waste Services Hydraulic Leaks on Town Streets (Vargus)

E. 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. § 551.071(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;
2. § 551.072 Texas Government Code to wit: deliberations about real property regarding Sam Hill Ventures, Sanctuary at Sunset Cove, Le Tuong, Project Left Field, and Project Lightning Bolt; and
3. § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding Sam Hill Ventures, Sanctuary at Sunset Cove, Le Tuong, Project Left Field, and Project Lightning Bolt.
4. § 551.076 Texas Government Code to wit: deliberations about Security Devices.

F. RECONVENE: Reconvene into regular session and consideration of action, if any, on items discussed in executive session.

G. REPORTS: Reports about items of community interest. No formal action may be taken on these items.

H. ADJOURNMENT

I do hereby certify that the above notice of meeting was posted on the designated place for official notice at 6:00 p.m. on Monday, December 30, 2019.

Linda Asbell, TRMC, CMC, 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 or FAX 972-292-0812 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

DECEMBER 12, 2019

Council Members:

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

Town Staff:

Linda Asbell, TRMC, CMC – 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, December 12, 2019 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

REGULAR AGENDA:

(Agenda Item C)

**Discussion of Financing for Concrete Road
Project, Andrew Friedman - (Asbell)**

(Agenda Item C.1)

Mayor Vargus reported that SAMCO is the Town's financial advisor for the bond issuance. Mayor Vargus introduced Andrew Friedman of SAMCO. Mr. Friedman stated that SAMCO has a fiduciary duty to represent the town. Mr. Friedman distributed a proposed timetable for issuing up \$4,500,000 in certificates of obligation. The council would adopt a notice of intent to issue bonds at January meeting. Mr. Friedman discussed the bond issuance process. There was some discussion about obtaining approval of the Attorney General during the issuance. Mr. Friedman

reported the process for these bonds will be more streamlined than the 2014 bond issuance process. According to the proposed timeline the certificate of obligation ordinance would be approved at the March 12th council meeting. There was some discussion about the bidding process. Mr. Friedman reported that he reviewed the town's pro forma reports and he believes during the five-year overlap in the 2014 and 2020 bond payments a \$0.05 increase in interest and sinking rate will be required. After the 2014 bonds are paid off the \$0.05 increase would no longer be necessary. Mr. Friedman reported on the necessity of receiving a Standard and Poor's credit rating and reviewed the rating process. Mr. Friedman stated he believes the town will be rated between an A+ to an AA-. There was some discussion about the possibility of paying off the bonds early.

**Consideration of Amendment of the
Consolidated Fee Ordinance (Vargus)**

(Agenda Item C.2)

Mayor Vargus reported on audit issues created when previous customers do not cash their water deposit refund check. Mayor Vargus reported the proposed language which requires customers to pay their final bill in full to qualify for their deposit to be refunded.

Mayor Vargus reviewed the proposed changes in the fees required for various plat submittals to cover engineering costs. Mayor Vargus reported on the history of garbage collection rate increases being absorbed by the town and not passing it along to the customers in Lakewood Village. There was some discussion about the 2020 Republic Services contract rate increases. Mayor Vargus stated most municipalities add an administrative fee to the garbage collection rate to cover costs and risk for uncollectable bills. There was some discussion about reprogramming the utility billing software to adjust rates. There was some discussion about setting the garbage collection rate to \$22.50.

Town Secretary Asbell

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bushong, council voted five (5) "ayes", no (0) "nays" to approve the Consolidated Fee Ordinance as discussed. *The motion carried.*

**Consideration of Engagement of P3Works as
Public Improvement District Consultants
(Vargus)**

(Agenda Item C.3)

Mayor Vargus reported the Sanctuary development is requesting a public improvement district. The Mayor reported that the fees charged by the consultants would be covered by the Professional Services Agreement executed by the developer.

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DECEMBER 12, 2019**

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MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette, council voted five (5) “ayes”, no (0) “nays” to authorize Mayor Vargus to engage P3Works as a PID consultant. *The motion carried.*

**Consideration of Minutes of the November
14, 2019 Council Meeting (Asbell)**

(Agenda Item C.4)

Town Secretary Asbell stated the minutes would be on the January agenda.

EXECUTIVE SESSION:

(Agenda Item D)

At 7:48 p.m. Mayor Vargus recessed into executive session in accordance with (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; (2) § 551.072 Texas Government Code to wit: deliberations about real property regarding Sam Hill Ventures, Sanctuary at Sunset Cove, Le Tuong, Project Left Field, and Project Lightning Bolt; and (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations regarding Sam Hill Ventures, Sanctuary at Sunset Cove, Le Tuong, Project Left Field, and Project Lightning Bolt.

RECONVENE:

(Agenda Item E)

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

REPORTS

(Agenda Item F)

Town Secretary Asbell reported the Town Christmas Light contest is underway and judging will take place the week of December 16th. Winners will be posted on the town website.

Town Secretary Asbell reported the Christmas Car Show and Toy Drive will be this Saturday from 1pm to 4pm. Pictures with Santa will be from 1pm to 3pm.

Mayor Vargus reported he will not be available on January 9th. He asked council to consider rescheduling the meeting to the 8th.

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Mayor Vargus reported the mailboxes have all been moved and the driveway construction will begin soon.

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 9:04 p.m. on Thursday, December 12, 2019. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 8th day of January 2020.

APPROVED

Darrell West
MAYOR PRO-TEM

ATTEST:

Linda Asbell, TRMC, CMC
TOWN SECRETARY

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

DECEMBER 18, 2019

Council Members:

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

Town Staff:

Linda Asbell, TRMC, CMC – Town Secretary

SPECIAL SESSION - 4:30 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Special Meeting of the Town Council to order at 6:15 p.m. on Tuesday, December 18, 2019 in the conference room at 206 E. Davis Street, McKinney, 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

REGULAR AGENDA:

(Agenda Item C)

**Discussion of Water and Wastewater
Infrastructure (Vargus)**

(Agenda Item C.1)

Mayor Vargus reported it is not necessary to discuss this topic during the meeting.

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**Discussion of Concrete Road Project
(Vargus)**

(Agenda Item C.2)

Brittney Shake reviewed detailed construction plans for phase 2. There was some discussion about use of excess dirt after construction is completed. Ms. Shake reviewed the locations of the existing rights-of-way, easements, current asphalt road, and proposed location of the concrete road. There was discussion about replacing the asphalt driveway at town hall during the concrete construction. There was some discussion about the Lakecrest at Highridge intersection and joining the asphalt section to the new concrete road. There was some discussion about parking at town hall. Council and engineers reviewed the plans street by street. There was some discussion about traffic safety during construction. Council discussed options related to the drainage easement on Highridge south of Melody. The Highridge lift station may need to be relocated as a result of the location of the road. Sam Morgan provided information about the location of utility infrastructure at the bend of the Highridge curve. Water lines at the south end of Meadow Lake will need to be relocated. The Little Elm Fire Department has approved the design for the south end of Meadow Lake. There was some discussion about recommended intersection adjustments. There was discussion about requiring owners to move monuments at the road that are in the right of way or it will be removed during construction and not replaced.

ADJOURNMENT

(Agenda Item D)

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman Farage council voted five (5) “ayes” and no (0) “nays” to adjourn the Special Meeting of the Lakewood Village Town Council at 8:31 p.m. on Tuesday, December 18, 2019. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 8th day of January 2020.

APPROVED

Darrell West
MAYOR PRO-TEM

ATTEST:

Linda Asbell, TRMC, CMC
TOWN SECRETARY

ORDINANCE NO. 20-XX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, DENTON COUNTY, TEXAS, AUTHORIZING A GENERAL MUNICIPAL ELECTION TO BE HELD ON MAY 2, 2020, FOR THE PURPOSE OF ELECTING ONE MAYOR (PLACE 6) AND ONE TOWN COUNCILMEMBER EACH FOR PLACES 2, AND 4; AUTHORIZING A JOINT ELECTION WITH OTHER DENTON COUNTY POLITICAL SUBDIVISIONS; AUTHORIZING A CONTRACT FOR ELECTION SERVICES WITH DENTON COUNTY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the general election for the Town of Lakewood Village, as set forth by the Texas Election Code, is required to be held on May 2, 2020, at which time the voters will elect persons to Mayor (Place 6), Town Councilmember, Place 2; and Town Councilmember, Place 4.

WHEREAS, in accordance with § 271.002 of the Texas Election Code, the Town election will be conducted jointly with other political subdivisions of Denton County, Texas; and

WHEREAS, the Town Council of the Town of Lakewood Village finds it to be in the public interest to call the foregoing election and enter into a contract with Denton County to conduct said election jointly with other Denton County government entities.

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

SECTION 1. ELECTION ORDERED

That a general municipal election, is hereby ordered to be held on the 2nd day of May 2020, for the purpose of allowing the qualified voters of the Town of Lakewood Village to elect at-large one Mayor (Place 6); one Town Councilmember, Place 2; and one Town Councilmember, Place 4.

SECTION 2. JOINT ELECTION

The election will be conducted jointly with other political subdivisions in Denton County pursuant to Chapters 31 and 271, of the Texas Election Code.

SECTION 3. PRECINCT

The election precinct for said election shall be Denton County Precinct 1048. The polling place shall be Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas. Election polls shall open at 7:00 a.m. and close at 7:00 p.m.

SECTION 4. ELECTION OFFICIALS

All election officials shall be the officials appointed to such positions by Denton County and to the extent required by law, are hereby so appointed.

SECTION 5. EARLY VOTING

Early voting by personal appearance shall be held jointly with other Denton County public entities. Hours of the early voting by personal appearance shall be determined by Denton County and reflected in the Joint Election contract. The Denton County Election Administrator is hereby appointed to serve as the Early Voting Clerk. Applications for ballot by mail shall be mailed to:

Denton County Elections
Frank Phillips, Early Voting Clerk
P.O. Box 1720
Denton, TX 76202

Applications for ballots by mail must be received no later than the close of business on Friday, April 17, 2020.

SECTION 6. RUNOFF

Should a runoff election be required following the canvass of the May 2, 2020, election for any of the offices to be elected in the foregoing election, the Council hereby orders that a runoff election be held on a date determined by Denton County and reflected in the Joint Election contract.

SECTION 7: AUTHORIZATION

The Town Secretary is hereby authorized to negotiate and execute a contract for a joint election and election services with Denton County. The Town Secretary is hereby authorized to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the elections, whether or not expressly authorized herein.

SECTION 8: EFFECTIVE DATE

This ordinance shall be effective immediately upon adoption.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN
OF LAKEWOOD VILLAGE, TEXAS, on this 8th day of January 2020.**

Dr. Mark E. Vargus
Mayor

ATTESTED:

Linda Asbell, TRMC, CMC
Town Secretary

RESOLUTION NO. 20-____

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN
OF LAKEWOOD VILLAGE, TEXAS, APPROVING AND
AUTHORIZING PUBLICATION OF NOTICE OF
INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.**

WHEREAS, the Town Council of the Town of Lakewood Village, Texas (the “Town”), has determined that certificates of obligation should be issued under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended, for the purpose of paying contractual obligations to be incurred for: (i) constructing street improvements (including utilities repair, replacement, and relocation), including drainage incidental thereto, traffic signalization and monitoring equipment and other traffic controls, street lighting and the purchase of materials, supplies, equipment, machinery, land, and rights-of-way for authorized needs and purposes relating to the aforementioned improvements and (ii) professional services rendered in connection therewith; and

WHEREAS, prior to the issuance of such certificates, the Town Council is required to publish notice of its intention to issue the same in a newspaper of general circulation in the Town, said notice stating (i) the time and place the Council tentatively proposes to pass the ordinance authorizing the issuance of the certificates, (ii) the maximum amount proposed to be issued, (iii) the purposes for which the certificates are to be issued and (iv) the manner in which the Council proposes to pay the certificates; now, therefore,

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD
VILLAGE, TEXAS:**

SECTION 1: The Town Secretary is hereby authorized and directed to cause notice to be published of the Council’s intention to issue certificates of obligation in one or more series in the principal amount not to exceed FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000) for the purpose of paying contractual obligations to be incurred for: (i) constructing street improvements (including utilities repair, replacement, and relocation), including drainage incidental thereto, traffic signalization and monitoring equipment and other traffic controls, street lighting and the purchase of materials, supplies, equipment, machinery, land, and rights-of-way for authorized needs and purposes relating to the aforementioned improvements and (ii) professional services rendered in connection therewith; such certificates to be payable from ad valorem taxes and a limited pledge of the net revenues of the Town’s combined waterworks and sewer system. The notice hereby approved and authorized to be published shall read substantially in the form and content of **Exhibit A** hereto attached and incorporated herein by reference as a part of this resolution for all purposes.

SECTION 2: The Town Secretary shall cause the aforesaid notice to be (i) published in a newspaper of general circulation in the Town, once a week for two consecutive weeks, the date of the first publication to be at least forty-six (46) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the Certificates and (ii) posted continuously on the

Town's website for at least forty-five (45) days before the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation.

SECTION 3: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 4: This Resolution shall be in force and effect from and after its passage on the date shown below

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**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN
OF LAKEWOOD VILLAGE, TEXAS, on this 8th day of January 2019.**

Dr. Mark E. Vargus
Mayor

ATTEST:

Linda Asbell, TRMC, CMC
Town Secretary

EXHIBIT A

TOWN OF LAKEWOOD VILLAGE, TEXAS NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

TAKE NOTICE that the Town Council of the Town of Lakewood Village, Texas, shall convene at 7:00 p.m. on March 12, 2020, in the Town Hall located at 100 Highridge Drive, in the Town of Lakewood Village, Texas, and, during such meeting, the Town Council will consider the passage of one or more ordinances authorizing the issuance of certificates of obligation in one or more series in an amount not to exceed FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000) for the purpose of paying contractual obligations to be incurred for: (i) constructing street improvements (including utilities repair, replacement, and relocation), including drainage incidental thereto, traffic signalization and monitoring equipment and other traffic controls, street lighting and the purchase of materials, supplies, equipment, machinery, land, and rights-of-way for authorized needs and purposes relating to the aforementioned improvements and (ii) professional services rendered in connection therewith; such certificates to be payable from ad valorem taxes and a limited pledge of the net revenues of the Town's combined waterworks and sewer system. In accordance with Texas Local Government Code Section 271.049, (i) the current principal amount of all of the Town's outstanding public securities secured by and payable from ad valorem taxes is \$866,000; (ii) the current combined principal and interest required to pay all of the Town's outstanding public securities secured by and payable from ad valorem taxes on time and in full is \$910,118; (iii) the estimated combined principal and interest required to pay the certificates of obligation to be authorized on time and in full is \$6,292,212; (iv) the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and (v) the maximum maturity date of the certificates to be authorized is February 1, 2040. The certificates are to be issued, and this notice is given, pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended.

Linda Asbell, TRMC, CMC
Town Secretary
Town of Lakewood Village, Texas