



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

**TOWN COUNCIL MEETING
AUGUST 11, 2011 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: At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

C. PUBLIC HEARING: In accordance with Local Government Code § 102.006(c) a public hearing is scheduled on the proposed Fiscal Year 2010-2011 budget to provide an opportunity for citizen comment. The Town Council may adopt the budget with or without amendment by ordinance on one (1) reading.

D. REGULAR AGENDA:

1. Consideration of Variance Request for 760 Meadow Lake Pool
2. Discussion of Electrical Quality Concerns
3. Consideration of Ordinance Adopting the Fiscal Year 2011-2012 Budget
4. Consideration of Water/Wastewater Ordinance
5. Consideration of Emergency Water Ordinance
6. Consideration of Minutes of June 9, 2011 Council Meeting
7. Consideration of Minutes of July 14, 2011 Council Meeting

E. COUNCIL AND STAFF COMMENTS: Comments may be made by Council or Staff. No formal action may be taken on these items at this meeting.

F. ADJOURNMENT

August 8, 2011

TO: TOWN OF LAKEWOOD VILLAGE
11 HIGHRIDGE DRIVE
LAKEWOOD VILLAGE, TX 75068

FROM: GRADY SIMMONS
760 MEADOW LAKE DRIVE
LAKEWOOD VILLAGE, TX 75068

RE: REQUEST FOR CODE VERIANCE

Dear Sir or Madam,

We would like to build a swimming pool in the back yard of our home on 760 Meadow Lake Dr. and have discovered that the code for Lakewood Village for installing pools requires at least a 10 foot distance from the pool to the home. We are unfortunately not able to have that required distance for the type of swimming pool we want to build. I have enclosed a pool plan from our builder and also a copy of our survey plot to show the layout which we would prefer to have. As you can see, our back yard does not really allow much pool if we hold to the 10' requirement by the city.

Our builder at Blue Haven Pools does not think there will be any structural problems with the plan that is in front of you. He has explained to us that there will be more reinforcement around the side of the pool that is closest to the homes foundation and it should not affect anything. Please let us know what you decide on if to grant us the requested variance for our building plans.

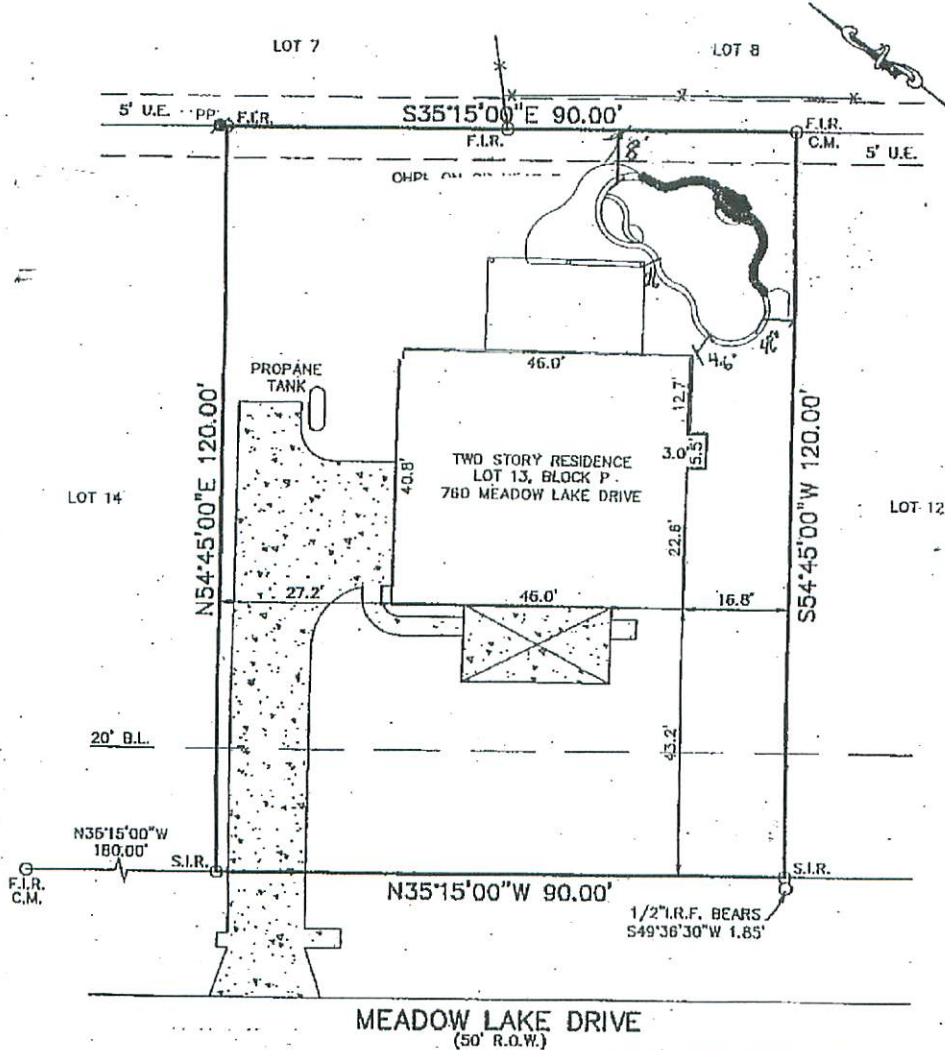
Thank you,

Grady Simmons

SURVEY PLAT

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY ON THE GROUND OF THE PROPERTY LOCATED AT NO. 760 MEADOW LAKE DRIVE; IN THE COUNTY OF DENTON, TEXAS, DESCRIBED AS FOLLOWS: LOT NO. 13 IN BLOCK NO. P OF LAKEWOOD VILLAGE, THIRD SECTION AN ADDITION TO DENTON, COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7, PAGE 58, MAP RECORDS, DENTON COUNTY, TEXAS.

BEARING BASIS NOTE: THE BEARINGS SHOWN HEREON ARE BASED ON THE ABOVE-REFERENCED, RECORDED MAP OR PLAT. C.M.= CONTROLLING MONUMENT; F.I.R.= FOUND IRON ROD; S.I.R.= SET IRON ROD; F.I.P.= FOUND IRON PIPE; F.C.P.= FENCE CORNER POST.



MEADOW LAKE DRIVE
(50' R.O.W.)

TO THE LIEN HOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND TO THE BEST OF MY KNOWLEDGE, THAT THERE ARE NO VISIBLE DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCRICHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHT OF WAY THAT I HAVE BEEN ADVISED OF EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY. FIDELITY NATIONAL TITLE COMPANY G.F. No. 248877-X-0059 Revised A
FLOOD NOTE: IT IS MY OPINION THAT THE PROPERTY DESCRIBED HEREIN IS NOT WITHIN THE 100-YEAR FLOOD ZONE AREA ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NO. 480774 0415 F. PRESENT EFFECTIVE DATE OF MAP APRIL 2, 1997, HEREIN PROPERTY SITUATED WITHIN ZONE X (UNSHADED)

DATE: JANUARY 2, 2001 SCALE: 1" = 20' A.S.C. NO.: 2012252 DRAWN BY: J.V.

ARTHUR SURVEYING COMPANY, INC.
Registered Professional Land Surveyors
P.O. Box 54 - Lewisville, Texas 75067
Office: (972) 221-9439 Fax: (972) 221-4675



Kathy & Grady Simmons

TOWN OF LAKEWOOD VILLAGE

ORDINANCE NO. 11-XX

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2011 AND TERMINATING ON SEPTEMBER 30, 2012, AND MAKING APPROPRIATIONS FOR EACH DEPARTMENT PROJECT AND ACCOUNT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village, Texas (the "Town") has caused to be filed with the Town Secretary a budget to cover all proposed expenditures of the government of the Town for the fiscal year beginning October 1, 2011 and terminating September 30, 2012, and

WHEREAS, the said budget shows as definitely as possible each of the various projects for which appropriations are set in the budget, and the estimated amount of money carried in the budget for each of such projects, and

WHEREAS, said budget has been filed with the Town Secretary and available for inspection by any taxpayer, and

WHEREAS, public notice of a public hearing on the proposed annual budget, stating the date, time, place, and subject matter of said hearing, was given as required by laws of the State of Texas, and

WHEREAS, such public hearing was held on August 11, 2011, prior approval of which date being hereby ratified and confirmed by the Town Council, and all those wishing to speak on the budget were heard, and

WHEREAS, the Town Council has studied said budget and listened to the comments of the taxpayers at the public hearing held therefore and has determined that the budget attached hereto is in the best interest of the Town of Lakewood Village.

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

1. That the budget attached hereto as Exhibit "A" and incorporated herein for all purposes is adopted for the fiscal year beginning October 1, 2011 and ending September 30, 2012; and such purposes, respectively such sums of money for such projects, operations, activities, purchases and other expenditures as proposed in the attached budget.

2. That no expenditures of the funds of the Town shall hereafter be made

Financial Statement

End of Month CASH Balances

Month	General Fund	Utility Fund	Tax Fund	General Reserve	Utility Reserve	MDD	EDC	TOTAL	Earned Interest
Oct-05	\$21,276.44	\$45,419.71	\$36,311.25					\$103,007.40	
Nov-05	\$12,576.53	\$40,013.15	\$42,555.74					\$95,145.42	
Dec-05	\$22,996.64	\$36,218.62	\$50,402.29					\$109,617.55	
Jan-06	\$22,723.76	\$13,613.38	\$67,276.65					\$103,613.79	
Feb-06	\$4,853.21	\$34,347.32	\$85,582.35					\$124,782.88	
Mar-06	\$20,404.21	\$42,484.17	\$55,582.35					\$118,470.73	
Apr-06	\$3,257.66	\$38,805.73	\$56,893.27					\$98,956.66	
May-06	\$12,666.08	\$25,543.68	\$58,011.44					\$96,221.20	
Jun-06	\$29,244.72	\$26,520.60	\$28,852.55					\$84,617.87	
Jul-06	\$13,823.30	\$15,272.77	\$30,463.87					\$59,559.94	
Aug-06	\$32,744.38	\$16,712.64	\$2,210.53					\$51,667.55	
Sep-06	\$25,996.95	\$30,406.58	\$2,283.44					\$58,686.97	
Oct-06	\$21,266.16	\$23,373.72	\$2,491.70					\$47,131.58	
Nov-06	\$20,096.40	\$44,551.48	\$7,814.82					\$72,462.70	
Dec-06	\$12,660.17	\$43,337.47	\$34,032.07					\$90,029.71	
Jan-07	\$39,711.88	\$29,954.75	\$91,615.96					\$161,282.59	
Feb-07	\$44,996.27	\$39,171.91	\$127,293.33					\$211,461.51	
Mar-07	\$33,149.54	\$14,265.24	\$129,597.08					\$177,011.86	
Apr-07	\$25,159.10	\$15,132.26	\$115,600.76					\$155,892.12	
May-07	\$26,662.46	\$17,415.60	\$117,811.50					\$161,889.56	
Jun-07	\$7,837.13	(\$542.29)	\$120,190.75					\$127,485.59	
Jul-07	\$13,994.77	\$13,557.40	\$91,920.10					\$119,472.27	
Aug-07	\$4,368.34	\$18,149.08	\$69,265.59					\$91,783.01	
Sep-07	\$4,319.04	\$17,579.75	\$53,968.00					\$75,866.79	
Oct-07	\$887.94	\$19,151.66	\$54,583.72					\$74,623.32	
Nov-07	\$8,813.40	\$4,382.17	\$43,974.41					\$57,169.98	
Dec-07	\$3,188.77	\$8,143.34	\$66,596.53					\$77,928.64	
Jan-08	\$1,075.84	\$16,538.03	\$154,618.10					\$172,231.97	
Feb-08	\$2,171.66	\$24,241.74	\$38,163.06	\$150,132.70				\$214,709.16	
Mar-08	\$23,637.30	\$20,263.18	\$30,743.45	\$150,535.43				\$225,179.36	
Apr-08	\$10,471.87	\$31,641.43	\$24,838.27	\$160,845.47				\$227,797.04	
May-08	\$3,780.77	\$10,325.11	\$20,573.89	\$181,175.37				\$215,855.14	
Jun-08	\$3,812.37	\$5,870.12	\$21,909.81	\$181,504.75				\$213,097.05	
Jul-08	\$18,818.60	\$12,327.62	\$27,292.12	\$151,800.85				\$210,239.19	
Aug-08	\$4,808.74	\$33,885.03	\$8,547.58	\$152,080.47				\$199,321.82	
Sep-08	\$10,086.56	\$15,904.75	\$8,675.23	\$152,358.78				\$187,025.32	

2011 BUDGET SUMMARY

	ACTUAL 2009	ACTUAL 2010	AMENDED BUDGET	YTD 31-Jul-11	Proposed Budget 2012
General Fund Revenues	\$266,894	\$261,707	\$268,142	\$280,933	\$272,320
General Fund Expenses	<u>\$216,795</u>	<u>\$217,387</u>	<u>\$264,900</u>	<u>\$170,681</u>	<u>\$269,945</u>
General Fund Surplus	\$50,099	\$44,320	\$3,242	\$110,252	\$2,375
Utilities Fund Revenues	\$243,260	\$254,186	\$292,586	\$245,614	\$294,220
Utilities Fund Expenses	<u>\$255,604</u>	<u>\$273,859</u>	<u>\$292,586</u>	<u>\$265,998</u>	<u>\$255,970</u>
Utilities Fund Surplus	<u>(\$12,344)</u>	<u>(\$19,673)</u>	\$0	<u>(\$20,384)</u>	<u>\$38,250</u>
General Fund Balance at Start of Fiscal Year 2010 =		\$168,293			
General Fund Balance at End of Fiscal Year 2010 =		<u>\$214,101</u>			
Utility Fund Balance at Start of Fiscal Year 2010 =		\$54,310			
Utility Fund Balance at End of Fiscal Year 2010 =		<u>\$101,808</u>			

GENERAL FUND Revenues

		ACTUAL	AMENDED	YTD (10 mo)	PROPOSED	
		2010	2011	31-Jul-11	2012	
OPERATING REVENUES						
4300	<i>Tax Income</i>	\$195,998	\$182,500	\$186,772	\$186,000	2012 certified totals = \$182,146
	<i>Sales Tax</i>	\$5,180	\$10,000	\$8,742	\$11,000	
4000	<i>Building Permits</i>	\$1,500	\$20,000	\$29,657	\$20,000	
4200	<i>Franchise Fee</i>	\$27,853	\$32,000	\$31,329	\$35,000	
4103	<i>Reinspect Fees</i>	\$1,250	\$1,000	\$750	\$1,000	
4101	<i>Contractor Registrations</i>	\$3,250	\$2,000	\$1,100	\$1,500	
4109	<i>Plumbing Permit</i>	\$300	\$250	\$300	\$300	
4500	<i>Interest</i>	\$5,979	\$6,000	\$3,932	\$5,000	
4106	<i>Flatwork Permits</i>	\$900	\$750	\$350	\$350	
4102	<i>Pool Permits</i>					
4104	<i>Fence Permits</i>	\$550	\$400	\$150	\$150	
	<i>Electrical Permits</i>	\$1,325	\$1,200	\$600	\$600	
4105	<i>Sprinkler Permits</i>	\$400	\$500	\$300	\$300	
4107	<i>CO/CSI Inspections</i>	\$2,350	\$2,400	\$2,775	\$3,000	
4100	<i>Town Hall</i>	\$240	\$240	\$130	\$100	
4600	<i>Pet Registration</i>	\$15	\$15	\$20	\$20	
4950	<i>Unallocated Revenues</i>	\$2,737	\$4,331	\$3,919	\$3,500	
	<i>Residential Mowing</i>			\$110		
	<i>Grants</i>		\$2,225	\$2,225		
	Transfer from MDD	\$2,724				
	Transfer from EDC	\$1,500	\$2,331	\$2,331		
4800	<i>Municipal Court Fines</i>					
4802	<i>Court Costs Fees</i>					
4650	<i>Mowing Abatement Fees</i>	\$850		\$400	\$500	
	<i>Lien Reciepts</i>	\$6,806		\$5,041	\$4,000	
TOTAL OPERATING FUNDS		\$261,707	\$268,142	\$280,933	\$272,320	
RESERVE FUNDS			\$144,699			
TOTAL FUNDS AVAILABLE			\$412,841		\$272,320	

GENERAL FUND Expenses

		ACTUAL	AMENDED	YTD	PROPOSED	
		2010	2011	31-Jul-11	2012	
Operating Expenses						
5221	Street Repair	\$13,196	\$42,000	\$1,598	\$52,000	Crack Seal ?
5031	Attorney Fees	\$13,467	\$18,000	\$23,122	\$20,000	
5700	Payroll	\$48,000	\$50,000	\$38,769	\$55,000	
5041	Building Inspections	\$4,600	\$10,000	\$9,255	\$10,000	
	Town Engineer	\$481				
5160	Fire/EMS	\$34,083	\$45,000	\$21,807	\$45,000	
	Town Hall Improvements	\$5,451	\$3,000	\$662	\$2,000	Coserv Energy Audit
	Capital Improvements	\$28,921	\$3,000		\$2,000	Street Signs
	Property Acquisition		\$35,000	\$32,832	\$24,700	
5701	Payroll Tax Expense	\$3,672	\$3,600	\$2,048	\$3,825	
5100	Contingency Fund	\$3,797	\$2,000	\$2,776	\$3,000	
5060	Town Mowing	\$8,745	\$8,000	\$5,800	\$9,000	
5140	Electricity	\$6,890	\$6,000	\$4,702	\$6,000	
5250	Town Maintenance	\$4,347	\$4,000	\$3,189	\$4,000	
57xx	Benefits	\$6,089	\$7,000	\$5,536	\$9,500	
7520	Accounting Fees	\$10,000	\$10,000	\$10,000	\$10,200	
5310	Travel Meeting Expenses	\$475	\$1,000	\$494	\$1,000	
5240	Telephone/Telecom	\$1,903	\$2,000	\$1,381	\$2,000	
5290	Continuing Education	\$851	\$1,000	\$824	\$1,000	
5190	Office Supplies	\$1,111	\$600	\$553	\$700	
5130	Elections	\$445	\$2,000	\$15	\$2,000	
5185	Postage	\$201	\$200	\$81	\$200	
5000	Computers Maintenance	\$586	\$300	\$222	\$300	
5111	Appraisal District	\$1,668	\$1,300	\$1,197	\$1,300	
5260	Advertising	\$562	\$600	\$726	\$700	
5180	Membership Dues	\$707	\$700	\$820	\$820	
5200	Propane	\$1,425	\$1,200	\$683	\$1,200	
5270	Playground/ Park	\$12,062	\$3,000			
5230	Tax Collector	\$269	\$400		\$300	
	Town Functions		\$1,000	\$116	\$500	
5021	Animal Control	\$105	\$200		\$200	
	TML INSURANCE	\$685	\$700			
	Court Attorney Fees					
5280	Municipal Court					
5210	Abatement Mowing	\$2,480	\$2,000	\$1,180	\$1,200	
	Lien Recording Fees	\$113	\$100	\$293	\$300	
	Postage					
Total Operating Expenses		\$217,387	\$264,900	\$170,681	\$269,945	
Additions (Subtractions) to Reserve						
Available Reserve Funds			\$144,699			
TOTAL FUNDS ALLOCATED			\$409,599	\$170,681	\$269,945	

UTILITIES FUND EXPENSES

	ACTUAL	BUDGET	AMENDED	YTD	BUDGET	
	2010	2011	2011	31-Jul-11	2012	
Operating Expenses						
<i>Capital Improvements</i>	\$42,787	\$40,000	\$40,000	\$37,777		
<i>Depreciation Expense</i>	\$55,000	\$57,000	\$48,159	\$48,159	\$60,000	
<i>Contract Salaries</i>	\$50,375	\$46,500	\$46,500	\$38,750	\$46,500	??? Aquamat New 4YR Contract
<i>Electricity (Water)</i>	\$22,634	\$22,263	\$22,263	\$13,692	\$22,200	
<i>Electricity (Sewer)</i>	\$20,531	\$21,818	\$21,818	\$14,661	\$21,800	
<i>Solid Waste</i>	\$36,746	\$42,000	\$42,000	\$27,129	\$42,000	
<i>Engineer</i>		\$10,000	\$10,000	\$1,243	\$10,000	
<i>Water Repairs</i>	\$11,798	\$8,000	\$8,000	\$13,603	\$15,000	
<i>Sewer Repairs</i>	\$11,357	\$8,000	\$15,000	\$28,029	\$8,000	
<i>Water Scheduled Maintenance</i>			\$300			
<i>Sewer Scheduled Maintenance</i>			\$8,800	\$8,100		
<i>Insurance</i>	\$5,180	\$5,180	\$7,811	\$8,067	\$8,100	
<i>Contingency Fund</i>	\$799	\$10,000	\$3,000	\$988	\$3,000	
<i>Water Equipment</i>	\$4,048	\$3,000	\$3,000	\$1,430	\$3,000	
<i>Sewer Equipment</i>	\$1,382	\$1,000	\$1,000	\$3,463	\$1,000	
<i>Chemicals (Water)</i>	\$1,428	\$1,600	\$1,600	\$771	\$1,400	
<i>Chemicals (Sewer)</i>	\$2,057	\$2,000	\$2,000	\$2,529	\$3,000	
<i>Laboratory (Water)</i>	\$1,014	\$600	\$600	\$485	\$600	
<i>Laboratory (Sewer)</i>	\$1,976	\$5,000	\$5,000	\$3,439	\$5,000	
<i>Computers and Maintenance</i>	\$600					
<i>Office Supplies</i>	\$1,017	\$1,100	\$1,100	\$1,301	\$1,500	
<i>Postage</i>	\$1,000	\$1,000	\$1,000	\$1,076	\$1,000	
<i>TCEQ Licensing Fees (Sewer)</i>	\$1,250	\$1,250	\$2,015	\$10,276	\$1,250	
<i>TCEQ Licensing Fees (Water)</i>	\$430	\$420	\$420	\$430	\$420	
<i>Sludge Removal (Sewer)</i>	\$450		\$1,200	\$600	\$1,200	
Total Operating Expenses	\$273,859	\$287,731	\$292,586	\$265,998	\$255,970	
Additions (Subtractions) to Reserve		\$4,855				
Available Reserve Funds		\$117,000				
TOTAL FUNDS ALLOCATED		\$409,586			\$255,970	

Monthly Sales Tax Revenues

	TOWN		EDC		MDD		TOTALS			Town	EDC	MDD
	2010	2011	2010	2011	2010	2011	2010	2011				
Jan	\$625.42	\$587.98	\$312.71	\$292.27	\$526.35	\$533.71						
Feb	\$595.53	\$1,150.58	\$297.76	\$575.29	\$460.63	\$919.59	\$2,818	\$4,059	44%	42%	42%	47%
Mar	\$300.65	\$791.78	\$150.32	\$395.89	\$438.19	\$673.44	\$3,708	\$5,921	60%	66%	66%	49%
Apr	\$417.99	\$591.73	\$208.99	\$295.86	\$515.95	\$499.23	\$4,850	\$7,307	51%	61%	61%	35%
May	\$871.03	\$935.09	\$337.46	\$467.54	\$867.86	\$931.32	\$6,927	\$9,641	39%	44%	55%	27%
Jun	\$661.36	\$681.02	\$330.67	\$340.51	\$333.12	\$448.11	\$8,252	\$11,111	35%	36%	45%	27%
Jul	\$531.78	\$931.34	\$160.42	\$465.67	\$303.94	\$478.01	\$9,248	\$12,986	40%	42%	58%	30%
Aug	\$605.22		\$302.61		\$661.94							
Sep	\$371.03		\$185.51		\$242.09							
Oct	\$384.45		\$192.23		\$465.73							
Nov	\$481.03		\$240.51		\$920.29							
Dec	\$2,011.98		\$1,005.99		\$1,193.87							
TOTAL	\$7,857	\$5,670	\$3,725	\$2,833	\$6,930	\$4,483	\$12,986					
							\$31,166					

2010 GRAND TOTAL =	\$18,513
GRAND TOTAL =	\$31,499

General Fund FY 2011 \$8,547 10 mo
 \$1,371 est. 2 mo
 \$9,918

except in strict compliance with such budget, except in case of grave necessity, emergency expenditures to meet unusual or unforeseen conditions, which could not, by reasonable, diligent thought and attention, have included in the original budget, may from time to time be authorized by the Town Council as amendments to the original budget.

3. That the Town Mayor shall file or cause to be filed a true and correct copy of said budget, along with this ordinance with the Town Secretary.

4. The necessity of adopting and approving a proposed budget for the next fiscal year as required by the laws of the State of Texas, require that this ordinance shall take effect immediately from and after its passage, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, on this 11th day of August 2011.

MIKE SCHNITTKER
Mayor

ATTESTED:

LINDA ASBELL
Town Secretary

TOWN OF LAKEWOOD VILLAGE, TEXAS

ORDINANCE NO. 11-XX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, FIXING AND PRESCRIBING THE RATE, CHARGES AND FEES FOR THE WATER AND SEWER SERVICES PROVIDED BY THE TOWN; PROVIDING FOR THE REPEAL OF ORDINANCE 10-07 ; PRESCRIBING CERTAIN POLICIES, RULES AND REGULATIONS IN CONNECTION THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, heretofore, the Town of Lakewood Village, Texas (hereinafter referred to as “Town”), acquired a water and sewer system in and for the Town; and

WHEREAS, the Town Council of the Town has found, determined and declares that it is necessary and expedient to: (i) fix and prescribe the rates, charges and fees for water and sewer services provided its residents by the Town, and (ii) prescribe certain policies, rules and regulations in connection herewith;

WHEREAS, the Town Council hereby repeals Ordinance 10-07 passed July 2010;

WHEREAS, the Town Council believes it is in the best interest of its citizens to have the ability to impose a lien on eligible properties as a means of securing payment of delinquent bills;

WHEREAS, Section 402.0025 of the Texas Local Government Code gives municipalities authority to impose a lien on certain owner’s property for delinquent bills for utility services;

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

Section 1. Service Required. All property within the corporate limits of the Town are required to comply with the Town’s Water and Sewer System requirements. All water and wastewater services within the Town Limits are required to be provided by the Town. The only exception shall be for non-potable water used for irrigation purposes that is obtained from Lake Lewisville with the permission of the City of Dallas and the requirement consent permits issued by the United States Corps of Engineers. On-site sewage systems (e.g., septic, aerobic) and water wells are strictly prohibited.

Section 3. Fixing Rates, Charges and fees for water Service; Prescribing policies Rules and Regulations Therefore. That the Town Council of the Town hereby fixes and prescribes, upon the effective date of this Ordinance, the following: (i) rates, charges and fees for water

service in the Town as provided in Exhibit A, and (ii) rules, regulations, policies in connection therewith, which shall be applicable to and the controlling Ordinance relative to the Town's Water and Sewer System (herein sometimes referred to as the "System"), to-wit:

A. NO FREE SERVICE PERMITTED

No free service of the Town's System shall be allowed to any person, firm corporation or association whatsoever (hereinafter sometimes referred to collectively as "Customer").

B. APPLICATION FOR SERVICE AND REQUIRED DEPOSIT

Any Customer desiring water service shall make application therefore to the Town, together with the required deposit, which deposit must be made at the time the application is submitted. If the applicant has outstanding delinquent accounts with other municipal utilities, as a condition of new service, the Town may require proof of payment. In an attempt to collect unpaid bills, the Town may also provide information on delinquent accounts to other utilities as provided by law and in accordance with relevant inter-local agreements.

Except as may herein otherwise be provided, the deposit for normal residential connection shall be Two Hundred Dollars (\$200.00). The deposit shall be held by the Town so long as the Customer is using the service and the Town shall not pay interest thereon. Upon termination of the service, any unpaid balance shall be charged against the deposit and the remaining, if any, shall be refunded to the customer, at the Town's discretion, by (i) The Town making the refund available for pick-up at the Town Hall during normal business hours or (ii) Forwarding to the customer by USPO to the last known billing address. If such refund is not claimed or negotiated within one year from issuance, the refund amount shall revert to and be the property of the general funds of the System.

C. WATER TAPPING CHARGES

The charges for tapping water mains and conveying the water up to the property line shall be \$900.00 within existing platted subdivisions or the approved impact fee, whichever is applicable. The cost of extending service lines to customers in unplatted property shall be incurred by the customer. All costs and expenses for labor and materials incurred for the Customer which costs include, but are not limited to, meter boxes, couplings, tubing and necessary excavation work are the responsibility of the customer.

D. SEWER TAPPING CHARGES

The charges for tapping sewer mains shall be \$900.00 per sewer tap for all platted subdivisions in the Town where Town sewer service is available, or the approved impact fee, whichever is applicable. The cost of extending service lines to customers in

unplatted property shall be incurred by the customer.

E. CONNECTION SPECIFICATIONS AND INSPECTION REQUIREMENTS

One inch (1") meters shall not be allowed on lines smaller than six (6"). All sprinkler system connections shall be installed and maintain double check valves or air gaps. All connections made pursuant to the terms and conditions of this Ordinance shall be inspected by the Town Inspector or a duly designated agent of the Town. The requirements of the Town's current Building Ordinance shall prevail in regards to connection and inspection requirements.

F. MONTHLY RATES FOR WATER AND SEWER SERVICE

The monthly rates for water and sewer service shall be as shown in Exhibit A. follows:

G. EFFECTIVE DATE OF RATE CHANGES

Any change made in the monthly rate for the Town water and sewer services within the Town limits of the Town shall become effective on the first regular billing date after the date of adoption by Ordinance therefore.

H. BILLING PROCEDURES FOR WATER AND SEWER SERVICE; DEFERRED PAYMENT PLANS

(1) The Town shall read all water meters once each month and render a monthly bill for water and sewer services to each Customer. Meters shall be read within one day of the fifteenth day of each month. Due dates for each bill shall be the fifth day of the subsequent month with a penalty of five percent (5 %) charged for payments received on or after the sixth day of the month.

(2) A deferred payment plan is any arrangement or agreement between the utility and a customer in which an outstanding bill will be paid in installments. If requested, the Town shall offer a deferred payment plan to any residential customer if the customer's bill is more than three times the average monthly bill for that customer for the previous 12 months and if that customer has not been issued any disconnection notices at any time during the preceding 12 months. A deferred payment plan may include a one-time finance charge that may not exceed 10% of the gross water charges.

I. FAILURE TO PAY FOR SERVICE; DISCONTINUATION OF SERVICE BY THE TOWN; FEES TO RESUME SERVICE; LIENS

The Town shall discontinue and cut off a customer's water service for failure to pay his/her water bill within forty-five (45) days from the date the bill was mailed to the Customer or when an overdue account balance exceeds the amount of deposit. Payment by the Customer by dishonored check shall constitute non-payment and water service discontinued. Customer will be required to pay a fee as shown in Exhibit A.. Prior to

resuming water service which has been discontinued for failure to pay the monthly charges, the Town shall require full payment of the account..

(a) The Town may file a lien when delinquent charges imposed by this ordinance for utility service remain unpaid, The Town may impose a lien against the real property to which such service was delivered. The lien shall include and secure the delinquent charges, penalties, interest and collection costs. The Town shall perfect the lien by filing a notice of lien containing a legal description of the property and the utility account number for the delinquent charges in the real property records of the county in which the property is located.

(b) The lien authorized in this section shall not apply to bills for service connected in a tenant's name after notice by the property owner to the municipality that the property is rental property

(c) The lien authorized in this section shall not apply to homesteaded property.

(d) The lien shall not be filed until at least 15 days after service has been discontinued.

J. RESERVATION OF RIGHTS BY TOWN

The Town reserves the right at any time to shut off the water in its mains for the purpose of cleaning, repairing or making any connections or extensions, or for any purpose of repairing machinery, reservoir or any part of the System.

K. INDEMNITY OF TOWN

It is expressly understood as prerequisite to furnishing water service to Customers that the Town is not liable for any damages on account of leakage or breakage of pipes on any premises.

L. NO GUARANTEES

Water customers are not guaranteed a specified quantity of water for any purpose whatever, and are not guaranteed any specified water pressure.

M. CONSENT OF TOWN REQUIRED

No plumber or person, except an employee or agent of the Town, will be allowed to turn on or off any water from the street stop cocks or to tap any street main or pipes belonging to the Town or to do any work in the street or alleys and public grounds in connection with the laying of street service connections and in connection with their mains without the consent of the Town Council.

N. PERMITS REQUIRED FOR WORK ON WATER PIPES

The Town will refuse to turn on the water for any person employing a plumber to make any alterations or extensions of the water pipes on his/her premises, who shall not have first secured the necessary permit to make such changes.

O. UNLAWFUL TO DAMAGE TOWN'S WATERWORKS SYSTEM

It shall be unlawful for any person to damage any property of the Town water and sewer system.

P. USPS MAIL DELIVERY

Failure to receive the monthly bill via the US Postal service does not alleviate the customer's responsibility to pay their bill in a timely manner. Billing information may be obtained and payments made at Town Hall during regular business hours.

Q. SUPPLEMENTAL SEWAGE BACKUP INSURANCE

The Town of Lakewood Village, for the benefit of the citizens, currently provides for supplemental sewage backup insurance. This insurance is provided for citizens through the Town's insurance carrier. Citizens may utilize this insurance coverage in the event of a sewage backup within a town sewer line that causes damage to the citizen's private property. In order to benefit from this insurance coverage the citizen must pay any deductibles associated with the claim. This ordinance does not require the Town to maintain supplemental sewage backup insurance and the Town may discontinue the coverage at anytime and without prior notice to the public.

R. ADDITIONAL RULES AND REGULATIONS

The Town reserves the right to make such other rules and regulations, policies and provisions as may be necessary for the preservation, protection and economical administration of its water and sewer system.

Section 4. Savings Clause. That this Ordinance shall be cumulative of all other ordinances or resolutions of the Town of Lakewood Village, Texas affecting the Town's water and sewer system and shall not repeal any of the provisions of said ordinances or resolutions except in those instances where provisions of those ordinances or resolutions are in direct conflict with the provision of this ordinance.

Section 5. Penalty for violation; Continuing Violations. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in a sum not to exceed Two Thousand Dollars (\$2000.00) for each offense and a separate offense shall be deemed committed upon each day during or on which a violation occurs.

Section 6. Repeal Clause Ordinance 10-07 is repealed.

Section 7. Severability Clause. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the Town Council hereby declares it would have passed such invalidity, which remaining portions shall remain in full force and effect.

Section 8. Providing An Effective Date. That this Ordinance shall become effective immediately upon its passage and publication as provided by law.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, on this the 11th day of August , 2011.

APPROVED:

Mike Schnittker
Mayor

ATTEST:

Linda Asbell
Town Secretary

EXHIBIT A

The following fees shall apply:

Town Water Service:

<u>Water Quantity</u> (gallons)	<u>Rates</u>
0 to 3,000	\$25.00 per month minimum
3,001 to 9,000	\$25.00 plus \$3.75 per thousand gallons over 3000 gallons
9,001 to 19,000	\$47.50 plus \$3.00 per thousand gallons over 9000 gallons
19,000 to 50,000	\$77.50 plus \$2.00 per thousand gallons over 19000 gallons
Over 50,000	\$139.50 plus \$10.00 per thousand gallons over 50,000 gallons

<u>Commercial Quantity</u>	<u>Rates</u>
0 to 2,000	\$39.00 minimum
over 2,001	\$39.00 plus \$5.45 per thousand gallons over 2,000

Water leaks at residences will be handled as follows:

1. Leaks in a service line from property owner’s side of the meter will be charged average bill plus \$1.50 per thousand gallons above the average monthly usage. This adjustment shall only apply to one leak in a twelve month period.
2. In order number 1 to apply, plumber repair invoices (including location of leak) will have to be provided as proof or an agent of the Town must be called if owner wishes to repair leak himself.
3. The basis for computing the average bill and average usage for 1 and 2 (above) shall be the preceding three months

Town Sewer Service - Flat Rate - \$41.00 per month

Garbage Service - Flat Rate - \$17.00 per month

Disconnect/Reconnect Fees:

Owner shall pay a fee of Fifty Dollars (\$50.00) to have said water service resumed if such service is resumed during the hours of 8:00 o’clock a.m. to 4:30 o’clock p.m. any Monday through Friday which is not a legal holiday observed by the Town. A Customer who has had his/her water service discontinued will be required to pay a fee of Seventy-five (\$75.00) to have said water service resumed on a Saturday, Sunday or legal holiday which is observed by the Town or on any day Monday through Friday during the hours 4:30 o’clock p.m. to 8:00 o’clock a.m. Unauthorized resumption of service by the customer shall result in meter removal and an additional fee of \$100.00 to be paid prior to the resumption of service.

TOWN OF LAKEWOOD VILLAGE, TEXAS

ORDINANCE NO. 11-XX

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS ADOPTING AN EMERGENCY WATER MANAGEMENT PLAN; PROVIDING CERTAIN RULES, REGULATIONS, STANDARDS, AND CRITERIA; PROVIDING A PENALTY FOR EXCESSIVE WATER USE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Lakewood Village deems it necessary to adopt an Emergency Water Management Plan (the “Plan”) in the event of water shortage; and

WHEREAS, due to extreme weather conditions and an increase in outdoor water usage, the Town of Lakewood Village reached a maximum water pumping and distribution levels thereby creating a water shortage and requiring the implementation of an Emergency Water Management Plan (the “Plan”).

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

Section 1. PURPOSE AND SCOPE.

There is hereby established a Town of Lakewood Village Emergency Water Management Plan (the “Plan”) to provide procedures to minimize the effects of a water shortage to customers of the Town of Lakewood Village. The plan provides for voluntary and mandatory water usage reduction. The Plan applies to all persons and premises within the Town using water from the Town’s water system (The “System”).

Section 2. EXEMPTIONS.

- A) Governmental use of water determined to be necessary for the public health, safety, and welfare, or for essential services such as fire, police, and emergency services, are exempt from any and all restrictions or mandates herein.
- B) All persons who are permitted by the Town of Dallas to pump out of Lake Lewisville for the purpose of irrigation.

Section 3. DEFINITIONS.

General Emergency means a condition in which the existing or projected water supply available to the Town is not anticipated to meet the ordinary water requirements of the metered water users. This condition may be the result of factors including, but not limited to, natural emergency conditions (i.e., drought, water supply contamination, etc.) and/or a failure of the Town’s water distribution system.

Geographical Emergency means a condition in which the existing or projected water supply available to the Town is not anticipated to meet the ordinary water requirements of a section or sections of the metered water users. This condition may be the result of factors including, but not limited to, natural emergency conditions (i.e., drought, etc.) and/or a failure of the Town’s water distribution system.

Landscape means natural plant materials indigenous to a region and/or the addition of decorative or functional plantings around structures or on grounds (i.e., trees, shrubbery, grasses, flowers).

Person means owner, occupant, or person in control of the premises or a person authorized by the owner, occupant, or person in control of the premises.

Ordinary water requirements means anytime each pump falls below fifty (50) gallons per minute.

Utility Operations Company means the entity with which the Town maintains its current water supply contract.

Section 4. EMERGENCY CRITERIA

Emergency criteria triggering the implementation of various levels of the Plan includes, but is not limited to, the following:

1. General or Geographical Emergency;
2. Water system failures/emergencies (i.e., pressure zone deficiencies, chemical spills, broken water mains, power outages, electrical failure, failure of storage tanks or other equipment, treatment plant breakdown, and water contamination);
3. An inability to recover approximately 90% in all storage facilities within a 24-hour period;

Section 5. AUTHORITY TO DECLARE EMERGENCY.

The Mayor is hereby authorized to declare that an emergency situation exists and that implementation of the applicable provisions of this emergency water management plan ordinance is necessary to protect the public welfare and safety.

Section 6. EMERGENCY WATER MANAGEMENT PLAN - IMPLEMENTATION AND TERMINATION

1. The Mayor, after consultation with the Utility Operations Company, may, based upon the criteria listed in this ordinance, determine that conditions of a water emergency exist. Upon such determination, the Mayor shall advise the Town Council, and the Mayor shall , based upon the criteria specified in Section 4 , specify the appropriate level of emergency that exists and may order that the measures authorized under Section 8 be implemented.

To initiate effective implementation of the plan, in the event of a general or geographical emergency, the order must be made by public announcement by:

- a. Posting at mailbox boards; and
- b. Posted on the town marquee.

The order becomes effective immediately upon posting.

2. All implemented actions remain in effect until the conditions which triggered activation of such actions have been alleviated or until the Mayor determines that the conditions triggering the emergency no longer exist and advises the Town Council of that determination. The Mayor may then order the termination of the emergency measures. The public will be informed of the termination in the same manner as provided in paragraph (1) above.

Section 7. DURATION OF ORDER; CHANGE/EXTENSION OF LEVEL OF EMERGENCY

The Plan is effective on a year round basis. The Mayor may upgrade or downgrade the level of emergency when the criteria identified in Section 4 triggers such upgrade or downgrade. Any change in the order must be implemented in the same manner, and must meet all notice requirements prescribed in Section 6. The Mayor may declare any level of the Plan specified herein to be effective for a period not to exceed ninety (90) days. After the expiration of the 90 day period declared to be in effect by the Mayor, the Mayor shall consult with the Utility Operations Company and Town officials to determine if such level of the plan should be extended for an additional 120 days. After each such expiration for any level of the plan, this procedure shall be followed.

Section 8. EMERGENCY WATER MANAGEMENT PLAN- DESCRIPTION

- a. Upon the occurrence of an emergency as provided in Section 4, the Mayor may exercise his discretion to request special volunteer water restrictions and/or initiate level green, yellow or

red mandatory restrictions.

LEVEL GREEN - VOLUNTARY WATER RATIONING
LEVEL YELLOW - MANDATORY ODD/EVEN WATER RATIONING
LEVEL RED - MANDATORY ODD/EVEN SOAKER HOSES ONLY

1. LEVEL GREEN - VOLUNTARY WATER RATIONING

The goal for water use reduction under Level Green is a 5% reduction in water demand. Notice will be made by methods setforth in Section 6.

2. LEVEL YELLOW - MANDATORY ODD/EVEN WATER RATIONING

The goal for water use reduction under Level Yellow is a 10% reduction in water demand. Notice will be made by methods setforth in Section 6 declaring a level yellow mandatory odd/even water rationing as follows:

- a. Odd addresses (those ending in 1, 3, 5, 7 or 9) may water on odd days of the month.
- b. Even addresses (those ending in 0, 2, 4, 6 or 8) may water even days of the month.
- c. Landscape and lawn irrigation is prohibited from 10:00 a.m.- 6:00 p.m.
- d. No watering on the 31st day of the month.
- e. No washing of vehicles or watercraft of any kind.
- f. Governmental use of water determined to be necessary for the public health, safety, and welfare, or for essential services such as fire, police, and emergency services, are exempt from any and all restrictions or mandates herein.

3. LEVEL RED - MANDATORY ODD/EVEN SOAKER HOSE WATER RATIONING

The goal for water use reduction is an amount less than the production capacity available to the Town. Notice will be made by methods setforth in Section 6. declaring a level red mandatory odd/even soaker hose water rationing as follows:

- a. Odd addresses (those ending in 1, 3, 5, 7 or 9) may water on odd days of the month.
- b. Even addresses (those ending in 0, 2, 4, 6 or 8) may water on even days of the month.

- c. No watering on the 31st day of the month.
- d. No washing of vehicles or watercraft of any kind
- e. Absolutely no sprinklers; automatic or manual.
- f. Governmental use of water determined to be necessary for the public health, safety, and welfare, or for essential services such as fire, police, and emergency services, are exempt from any and all restrictions or mandates herein.

Level Red is required when drought conditions reach a point that a danger exists to persons and property.

Section 9. ENFORCEMENT REMEDIES

A. **Criminal penalty.** Any person violating any of the provisions or terms of the Plan shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject to a fine not to exceed \$2,000.00 for each offense. Each and every day such violation shall continue shall be deemed to constitute a separate offense.

B. **Discontinuance of Water Service to Irrigation System.** In addition to the criminal penalties that may be imposed for a violation of this Ordinance pursuant to Subsection (a) above, upon municipal court conviction of a second offense within an 18 month period, the Town may also terminate water service to the irrigation system by locking down the backflow prevention device at the location where the violations occurred.

It shall be unlawful for a person to remove through the use of any means or otherwise cause damage to a lock that has been placed on a backflow prevention device by the Mayor or his designee pursuant to this Section.

In order to have water service to an irrigation system restored after being terminated in accordance with this Section, a customer may pay a fee of \$500.00 to have lock on the backflow prevention device removed. Such fee shall be paid each time a lock from a backflow prevention device is removed in order to restore water service to an irrigation system pursuant to this Section.

Section 10. REPEALER/SAVINGS

Ordinance 00-05A is hereby repealed in its entirety.

Section 10. SEVERABILITY.

The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a Court of

competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance, and the Town Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 11. 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 **11TH** day of **August**, 2011.

—

Mike Schnittker
Mayor, Town of Lakewood Village

ATTEST :

Linda Asbell
Town Secretary, Town of Lakewood Village

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

JUNE 9, 2011

Council Members:

Mike Schnittker, Mayor
Dr. Mark Vargus, Mayor Pro-Tem
Ken Guthrie
Harold Wood
Carl Menckhoff, M.D. – Arrived at 7:31
Dave Getka

Town Staff:

Linda Asbell, Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Schnittker called the Town Council to order at 7:09 p.m. on Thursday, June 9, 2011, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG

(Agenda Item A)

Mayor Schnittker led the pledge of allegiance

VISITOR/CITIZENS FORUM:

(Agenda Item B)

Lee Ann Johnson, 409 Lakecrest expressed her opposition to the opening of Shoreline Drive. Ms. Johnson requested a gate be installed and a key be provided to the Fire Department and other key individuals for emergency purposes. Ms. Johnson reported of her hearing of the opening of Shoreline 15 years ago but stated she heard it was closed again after only three months because of excessive traffic. Ms. Johnson states that she has spoken to many residents that live around that intersection and she does not believe anyone in the area wants it open. Mayor Schnittker reported that this topic has been discussed at a number of open meetings for several months. Mayor Schnittker stated that Shoreline is a public road and it should never have been closed, the Town is correcting that and providing for the safety for its citizens. Ms. Sheri Bertrand also expressed concern about opening the roadway.

CONSENT AGENDA:

(Agenda Item D)

1. Minutes of April 14, 2011 Council Meeting
2. Minutes of May 12, 2011 Council Meeting

MOTION: Upon a motion made by Mayor Pro-Tem Vargus and seconded by Councilman Guthrie the Council voted four (4) “ayes” and no (0) “nays” to approve the items on the consent agenda. The motion carried.

REGULAR AGENDA: **(Agenda Item E)**

Consideration of Variance Request for Roof Pitches at 828 Carrie Lane **(Agenda Item E.3)**

Bill Snyder, general contractor for Mr. and Mrs. Fleitman at 828 Carrie Lane showed architectural drawings of the house illustrating the roof pitches. Mr. Snyder reported the roof pitches have been designed to allow for the windows and to prevent pitches in the back from protruding above the rooflines in the front.

Councilman Menckhoff arrived at 7:34 during the discussion of roof pitches.

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Wood the Council voted five (5) “ayes” and no (0) “nays” to approve the variance request for roof pitches at 828 Carrie Lane. The motion carried.

Consideration of Election of Mayor Pro-Tem **(Agenda Item E.4)**

Councilman Wood stated that Councilman Vargus has done an excellent job for the Town and recommends that he continue as Mayor Pro-Tem. Councilman Getka stated that Councilman Vargus volunteers many hours and the town is lucky to have his service. Councilman Menckhoff stated that the records and progress made during the time Councilman Vargus has served speaks to his capabilities.

MOTION: Upon a motion made by Councilman Guthrie and seconded by Councilman Menckhoff the Council voted five (5) “ayes” and no (0) “nays” to elect Dr. Mark E. Vargus to continue to serve as Mayor Pro-Tem. The motion carried.

Discussion of Back-Up Power for Utility Functions **(Agenda Item E.5)**

Mayor Schnittker reported that lift station failures are rarely electrical failures and it is cost prohibitive to fit a lift station with the ability to receive power from a generator. Councilman Wood stated that the backup power needs to automatically start-up on a power failure. There was some discussion on the risk of theft if the backup power is designed to be portable. Mayor Schnittker reported the difference in pricing for a portable versus permanent power is approximately \$2,000. TCEQ requires back-up power for the sewer plant but not for the water

plant. Mayor Schnittker reported that Lakewood Village is more vulnerable without a plan for backup power at the water plant. There was some discussion on the wiring requirements for a backup power source.

**Consideration of Appointment of Members
to the Economic Development Board**

(Agenda Item E.6)

MOTION: Upon a motion made by Councilman Guthrie and seconded by Mayor Pro-Tem the Council voted five (5) “ayes” and no (0) “nays” to reappoint Carolyn Coleman, Dave Getka, Michael Ivey, and Linda Asbell to the Economic Development Board. The motion carried.

**Consideration of Appointment of Members
to the Municipal Development Board**

(Agenda Item E.7)

There was some discussion on the meeting times and the availability of members to attend.

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Menckhoff the Council voted five (5) “ayes” and no (0) “nays” to reappoint Dr. Mark E. Vargus and Harold Wood to the Municipal Development Board. The motion carried.

Discussion of Financial Report

(Agenda Item E.8)

Mayor Pro-Tem Vargus reviewed the financial reports. General Fund revenues are very close to projections. General Fund expenses are close to projections with the attorney fees slightly over budget. Utility Fund revenues are approximately 12% ahead of last year and very close to projections in the budget. Utility Fund experienced high expenses for repairs made during the year. The lift station repairs and blower motors at the sewer plant caused unanticipated increases in expenses. Mayor Pro-Tem Vargus reviewed the wastewater permitting which occurs every five years. Town Engineers submitted a bid for the repermitting process for \$30,000. AquaMat invoice for repermitting will be approximately \$8,000. Mayor Schnittker and Mayor Pro-Tem Vargus praised the efforts of Town Secretary Linda Asbell and AquaMat operator Gary Barnes for the in-house repermitting of the wastewater plant. Mayor Pro-Tem Vargus reported the town will have spent approximately \$60,000 in capital expenditures. Mayor Pro-Tem Vargus reported the Town has collected \$28,000 in sales tax. Sales tax revenues are up from last year. There was some discussion on housing starts in town. There was some discussion on depreciation and cash balances.

**LAKWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
JUNE 9, 2011**

Page 4

COUNCIL AND STAFF COMMENTS:

(Agenda Item F)

Councilman Getka reported the EDC has paid off all its debts to the Town for legal fees associated with incorporation.

ADJOURNMENT

(Agenda Item G)

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Wood the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 8:09 on Thursday, June 9, 2011. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 11th day of August, 2011

APPROVED

Mike Schnittker
MAYOR

ATTEST:

Linda Asbell
TOWN SECRETARY

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

JULY 14, 2011

Council Members:

Mike Schnittker, Mayor
Dr. Mark Vargus, Mayor Pro-Tem
Ken Guthrie
Harold Wood
Carl Menckhoff, M.D.
Dave Getka

Town Staff:

Linda Asbell, Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Schnittker called the Town Council to order at 7:00 p.m. on Thursday, July 14, 2011, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG

(Agenda Item A)

Mayor Schnittker led the pledge of allegiance

VISITOR/CITIZENS FORUM:

(Agenda Item B)

No one requested to speak.

REGULAR AGENDA:

(Agenda Item C)

Discussion of Annual Consumer Confidence Report

(Agenda Item C.1)

Mayor Schnittker introduced Mr. Gary Barnes of AquaMat of Texas. Mr. Barnes explained the violations table on the CCR. Mr. Barnes reported on the two violations listed and explained how they have been corrected. Mr. Barnes explained the monthly coliform test that was performed late and although it shows as a violation, the test was not failed, it was simply submitted late. Mayor Schnittker reported that the Town has not failed a coliform test in more than 10 years. There was some discussion on the complicated nature of dealing with the TCEQ. Councilman Getka asked if a calendar exists that lists the different reports and the due dates. Councilman Menckhoff asked if there were any substantive failures with the water or if it was all clerical in

nature. Mr. Barnes stated all our tests were significantly below limits and the only problems were paperwork related. Mayor Schnittker reported on the problems at the water plant and the steps being taken to correct the problem. Mr. Barnes reported that the water plant has been taken off CoServ power and placed on generator power and has experienced no problems since that time. Mayor Pro-Tem Vargus explained the unbalance which is causing the motor to trip off. There was some discussion on Scarborough Engineering and the work they are doing to identify the exact cause of the problem. There was some discussion on the status of the auto dialer for the water plant. Councilman Menckhoff explained to the audience that the "Level Red" which was placed last weekend was due to the problems with the electricity and not due to a lack of water.

**Consideration of Appointment of Municipal
Development District Board**

(Agenda Item C.2)

Mayor Schnittker reported that Councilman Wood has resigned his position on the board and Mr. Rodocker

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Wood the Council voted five (5) "ayes" and no (0) "nays" to accept Councilman Wood's resignation from the Municipal Development District Board. The motion carried.

Mr. Rodocker stated that he lives in the ETJ and has past experience with development and leadership and would like to be a representative for the ETJ.

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Guthrie the Council voted five (5) "ayes" and no (0) "nays" to appoint Kelly Rodocker to the Municipal Development District Board. The motion carried.

**Consideration of Municipal Development
District Fiscal Year 2011-2012 Budget**

(Agenda Item C.3)

There was some discussion on the different areas covered by the EDC. Councilman Menckhoff reported that the MDD has identified several projects they would like to begin and will report on those as soon as priorities have been assigned.

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Guthrie the Council voted five (5) "ayes" and no (0) "nays" to approve the Municipal Development District Budget as presented. The motion carried.

**Consideration of Lakewood Village
Economic Development Corporation Fiscal
Year 2011-2012 Budget**

(Agenda Item C.4)

Councilman Guthrie reviewed the proposed EDC budget.

MOTION: Upon a motion made by Councilman Menckhoff and seconded by Councilman Getka the Council voted five (5) “ayes” and no (0) “nays” to approve the Lakewood Village Economic Development Corporation Budget as presented. The motion carried.

**Consideration of Contract Renewal for
Impressions Lawncare**

(Agenda Item C.5)

Mayor Pro-Tem Vargus reported on the status of the current contract and the excellent service the Town has received from Impressions Lawncare. There was some discussion on the payment amount for each mow and the monitoring of the status of the properties being mowed.

MOTION: Upon a motion made by Councilman Guthrie and seconded by Mayor Pro-Tem Vargus the Council voted five (5) “ayes” and no (0) “nays” to approve the contract with Impressions Lawncare as presented (\$385 per mow) for a three year period with two optional one year extensions. The motion carried.

**Consideration of Contract Renewal for
AquaMat of Texas**

(Agenda Item C.6)

Mayor Schnittker stated that this would be a discussion item as no contract was prepared in a format that can be accepted tonight. Mayor Schnittker reported that Mr. Barnes of AquaMat is the regulatory expert for the Town and the Council has the option to develop a contract that is punitive for failures or that offers incentives for compliance. There was some discussion on fines that might be incurred due to a compliance failure. There was some discussion on a back-up coverage in the event that Mr. Barnes is unavailable. Mayor Pro-Tem Vargus stated that he supports a base salary that offers incentives. There was some discussions on off-hours trips made by AquaMat and council coverage of tasks in off-hours.

MOTION: No Motion Made

**Consideration of Engagement Letter from
Pingleton, Howard & Company, P.C.**

(Agenda Item C.7)

Mayor Pro-Tem Vargus reported this is the standard agreement for auditor services and there have been no changes other than a minimal increase in the cost for the service.

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MOTION: Upon a motion made by Councilman Menckhoff and seconded by Mayor Pro-Tem Vargus the Council voted five (5) “ayes” and no (0) “nays” to accept the engagement letter from Pingleton, Howard & Company, P.C. The motion carried.

Discussion of Fiscal Year 2011-2012 Budget (Agenda Item C.8)

Mayor Pro-Tem Vargus reviewed some of the key issues to be addressed in the budget for the next fiscal year. There was some discussion on the property loan for the Melody Lot and the option for early pay-off. There was some discussion the cul-de-sac at the end of Meadow Lake and the road paving by Denton County. Mayor Pro-Tem Vargus reviewed the cost per house for providing sewer service versus the rate received per house. There was some discussion on the CPI increase granted to Allied Waste in January that was not passed on to the citizens in this year’s billing.

EXECUTIVE SESSION: (Agenda Item D)

In accordance with Texas Government Code § 551.072 – To deliberate the purchase, exchange, lease or value of real property when deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person; and Texas Government Code § 551.074 - Personnel Matters - Performance Evaluation of Town Secretary. Mayor Schnittker adjourned the regular session at 8:02 p.m.

RECONVENE: (Agenda Item E)

Mayor Schnittker reconvened the regular session of the council meeting at 8:39 p.m.

No action was taken

COUNCIL AND STAFF COMMENTS: (Agenda Item F)

Town Secretary, Linda Asbell, reported on the Denton County code enforcement clean-up efforts in the Rocky Point area.

ADJOURNMENT (Agenda Item G)

MOTION: Upon a motion made by Councilman Getka and seconded by Councilman Wood the Council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 8:49 on Thursday, July 14, 2011. The motion carried.

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These minutes approved by the Lakewood Village Town Council on the 11th day of August, 2011

APPROVED

Mike Schnittker
MAYOR

ATTEST:

Linda Asbell
TOWN SECRETARY