

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

OCTOBER 12, 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
Andy Messer, Town Attorney

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Regular Meeting of the Town Council to order at 7:00 p.m. on Thursday, October 12, 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 Bissonnette the council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:01 p.m. *The motion carried.*

CONSENT AGENDA:

(Agenda Item D)

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)

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

REGULAR AGENDA:

(Agenda Item E.

**Consideration of Variance Request for Roof
Pitch at 695 Melody (Ruth)**

(Agenda Item E.1)

**Consideration of Variance Request for
Masonry Requirement at 695 Melody (Ruth)**

(Agenda Item E.2)

Agenda Items E.1 and E.2 were discussed concurrently.

Brian Luttrell, owner of 695 Melody Lane presented his request for variance. Mr. Luttrell is requesting a reduced roof slope to allow for solar panels. He is also requesting a variance on the masonry requirement on the sides of his building that are viewable from their properties. Mr. Luttrell distributed copies of letters from his neighbors indicating that they are not opposed to the variance being granted.

Mayor Vargus reported that variances have been granted previously for metal roof. Mayor Pro-Tem West indicated that he was concerned about the neighbors around the property so the letters answered his concerns.

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 variance requested for roof pitch at 695 Melody Lane. *The motion carried.*

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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 variance requested for masonry requirement at 695 Melody Lane. *The motion carried.*

**Consideration of Contract for Ground
Storage Tank to Texas Aquastore, Inc (Ruth)**

(Agenda Item E.3)

Mayor Vargus reported the bids came with the Texas Aquastore Inc being the lowest bidder. They have requested a 300 day calendar. The tank will be a little taller than the fiberglass tanks.

MOTION: Upon a motion made by Councilman Farage and seconded by Councilman Bissonnette the council voted five (5) “ayes”, no (0) “nays” to authorize the mayor to execute a contract for the ground water storage than with Texas Aquastore, Inc. *The motion carried.*

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

(Agenda Item E.4)

Mayor Vargus reviewed the original budgets for the well, expansion of the wastewater treatment plant, and the groundwater storage tank. It was anticipated the cost of all projects would be approximately \$10,000,000 with the PID covering one-third of the cost. Mayor Vargus reported the well is coming in approximately \$1,400,000 under budget. The current anticipated completion date for the well is February 2024. The contractor has been incurring penalties of \$500 per day since May 17, 2023. The ground water storage tank is approximately \$300,000 under budget. The wastewater plant is currently \$3,000,000 under budget but that does not include the plumbing and moving the lift station.

Mayor Vargus reviewed the expenditures to date on each of the projects along with some equipment purchases. Mayor Vargus reported on the cost of the public works building expansion. There was some discussion about the status of the well.

**Discussion of Fiscal Year 2022-2023 Fourth
Quarter Investment Report (Vargus)**

(Agenda Item E.5)

Mayor Vargus reviewed the investment report for the fourth quarter of fiscal year 2023. The town is earning 5.58 percent interest on investments at TexPool. There was an increase in funds of \$842,000 over this time last year. The town currently has two-thirds of the funds needed to pay off the debit in 2025.

**Consideration of Establishing Limits for Time
Spent on Open Records Request (Ruth)**

(Agenda Item E.6)

Town Administrator Ruth reported that this ordinance is a tool that can be used to protect the town from vexatious requestors who could easily disrupt town business with an overload of open records requests. Lakewood Village is a small municipality with limited staff and resources. Texas legislators recognized the need to establish limits for time spent responding to open records. Town Administrator Ruth reviewed the history of open records requests over the previous fiscal year.

MOTION: Upon a motion made by Councilman Bissonnette and seconded by Mayor Pro-Tem West the council voted five (5) “ayes”, no (0) “nays” to approve the ordinance establishing limits for time spent on open records requests. *The motion carried.*

**Consideration of Subdivision Ordinance
(Vargus)**

(Agenda Item E.7)

Mayor Vargus reported that the legislature changed the shot-clock to allow developers and municipalities to agree to a 30-day extension. There was some discussion about including the extension language in the subdivision ordinance and creating a submittal calendar. The approval or denial authority can be delegated. There was some discussion about allowing a delegation as long as the decision was consistent with the recommendation of the town engineer. There was some discussion about publication requirements of the development regulations being posted on the website.

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

(Agenda Item E.8)

Councilman Bushong reported the current construction standards are 2014 regulations. He recommends adopting the ordinance that simply adopts the current standards North Texas Council of Governments has adopted.

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 Utilities Policies Ordinance as Presented. *The motion carried.*

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**Consideration of Franchise Ordinance Atmos
Energy (Ruth)**

(Agenda Item E.9)

Town Administrator Ruth reported that the legal department at Atmos is still reviewing the ordinance and has requested that council consider this at the meeting in November. There was some discussion about franchise fees being applicable to any utilities that are installed in Town rights-of-way.

**Consideration of Atmos Rate Review
Mechanism Resolution (Ruth)**

(Agenda Item E.10)

This was not discussed.

EXECUTIVE SESSION:

(Agenda Item F)

At 8:05 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 G)

Mayor Vargus reconvened the regular session at 9:13 p.m. There was some discussion, no action was taken.

ADJOURNMENT

(Agenda Item H)

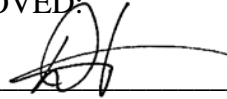
MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman Bissonnette council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Meeting of the Lakewood Village Town Council at 9:13 p.m. on Thursday, October 12, 2023. The motion carried.

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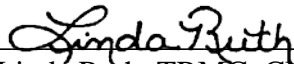
These minutes were approved by the Lakewood Village Town Council on the 9th day of November 2023.

APPROVED:



Darrell West
Mayor Pro-Tem

ATTEST:



Linda Ruth, TRMC, CMC
Town Administrator/Town Secretary

