



**LAKEWOOD VILLAGE TOWN HALL
100 HIGHRIDGE DRIVE
LAKEWOOD VILLAGE, TEXAS
TOWN COUNCIL MEETING
MAY 12, 2022 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. REGULAR AGENDA:

1. Discussion on Development Engineering (Vargus)
2. Consideration of Variance on Front Set-Back for 595 Melody Lane (Vargus)
3. Consideration of Speed Limit Ordinance (Vargus)
4. Consideration of Resolution Accepting Petition for Annexation (Ruth)
5. Consideration of Minutes of April 14, 2022 (Ruth)

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

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

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J. ADJOURNMENT

I do hereby certify that the above notice of meeting was posted on the designated place for official notice at 5:30 p.m. on Monday, May 9, 2022.



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 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.

**TOWN OF LAKEWOOD VILLAGE
SPEED LIMIT 22-XX**

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS CHANGING THE PRIMA FACIE SPEED LIMIT ESTABLISHED FOR VEHICLES TRAVELING ON TOWN ROADWAYS UNDER THE PROVISIONS OF THE TEXAS TRANSPORTATION CODE SECTION 545.356 (B-1) WITHIN THE CORPORATE LIMITS OF THE TOWN OF LAKEWOOD VILLAGE, PROVIDING FOR A CUMULATIVE REPEALER; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village, Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Texas Transportation Code Section 545.356 (B-1) provides that the governing body of a municipality for a highway, or a part of a highway, in the municipality that is not an officially designated or marked highway or road of the State highway system, may declare a lower speed limit of not less than 25 MPH if the governing body determines that the prima facie speed limit on the roadway is unreasonable or unsafe;

WHEREAS, the Town Council adopts the Texas Health and Safety Code, Chapter 822, as supplemented and amended by the terms of this Ordinance; and

WHEREAS, the Town of Lakewood Village, Texas ("Town") finds it to be the best interest of its citizens, in order to protect the health, safety, and general welfare of said citizens, to lower the speed limit on all Town roadways, with the exception of Eldorado Parkway, located within the corporate limits of the Town.

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: Enactment

1. It is hereby determined by the Town that roads within the corporate limit of the Town, with the exception of Eldorado Parkway, are not officially designated highways or roads of the State highway system. Further, pursuant to the authority granted under Section 545.356 (B-1) of the Texas Transportation Code the Town hereby determines that the prima facie maximum speed limit on all roadways, with the exception of Eldorado Parkway, located within the corporate limits of the Town is twenty-five (25) miles per hour.

2. Speed limit signs shall be erected effectuating the provisions found in Section 2.1 of this Ordinance.

Section 2: Cumulative Repealer

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of said Ordinances except those instances where there is direct conflict with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and those that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim or lawsuit that has been initiated or has arisen under or pursuant to any of the Ordinances or sections thereof that have been specifically repealed on the date of the adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance or section thereof and for that purpose the Ordinance or section thereof shall remain in full force and effect.

Section 3: Penalty Clause

A. Violation

A person who knowingly violates any provision of this ordinance is guilty of an offense. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

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-hundred dollars (\$200).

Section 4: 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 5: 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 6: 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 May 2022

Dr. Mark E. Vargus
Mayor

ATTESTED:

Linda Ruth, TRMC, CMC
Town Administrator/Town Secretary



Adoption and Summary of Amendments

Ordinance Number	Date	Summary
22-XX	May 12, 2022	• Initial Adoption of 25mph speed limit

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

APRIL 14, 2022

Council Members:

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

Town Staff:

Linda Ruth, TRMC, CMC – Town Administrator/Town Secretary

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 7:01 p.m. on Thursday, April 14, 2022 in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG:

(Agenda Item A)

Mayor Vargus led the Pledge of Allegiance.

VISITOR/CITIZENS FORUM:

(Agenda Item B)

No one requested to speak.

PUBLIC HEARING:

(Agenda Item C)

A public hearing was held to provide an opportunity for citizens to receive a report, hold a discussion, conduct public hearing on an Ordinance annexing property, as requested by the owner, presently located within the extraterritorial jurisdiction of Lakewood Village, Texas; providing for amending of the Official Town Map; providing for municipal services; requiring the filing of the Ordinance with the county clerk; prescribing for effect on territory/area, granting as appropriate to all the inhabitants of the property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of the Lakewood Village, Texas; and providing for other matters related thereto for the following property of 4.553-acre tract

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of land described in the deed to IMV Group, LLC, as recorded in Denton County Clerk's File Number 169478.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette, council voted five (5) "ayes", no (0) "nays" to close the public hearing at 7:03 pm. *The motion carried.*

PUBLIC HEARING:

(Agenda Item D)

A public hearing was held to provide an opportunity for citizens to receive a report, hold a discussion, conduct public hearing on an Ordinance annexing property, as requested by the owner, presently located within the extraterritorial jurisdiction of Lakewood Village, Texas; providing for amending of the Official Town Map; providing for municipal services; requiring the filing of the Ordinance with the county clerk; prescribing for effect on territory/area, granting as appropriate to all the inhabitants of the property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of the Lakewood Village, Texas; and providing for other matters related thereto for the following property of lots 53 and 54 of Rocky Shore, an addition to the county of Denton County, Texas, according to the amended plat thereof recorded in volume 2, page 172, plat records, Denton County, Texas.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette, council voted five (5) "ayes", no (0) "nays" to close the public hearing at 7:05 pm. *The motion carried.*

PUBLIC HEARING:

(Agenda Item E)

A public hearing was held to provide an opportunity for citizens to receive a report, hold a discussion, conduct public hearing to consider testimony regarding the dissolution of the existing Lakewood Village Public Improvement District No. 1 and act upon a resolution dissolving the existing Lakewood Village Public Improvement District No. 1.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette, council voted five (5) "ayes", no (0) "nays" to close the public hearing at 7:05 pm. *The motion carried.*

PUBLIC HEARING:

(Agenda Item F)

A public hearing was held to provide an opportunity for citizens to receive a report, hold a discussion, conduct public hearing to consider testimony regarding the creation of the new

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Lakewood Village Public Improvement District No. 1 and act upon a resolution creating the Lakewood Village Public Improvement District No. 1

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette, council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:06 pm. *The motion carried.*

PUBLIC HEARING:

(Agenda Item G)

A public hearing was held to provide an opportunity for citizens to receive a report, hold a discussion, conduct public hearing to consider testimony regarding the dissolution of the existing Lakewood Village Operation and Maintenance Public Improvement District No. 1 and act upon a resolution dissolving the existing Lakewood Village Operation and Maintenance Public Improvement District No. 1.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette, council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:05 pm. *The motion carried.*

PUBLIC HEARING:

(Agenda Item H)

A public hearing was held to provide an opportunity for citizens to receive a report, hold a discussion, conduct public hearing to consider testimony regarding the creation of the new Lakewood Village Operation and Maintenance Public Improvement District No. 1 and act upon a resolution creating the Lakewood Village Operation and Maintenance Public Improvement District No. 1.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Bissonnette, council voted five (5) “ayes”, no (0) “nays” to close the public hearing at 7:06 pm. *The motion carried.*

CONSENT AGENDA:

(Agenda Item I)

1. Minutes of March 10, 2022 Council Meeting (Ruth)
2. Resolution Approving the Dissolution of the existing Lakewood Village Public Improvement District No 1 (Ruth)
3. Resolution Approving the Creation of the new Lakewood Village Public Improvement District No 1 (Ruth)
4. Resolution Approving the Dissolution of the existing Lakewood Village Maintenance and

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Operation Public Improvement District No 1 (Ruth)

5. Resolution Approving the Creation of the new Maintenance and Operation Lakewood Village Public Improvement District No 1 (Ruth)
6. Ordinance annexing an approximately 4.553-acre tract of land described in the deed to IMV Group, LLC, as recorded in Denton County Clerk's File Number 169478 (Ruth)
7. Ordinance annexing lots 53 and 54 of Rocky Shore, an addition to the county of Denton County, Texas, according to the amended plat thereof recorded in volume 2, page 172, plat records, Denton County, Texas (Ruth)

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

REGULAR AGENDA:

(Agenda Item J.

**Consideration of Enprotec Hibbs & Todd
Engineering Task Order for Ground Storage
(Vargus)**

(Agenda Item J.1)

Mayor Vargus introduced Jordan Hibbs of Enprotec Hibbs & Todd Engineering. Mayor Vargus reported the Kimley Horn estimates for water and sewer improvements came in very high and he wanted to get another estimate. Enprotec Hibbs & Todd was recommended by the Lakewood Village Bond council. Mr. Hibbs stated they are a general civil firm with three-fourths of their business being water and sewer related. Council discussed the size of the engineering firm being a good fit for the Town. The council previously hired Enprotec Hibbs & Todd Engineering for work at the sewer plant. Mr. Hibbs reviewed types of ground storage tanks. There was some discussion about removing one of the fiberglass tanks and reusing it at the Rocky Point system. There was some discussion about on-site oversight and required inspections. There was some discussion about the cost estimate breakdown.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley, council voted five (5) "ayes", no (0) "nays" to approve the task order with Enprotec Hibbs & Todd Engineering for ground storage. *The motion carried.*

**Consideration of Enprotec Hibbs & Todd
Engineering Task Order for Lower Trinity
Aquifer Well (Vargus)**

(Agenda Item J.2)

Mr. Jordan Hibbs reported that some hydrogeology work has already been done and the report has been completed. Mr. Hibbs reported the project can get started quickly and the well could be online early next year. Mr. Hibbs reviewed the parameters of the performance contract which

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details the minimum required output and approval by Texas Commission on Environmental Quality. The contractor is required to dig as deep as necessary to achieve the required water output. Mr. Hibbs reported the anticipated timeframe for requiring access on the lot to begin working is approximately six months.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilman Farage, council voted five (5) “ayes”, no (0) “nays” to approve task order with Enprotec Hibbs & Todd Engineering for a lower Trinity Aquifer well. *The motion carried.*

**Discussion with Enprotec Hibbs & Todd
regarding Remote-Read Water Meters
(Vargus)**

(Agenda Item J.3)

Mr. Hibbs reported that his firm recently oversaw a remote-read meter replacement program in Abilene with over 40,000 meters installed. Mr. Hibbs reviewed the benefits of using advanced metering infrastructure meters and use of the Kamstrub meters. Mr. Hibbs reviewed the replacement process. There was some discussion about the longevity of the meter and benefits of the system. There was some discussion about the possibility of a cooperative purchasing agreement for some cost saving on the price of the meters.

**Consideration of Ordinance Amending of the
2021-2022 Budget (Vargus)**

(Agenda Item J.4)

Mayor Vargus reviewed the year-to-date numbers and the large capital expenditures planned. Mayor Vargus reviewed the proposed changes. Mayor Vargus reviewed the insurance funds received for storm damage and anticipated expenditures for those repairs. Mayor Vargus reviewed the history of the operations at the sewer plant and Texas Commission on Environmental Quality compliance and the other utility fund expenditures.

MOTION: Upon a motion made by Councilman Farage and seconded by Councilwoman Lepley council voted five (5) “ayes”, no (0) “nays” to approve the ordinance amending the 2021-2022 Budget as presented. *The motion carried.*

Discussion of Investment Report (Vargus)

(Agenda Item J.5)

Mayor Vargus reviewed the investment report.

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**Consideration of Engagement of JBI
Engineering (Vargus)**

(Agenda Item J.6)

Mayor Vargus introduced Tom Juhn of JBI who will oversee all the inspections of the construction of the infrastructure. Mr. Juhn reviewed the history of his company and reported that he is looking forward to providing great inspection services for Lakewood Village. Mr. Juhn reported that it is standard procedure for developers to pay an inspection fee to assure the infrastructure they are building meets all the standards set by the town.

MOTION: Upon a motion made by Mayor Pro-Tem West and seconded by Councilwoman Lepley, council voted five (5) “ayes”, no (0) “nays” to ratify the engagement of JBI Engineering . *The motion carried.*

EXECUTIVE SESSION:

(Agenda Item K)

At 8:22 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; 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 and zoning standards; and
3. § 551.072 Texas Government Code to wit: deliberations about real property regarding First Texas Homes, Taylor Morrison-South Oak, Project Lakewood Village Partners, Project Slade Rock, and Project Lightning Bolt.

RECONVENE:

(Agenda Item L)

Mayor Vargus reconvened the regular session at 9:10 p.m. Council resumed consideration of the regular agenda.

**Consideration of Ratification of Engagement
of KJE Engineering (Vargus)**

(Agenda Item J.7)

Mayor Vargus reported on the interview with KJE Engineering.

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MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman Farage, council voted five (5) “ayes”, no (0) “nays” to approve the ratification of the engagement of KJE Engineering. *The motion carried.*

Consideration of Fire Code (Vargus)

(Agenda Item J.8)

Mayor Vargus reviewed the proposed changes prohibiting burning by developers, and removing the Town of Little Elm as Fire Marshall.

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

Consideration of Appointment of Fire Marshall (Ruth)

(Agenda Item J.9)

Mayor Vargus reviewed Mr. Bryan Ausenbaugh’s qualifications and history serving the Town of Lakewood Village and building inspector..

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Mayor Pro-Tem West, council voted five (5) “ayes”, no (0) “nays” to approve the appointment of Bryan Ausenbaugh as the Fire Marshall of Lakewood Village. *The motion carried.*

Consideration of Resolutions Accepting Petition for Annexation (Ruth)

(Agenda Item J.10)

Mayor Vargus reported this item would be considered at a future council meeting.

Consideration of Consolidated Fee Ordinance (Ruth)

(Agenda Item J.11)

Councilman Bushong reviewed the proposed requirement for roof inspections. Mayor Vargus other proposed changes.

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

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

(Agenda Item J.12)

Mayor Vargus reported no changes have been made to the ordinance since the previous council meeting.

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

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

(Agenda Item J.13)

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

ADJOURNMENT

(Agenda Item K)

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 9:29 p.m. on Thursday March 10, 2022. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 12th day of May 2022.

APPROVED:

Darrell West
MAYOR PRO-TEM

ATTEST:

Linda Ruth, TRMC, CMC
TOWN SECRETARY

