



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

**TOWN COUNCIL MEETING  
JANUARY 8, 2015 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 may be taken on these items at this meeting.

**C. EXECUTIVE SESSION:** Recess into executive session in compliance with (1) § 551.071, Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.072 Texas Government Code to wit: deliberations about real property; and (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations

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

**E. REGULAR AGENDA:**

1. Consideration of Employment of Part-Time Administrative Assistant (Asbell)
2. Discussion on Status of Road Update (Reed)
3. Consideration of Budget Amendment FY2014-2015 (Vargus)
4. Consideration of Ordinance Calling a General Election for May 2015 (Asbell)
5. Consideration of Minutes of the December 15, 2014 (Asbell)

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

**G. ADJOURNMENT**

I do hereby certify that the above notice of meeting was posted on the designated place for official notice before 5:00 p.m. on Monday, January 5, 2015.

Linda Asbell, TRMC, 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).

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Town Secretary's office at 972-294-5555 or FAX 972-292-0812 for further information.

One or more members of the LAKEWOOD VILLAGE ECONOMIC DEVELOPMENT CORPORATION and the LAKEWOOD VILLAGE MUNICIPAL DEVELOPMENT DISTRICT may attend this meeting. No action will be taken by either the EDC or MDD Boards during this meeting.



## MEMORANDUM

TO: Town Council  
FROM: Linda Asbell, TRMC, Town Secretary  
DATE: January 5, 2015  
RE: Agenda Item E.1 – Hiring of Administrative Assistant

The Town currently employs a part-time worker to handle utility billing, administrative building department functions, and provide administrative support for the Town Secretary. This position has been utilized almost continuously since June 2013. The current worker has been working for the town since March 2014.

During the most recent audit, the auditor brought it to our attention that the utility department worker is incorrectly classified as contract labor and should be considered an employee with taxes taken out of her paycheck. The IRS has clear rules that differentiate between contract labor and employee status. To be considered a contractor the town cannot control the method or manner in which the work is done. For example, when we notify Little Elm Services of a water leak and ask him to make the repair we do not control the equipment he uses, manner in which he makes the repair, or his work hours. Little Elm Services works independently and is a contractor for the town.

A worker is considered by the IRS to be an employee when the employer directs when, where, and how work is done. Employees are supervised by the employer, paid hourly (rather than per project), and are provided with equipment which must be used to perform the required tasks.

Council action is required to “hire” this worker as an employee. Ordinance 14-06 (approved June 2014) states that “the Mayor shall have the authority to hire temporary workers and contract laborers under the following conditions:

- 1) The period of employment is less than 60 days; and
- 2) The related personnel expense is less than \$10,000; and
- 3) There are sufficient funds in the budget (e.g., contingency, contract labor)”

The worker currently is paid \$12.00 per hour and is currently scheduled for 12 work hours per week with the exception of utility billing (water bills, late fee assessment/cut offs) or other unique events (Town Secretary out of office for TML, court, etc.) which may require additional hours. The change in status to “employee” will not change the current parameters of pay or hours unless council gives additional, or future, direction.

**TOWN OF LAKEWOOD VILLAGE**

**ORDINANCE NO. 14-09**

**AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS ADOPTING AND APPROVING THE BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2014 AND TERMINATING ON SEPTEMBER 30, 2015, 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, 2014 and terminating September 30, 2015, 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 14, 2014, 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, 2014 and ending September 30, 2015; 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 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 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 14h day of August 2014.**

---

Dr. Mark E. Vargus  
ACTING MAYOR

**ATTESTED:**

---

Linda Asbell, TRMC  
Town Secretary



**TOWN OF LAKEWOOD VILLAGE, TEXAS  
FISCAL YEAR 2014-2015  
ANNUAL BUDGET**

This budget will raise more revenue from property taxes than last year’s budget by an amount of \$9,361, which is a 5.1 percent increase from last year’s budget. Of the \$9,361 increase, the property tax revenue to be raised from new property added to the tax roll this year is \$1,007.

**RECORD OF VOTE ON PROPOSAL TO CONSIDER ADOPTION OF BUDGET**

POSITION	NAME	FOR	AGAINST	PRESENT and not voting	ABSENT
Mayor	vacant				
Acting Mayor, Place 3	Dr. Mark E. Vargus	X			
Council Member #1	Dave Getka	X			
Council Member #2	Carl Menckhoff, M.D.	X			
Council Member #4	Ken Guthrie	X			
Council Member #5	Clint Bushong	X			

**PROPERTY TAX RATE COMPARISON (Rates expressed per \$100 of value)**

TAX RATE	TAX YEAR 2013	TAX YEAR 2014
Property Tax Rate	\$0.250000/\$100	\$0.300000/\$100
Effective Tax Rate	\$0.239745/\$100	\$0.238766/\$100
Effective Maintenance and Operations Tax Rate	\$0.239745/\$100	\$0.238766/\$100
Debt Rate	\$0.000000/\$100	\$0.050000/\$100
Rollback Tax Rate	\$0.258924/\$100	\$0.307865/\$100

**PROPERTY TAX RATE COMPARISON (Rates expressed per \$100 of value)**

DEBT ISSUE	PRINCIPAL	INTEREST	TOTAL
2013 Certificates of Obligation	0.05	0	0.05

The total amount of municipal debt obligation secured by property taxes for the Town of Lakewood Village is \$1,600,000.

## 2014 BUDGET SUMMARY

Exhibit A

<b>Proposed 2014</b>		
General Fund Operating Revenues	\$359,235	
General Fund Operating Expenses	(\$353,996)	
General Fund Operating Surplus	\$5,239	
Utility Fund Operating Revenues		\$323,120
Utility Fund Operating Expenses		\$203,960
Utility Fund Operating Surplus		\$119,160
Non-Operating (MDD-LOC)		\$12,000
<b>CASH RESERVE BALANCES 2015</b>		
General Fund Beginning	\$168,674	
Reserve Funds Provided/Used	\$5,239	
<b>Reserve Funds Ending</b>	<b>\$173,913</b>	
Utility Fund Beginning		\$155,591
Reserve Funds Provided/Used		\$131,160
Impact Fee		(\$40,000)
Capital		(\$150,000)
<b>Reserve Funds Ending</b>		<b>\$96,751</b>

<b>GENERAL FUND REVENUES</b>				
		<b>BUDGET</b>	<b>BUDGET</b>	<b>YTD</b>
		<b>2015</b>	<b>2014</b>	<b>8/7/2014</b>
<b>OPERATING REVENUES</b>				
4000	Tax Income	\$ 194,000	\$ 183,500	\$ 182,648
4001	Debt Servicing (\$0.05)	\$ 38,600		
4005	Sales Tax	\$ 13,000	\$ 10,000	\$ 11,062
4101	Building Permits - New	\$ 30,000	\$ 30,000	\$ 41,000
4112	Building Permits - Remodel			\$ 1,540
4200	Franchise Fee	\$ 29,000	\$ 26,000	\$ 27,805
4106	Reinspection Fees	\$ 2,000	\$ 2,500	\$ 1,457
4103	Contractor Registrations	\$ 600	\$ 1,500	\$ 1,825
4109	Plumbing Permits	\$ 300	\$ 300	\$ 525
4010	Interest	\$ 800	\$ 2,000	\$ 3,679
4108	Flatwork Permits	\$ 600	\$ 450	\$ 775
4108	Pool Permits	\$ 1,000	\$ 1,000	
4105	Fence Permits	\$ 500	\$ 250	\$ 725
4110	Electrical Permits	\$ 1,000	\$ 1,000	\$ 1,550
4104	Sprinkler Permits	\$ 300	\$ 300	\$ 375
4102	CO/SCI Inspections	\$ 3,600	\$ 3,000	\$ 3,959
4113	Miscellaneous Permits	\$ 500	\$ -	\$ 1,125
4100	Town Hall Rental	\$ 100	\$ 100	\$ 50
4950	Unallocated Revenues	\$ 2,300	\$ 2,300	\$ 2,176
4111	Replatting Fees			
4252	Transfer from MDD			
4207	Utility Fee for Services - LWV	\$ 35,260	\$ 34,542	\$ 34,542
4208	Utility Fee for Services - RP	\$ 4,200	\$ 2,200	\$ 1,650
4209	PEG Fees	\$ 75		\$ 143
4800	Municipal Court Fines			\$ 1,866
4802	Court Costs Fees			
4650	Mowing Abatement Fees	\$ 500	\$ 500	
4402	Lien Receipts	\$ 1,000	\$ 1,000	
	<b>TOTAL OPERATING FUNDS</b>	<b>\$ 359,235</b>	<b>\$ 302,442</b>	<b>\$ 320,477</b>

<b>GENERAL FUND EXPENSES</b>				
		<b>BUDGET</b>	<b>BUDGET</b>	<b>YTD</b>
		<b>2015</b>	<b>2014</b>	<b>8/7/2014</b>
<b>OPERATING EXPENSES</b>				
5022	Street Repair	\$ -	\$ -	\$ 980
5012	Attorney Fees	\$ 20,000	\$ 20,000	\$ 16,841
5012e	Attorney Fees - Bizios	\$ -	\$ -	\$ 57,382
5012d	Attorney Fees - LandPlan	\$ -	\$ -	\$ 5,539
5051	Payroll	\$ 57,000	\$ 59,000	\$ 46,350
5052	Contract Labor	\$ -	\$ -	
5055	Benefits - Insurance	\$ 8,000	\$ 8,000	\$ 6,384
5056	Payroll Tax Expense	\$ 4,400	\$ 4,500	\$ 3,143
5057	Benefits - Retirement	\$ 2,900	\$ 2,950	\$ 2,781
5016	Building Inspections	\$ 18,000	\$ 18,000	\$ 15,750
5011	Town Engineer	\$ -	\$ -	\$ -
5014	Fire/EMS	\$ 26,000	\$ 26,000	\$ 16,675
5027	Town Hall Improvements	\$ 1,000	\$ 1,000	\$ 2,182
5070	Capital Improvements	\$ -	\$ 200,000	\$ 155,208
5075	Debt Servicing (Principle)	\$ 128,000	\$ -	\$ -
5076	Debt Servicing (Interest)	\$ 38,526	\$ 70,000	\$ -
5200	Contingency Fund	\$ 3,000	\$ 3,000	\$ 730
5026	Town Mowing	\$ 8,000	\$ 9,000	\$ 4,780
5021	Town Maintenance	\$ 4,000	\$ 4,000	\$ 6,748
5013	Accounting Fees	\$ 10,500	\$ 9,000	\$ 9,000
5102	Travel Meeting Expenses	\$ 2,400	\$ 2,000	\$ 1,948
5031	Telephone/Telecom	\$ 1,700	\$ 2,000	\$ 1,247
5032	Electricity	\$ 6,680	\$ 6,680	\$ 5,178
5033	Propane	\$ 800	\$ 500	\$ 1,278
5101	Continuing Education	\$ 1,500	\$ 1,500	\$ 856
5001	Office Supplies	\$ 1,000	\$ 1,000	\$ 776
5008	Elections	\$ 2,000	\$ 2,000	\$ 376
5002	Postage	\$ 200	\$ 200	\$ 65
5003	Computers Maintenance	\$ 1,000	\$ 1,000	\$ 810
5061	Appraisal District	\$ 1,300	\$ 1,300	\$ 1,026
5007	Advertising	\$ 300	\$ 1,000	\$ 298
5103	Membership Dues	\$ 500	\$ 1,000	\$ 315
5025	Playground/Park	\$ 1,000	\$ 10,000	\$ 1,770
5062	Tax Collector	\$ 300	\$ 300	\$ 244
5085	Town Functions	\$ 2,000	\$ -	\$ 1,729
5021	Animal Control	\$ 200	\$ 200	\$ 405
5017	GIS Mapping	\$ -	\$ -	\$ 1,740
5044	Court Attorney Fees	\$ 1,000	\$ -	\$ 1,203
5280	Municipal Court	\$ -	\$ -	\$ -
5041	Abatement Mowing	\$ 700	\$ 1,200	\$ 678
5043	Lien Recording Fees	\$ 90	\$ 300	\$ 120
5042	Postage	\$ -	\$ -	\$ 45
	<b>TOTAL OPERATING EXPENSES</b>	<b>\$ 353,996</b>	<b>\$ 466,630</b>	<b>\$ 372,580</b>

<b><i>UTILITY FUND REVENUES</i></b>				
		<b>BUDGET</b>	<b>BUDGET</b>	<b>YTD</b>
		<b>2015</b>	<b>2014</b>	<b>8/7/2014</b>
<b>OPERATING REVENUES</b>				
4010	Water Revenue	\$ 160,000	\$ 160,000	\$ 118,249
4011	Sewer Revenue	\$ 101,000	\$ 101,000	\$ 85,471
4012	Solid Waste	\$ 44,000	\$ 44,000	\$ 37,413
4013	Lae Fees	\$ 4,000	\$ 5,000	\$ 3,349
4006	USACE - OLW	\$ -	\$ 3,000	\$ -
4030	Sendziak Restitution	\$ 2,500	\$ 4,000	\$ 2,500
4090	Miscellaneous	\$ 1,000	\$ -	\$ 1,146
4020	Water Tap Fees	\$ 4,725	\$ 2,700	\$ 2,700
4022	Meter Set Fees	\$ 1,170	\$ -	\$ -
4021	Sewer Tap Fees	\$ 3,825	\$ 2,700	\$ 2,700
4000	Interest	\$ 500	\$ 500	\$ 1,030
4005	MDD LOC Interest	\$ 400	\$ 1,000	\$ 1,430
4010	MDD LOC Principal	\$ 12,000	\$ 14,000	\$ 13,916
	<b>TOTAL OPERATING REVENUES</b>	<b>\$ 335,120</b>	<b>\$ 337,900</b>	<b>\$ 269,904</b>

<b><i>UTILITY FUND EXPENSES</i></b>				
		<b>BUDGET</b>	<b>BUDGET</b>	<b>YTD</b>
		<b>2015</b>	<b>2014</b>	<b>8/7/2014</b>
<b>OPERATING EXPENSES</b>				
5070	Capital Improvements	\$ -	\$ 264,000	\$ 207,630
5014	GIS Mapping	\$ 2,000	\$ 3,000	\$ 180
5501	Depreciation Expense	\$ -	\$ -	\$ -
5011	Operator Salaries	\$ 36,600	\$ 36,600	\$ 30,500
5013	Engineer	\$ -	\$ -	\$ 563
5016	Contract Labor	\$ 8,000	\$ 5,000	\$ 6,671
5032	Electricity (Water)	\$ 17,000	\$ 17,000	\$ 14,373
5033	Electricity (Sewer)	\$ 21,000	\$ 22,000	\$ 16,887
5012	Solid Waste	\$ 40,000	\$ 40,000	\$ 33,492
5023	Water Repairs	\$ 10,000	\$ 15,000	\$ 5,896
5024	Sewer Repairs	\$ 10,000	\$ 8,000	\$ 9,756
5021W	Water Scheduled Maintenance	\$ -	\$ 1,000	\$ -
5021S	Sewer Scheduled Maintenance	\$ 1,000	\$ 2,000	\$ 585
5006	Insurance	\$ 5,600	\$ 5,000	\$ 5,229
5060	Contingency Fund	\$ 1,000	\$ 1,000	\$ 81
5025	Water Equipment	\$ 2,500	\$ 3,000	\$ 1,899
5026	Sewer Equipment	\$ 500	\$ 1,000	\$ -
5027	Chemicals (water)	\$ 800	\$ 1,400	\$ 567
5028	Chemicals (sewer)	\$ 500	\$ 500	\$ 461
5022W	Laboratory (water)	\$ 600	\$ 600	\$ 525
5022S	Laboratory (sewer)	\$ 4,500	\$ 6,800	\$ 3,715
5001	Office Supplies	\$ 2,000	\$ 2,000	\$ 1,681
5002	Postage	\$ 1,500	\$ 1,500	\$ 1,296
5006	TCEQ Licensing Fees (water)	\$ 450	\$ 450	\$ 484
5007	TCEQ Licensing Fees (sewer)	\$ 1,250	\$ 1,250	\$ 1,250
5029	Sludge Removal (sewer)	\$ 1,200	\$ 1,200	\$ 600
5003	Computers/IT	\$ -	\$ -	\$ 480
5009	Software Licensing Fees	\$ 700	\$ -	\$ 1,225
5008	Fee for Administrative Services	\$ 35,260	\$ 34,542	\$ 34,542
	<b>TOTAL OPERATING EXPENSES</b>	<b>\$ 203,960</b>	<b>\$ 473,842</b>	<b>\$ 380,568</b>

**ORDINANCE NO. 15-01**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, DENTON COUNTY, TEXAS, AUTHORIZING A GENERAL (REGULAR) MUNICIPAL ELECTION TO BE HELD ON MAY 9, 2015, FOR THE PURPOSE OF ELECTING ONE TOWN COUNCILMEMBER EACH FOR PLACES 1, 3, 4, AND 5, AND ONE MAYOR, PLACE 6, BY THE QUALIFIED VOTERS OF THE TOWN OF LAKEWOOD VILLAGE; DESIGNATING A POLLING LOCATION; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING MACHINES; PROVIDING FOR EARLY VOTING; APPOINTING ELECTION OFFICIALS; AND ESTABLISHING PAY RATES FOR ELECTION WORKERS AND AUTHORIZING THE ORDER FOR ELECTION.**

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

**SECTION 1. ELECTION ORDERED**

That a general (regular) municipal election is hereby ordered to be held on the 9<sup>th</sup> day of May, 2015, for the purpose of electing at-large one Town Councilmember, Place 1; one Town Councilmember, Place 3; one Town Councilmember, Place 4; one Town Councilmember, Place 5; and one Mayor, Place 6; by the qualified voters of the Town of Lakewood Village.

**SECTION 2. PRECINCT**

The election precinct for said election shall be the regular precinct of Denton County Precinct 1025, to the extent that it is within the corporate limits of the Town of Lakewood Village.

**SECTION 3. ADMINISTRATION OF ELECTION**

The General Election shall be conducted in accordance with the provisions of the Texas Election Code. The Town of Lakewood Village has contracted with Denton County for a joint election. The Town Secretary is hereby authorized to contract with the Denton County Elections Administrator for the purpose of having Denton County furnish all or any portion of the election services and equipment needed to conduct the election.

**SECTION 4. EARLY VOTING CLERKS**

(a) In accordance with Sections 31.097 and 271.006 of the Texas Election Code, the following named person is hereby appointed as the Early Voting Clerk for the purposes of conducting said election:

Lannie Noble, Early Voting Clerk  
PO Box 1720  
Denton, TX 76202

- (b) Linda Asbell, TRMC, Town Secretary for the Town of Lakewood Village shall serve as chief early voting clerk.
- (c) Any permanent county employee serving under the Elections Administrator shall serve as deputy early voting clerks.

**SECTION 5. EARLY VOTING LOCATIONS**

Early Voting by personal appearance of the Town of Lakewood Village residents shall be conducted beginning April 27, 201 and continuing through May 5, 2015. The early voting location shall be:

Lakewood Village Town Hall,  
100 Highridge Drive  
Lakewood Village, Texas 75068

**SECTION 6. ELECTION DAY POLLING PLACES**

The polling place for all of Precinct 1025 within the corporate limits of the Town of Lakewood Village will be located at:

Lakewood Village Town Hall,  
100 Highridge Drive  
Lakewood Village, Texas 75068

**SECTION 7: AUTHORIZATION**

The Town Secretary is hereby authorized to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the election, whether or not expressly authorized herein.

**SECTION 8: NOTICE AND PUBLICATION**

Notice of the Election shall be given by posting a notice of election in both English and Spanish at Lakewood Village Town Hall located at 100 Highridge Drive, Lakewood Village, Texas, on the bulletin board not later than twenty-one (21) days prior to the date upon which the Election is to be held, and by publication of said notice at least once in the official newspaper of the Town, being a newspaper of general circulation within the Town, the date of said publication to be not less than ten (10) days nor more than thirty (30) days prior to the date set for the Election. Upon publication of the election notice, the Town Secretary shall secure a publisher's affidavit.

In addition thereto, a copy of the notice shall also be filed with the Town Secretary at least twenty-one (21) days before the Election.

**SECTION 9:**

A copy of this order shall be retained with the other records of the election in accordance with the Texas Election Code.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF  
THE TOWN OF LAKEWOOD VILLAGE, TEXAS, on this 8<sup>th</sup> day of January, 2015.

---

Dr. Mark E. Vargus  
Mayor

ATTESTED :

---

Linda Asbell, TRMC  
Town Secretary

**LAKWOOD VILLAGE TOWN COUNCIL**

**COUNCIL MEETING**

**DECEMBER 15, 2014**

**Council Members:**

Dr. Mark. E. Vargus, Mayor  
Carl Menckhoff, M.D., Mayor Pro-Tem  
Dave Getka - Absent  
Gary Newsome  
Ed Reed  
Clint Bushong

**Town Staff:**

Linda Asbell, TRMC, Town Secretary

**SPECIAL SESSION -5:00 P.M.**

With a quorum of the Council Members present, Mayor Vargus called the Special Session of the Town Council to order at 5:06 p.m. on Monday, December 15, 2014, 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)**

Sheri Bertrand, 409 Lakecrest, stated that she attended a meeting approximately 2 months ago where she brought her dog and she noticed the minutes of the last council meeting included a discussion prohibition on dogs attending meetings. Ms. Bertrand stated that following her major accident approximately 12 months ago it is it unsafe for her to walk down the streets safely when people are driving in excess of 30 miles per hour. Ms. Bertrand offered to propose the changes and provide the information needed for the council to lower the speed limit. Mayor Vargus reported that the issue with lowering the speed limits is enforcement. Ms. Bertrand stated that she would provide a video she took with her iPhone to prove the speeding violations.

**REGULAR AGENDA:**

**(Agenda Item C)**

**Presentation of Audit Findings for Fiscal  
Year 2013-2014**

**(Agenda Item C.1)**

Wayne Nabors reviewed the audit findings for the Fiscal Year 2013-2014. Mr. Nabors reported that the audit report is “clean” again this year. Mr. Nabors reported an increase in General Fund/MDD of \$774,424, of that, \$172,786 is unrestricted. The \$172,786 represents an approximate 59% reserve which is very strong. Mr. Nabors reviewed the Utility Fund revenues and expenses. Mr. Nabors reviewed fund equity classifications and definitions. Mr. Nabors reported on the debt service requirements and Interest & Sinking tax rate. Mr. Nabors reviewed the potential income from the legal action against former employee Dawn Sendziak. Town Secretary, Linda Asbell, reported to the council that the District Attorney will be taking action against Ms. Sendziak which should result in her arrest and extradition to attend a hearing here in Texas for violation of the terms of her probation. Mr. Nabors reported that appropriate procedures are being followed in the town and the records were all correct and were made available to him. Mr. Nabors reported that the Town Council could be very proud of these audit findings. Mayor Vargus reported that the audit took three days and Wayne Nabors, Linda Asbell and Summer Paulsen spent a lot of time working through the requirements of this audit. Mayor Vargus thanked Mr. Nabors for expediting the audit and finalizing it for this meeting. There was some discussion on risk management, controls, and management decisions.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilman Newsome the Council voted four (4) “ayes” and no (0) “nays” to accept the audit as presented. *The motion carried.*

**Discussion on Fence Ordinance**

**(Agenda Item C.2)**

Mayor Vargus reported that Councilman Bushong and he discussed the fence requirements during the review of the zoning ordinance but the Town Attorney recommended that the fence requirements be left as a stand-alone ordinance. There was some discussion about the intention of the prohibition on waterfront fencing. There was some discussion on the possibility of providing an avenue to allow some privacy around a house or a pool but not allow fencing all the way to the end of the property line. Mayor Vargus reported that he would provide language for council to consider at a future council meeting. There was some discussion on regulating fencing in the front yard. There was some discussion about requiring “Knox Box” locks on any gated properties to allow for emergency services access.

**Discussion on Status of Road Construction**

**(Agenda Item C.3)**

Councilman Reed reported that the roads are approximately 95% complete. The next pour will be Shoreline from Hillside to Peninsula on December 18<sup>th</sup>. Because of the holidays the crews

will be working only two or three day weeks for the next few weeks. There was some discussion on the issue with people parking on the new sod and causing damage. Mayor Vargus reported that the concrete rubble will be removed and the construction are will be cleaned up this week. Mayor Vargus reported that Chris Roberts with Jagoe has been exceptionally helpful and easy to work with. The estimated completion date for all the clean-up will be mid-January.

**Discussion on Status of Residential  
Construction in Lakewood Village**

**(Agenda Item C.4)**

Mayor Vargus reported that he regularly deals with the builders and meets frequently with the building inspector. Mayor Vargus reviewed the slab plans for a house at 428 Hillside and discussed the drainage issues with the property. Mayor Vargus reviewed the history of communication regarding fill dirt and soil compaction on the property. Mayor Vargus reported that the builder has been notified of the prohibition on lot to lot drainage. The house will not pass final occupancy inspection unless the drainage issue has been corrected. There was discussion about the builder wanting to bring in concrete equipment to pour his foundation prior to the final tests being done on the new roads.

Mayor Vargus reviewed the construction of a stone wall at the end of Hillside. There have been several discussions with the property owner informing him that this construction is in violation because he is building it in the town right-of-way and it constitutes a hazard.

Mayor Vargus reported that the house at 829 Carrie received their approved build permit after two months of submissions and revisions.

**Discussion of Status of LandPlan  
Development:**

**(Agenda Item C.5)**

Mayor Vargus reviewed the history of development meetings and efforts between the Town and LandPlan. Mayor Vargus reported that LandPlan consulted with a company that recommended design for the development be a higher density subdivision which would be marketed toward the retiring executive community. Mayor Pro-Tem Menckhoff stated that although many years have been spent working with LandPlan and it seems as though no forward progress has been made. There was some discussion about LandPlan proposing lots that were between 50 feet and 70 feet wide. There was some discussion about the previously submitted site design from LandPlan that had two phases; Phase I with 1/3 acre lots, and Phase II with 1/2 acre lots. Mayor Pro-Tem Menckhoff stated that he believes this should be developed the right way for the long-term benefit of the town. Mayor Pro-Tem Menckhoff recommended that the Town contact LandPlan and let them know the smallest lot size the town is willing to accept to prevent LandPlan from wasting time and money on developing something the town would not accept.

**Consideration of Termination of Professional Services Agreement with LandPlan**

**(Agenda Item C.6)**

There was some discussion on the liability of holding the PSA agreement money. There was some discussion on the long term cost to the relationship with LandPlan if the agreement is terminated.

**MOTION:** Upon a motion made by Councilman Bushong and seconded by Councilman Reed the Council voted three (3) “ayes” and one (1) “abstain” (Mayor Pro-Tem Menckhoff) to terminate the Professional Services Agreement with LandPlan. *The motion carried.*

**Discussion of Sanitation Related Franchise Fees:**

**(Agenda Item C.7)**

There was some discussion about making it mandatory for builders to obtain a roll-off container. The containers will generate sales tax and franchise tax which will be used for road repairs. There was some discussion about imposing a general franchise tax of \$2.00. There was some discussion on the franchise fee being included in the consolidated fee ordinance.

**Consideration of Minutes of the November 13, 2014**

**(Agenda Item C.8)**

**MOTION:** Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Bushong the Council voted four (4) “ayes” and no (0) “nays” to approve the minutes of the November 13, 2014 Council Meeting. *The motion carried.*

**EXECUTIVE SESSION:**

**(Agenda Item D)**

At 8:23 p.m. Acting Mayor Vargus recessed into executive session in compliance with Section (1) 551.07 Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.072 Texas Government Code to wit: deliberations about real property; and (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations .

**LAKEWOOD VILLAGE TOWN COUNCIL  
SPECIAL SESSION  
DEEMBER 15, 2014**

**Page 5**

**RECONVENE:**

**(Agenda Item E)**

Acting Mayor Vargus reconvened the special session of the Lakewood Village Town Council at 9:55 PM.

No action was taken.

**COUNCIL AND STAFF COMMENTS:**

**(Agenda Item I)**

Mayor Vargus reported on the abatement process at 423 Hillside. The Town spent over \$4,300 to correct the violations with the pool.

Mayor Vargus reported that the Bizios trial has been postponed until after the appeals court decision has been received.

Mayor Vargus reported that he received a complaint about the size of the mailboxes and the trash around the boxes.

Future Council items were discussed: Water rates, upgrading building codes.

**ADJOURNMENT**

**(Agenda Item J)**

**MOTION:** Upon a motion made by Mayor Pro-Tem Menckhoff and seconded by Councilman Newsome, council voted four (4) “ayes” and no (0) “nays” to adjourn the Special Session of the Lakewood Village Town Council at 9:57 p.m. on Monday, December 15, 2014. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 8th day of January 2015.

APPROVED

\_\_\_\_\_  
Dr. Mark E. Vargus  
MAYOR

ATTEST:

\_\_\_\_\_  
Linda Asbell, TRMC  
TOWN SECRETARY