



LAKWOOD VILLAGE TOWN HALL
100 HIGHRIDGE DRIVE
LAKWOOD VILLAGE, TEXAS

TOWN COUNCIL MEETING
MARCH 14, 2019 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. The council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

C. CONSENT AGENDA: All the items on the Consent Agenda are considered to be self-explanatory and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member requests an item be removed from the Consent Agenda.

1. Minutes of February 14, 2019 Council Meeting (Asbell)
2. Matt Bissonnette Resignation from Municipal Development District (Asbell)
3. Ordinance Cancelling Election (Asbell)

D. REGULAR AGENDA:

1. Discussion of Dark Sky Application Submittal Status (Reed)
2. Consideration of Resolution Supporting Application for Dark Sky Community Designation (Reed)
3. Consideration of Repeal of Ordinance 14-08 (Reed)
4. Discussion of Concrete Roads (Reed)
5. Consideration of Additional Task Order for Concrete Road Project (Reed)
6. Discussion of Water Well Status (Reed)

E. EXECUTIVE SESSION: (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. (2) § 551.072 Texas Government Code to wit: deliberations about real property; (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations; and (4) § 551.076 Texas Government Code to wit: deliberations about Security Devices.

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

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

H. ADJOURNMENT

LAKWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

FEBRUARY 14, 2019

Council Members:

Dr. Mark Vargus, Mayor
Ed Reed – Mayor Pro-Tem
Clint Bushong
Elizabeth Shields
Darrell West
Serena Lepley

Town Staff:

Linda Asbell, TRMC, CMC – 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, February 14, 2019, in the Council Chambers of the Lakewood Village Town Hall, 100 Highridge Drive, Lakewood Village, Texas.

PLEDGE TO THE FLAG:

(Agenda Item A)

Mayor Vargus led the Pledge of Allegiance

VISITOR/CITIZENS FORUM:

(Agenda Item B)

No one requested to speak

PUBLIC HEARING

(Agenda Item C)

A public hearing was held to provide an opportunity for citizens to comment on the proposed changes to the zoning ordinance. Mayor Vargus opened the public hearing at 7:00.

No one requested to speak.

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman Bushong, 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 January 10, 2019 Council Meeting (Asbell)
2. Minutes of January 24, 2019 Council Meeting (Asbell)
3. Ordinance Calling General Election for May 4, 2019 (Asbell)

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

REGULAR AGENDA:

(Agenda Item E)

**Consideration Outdoor Lighting Ordinance
(Reed)**

(Agenda Item E.1)

Mayor Pro-Tem Reed reviewed the changes from the previous version of the ordinance. The requirement for existing homes to become compliant within 10 years has been removed, and the shielding requirements have been modified.

MOTION: Upon a motion made by Mayor Pro-Tem Reed and seconded by Councilman Bushong, council voted five (5) “ayes”, no (0) “nays” to approve the outdoor lighting ordinance as presented. *The motion carried.*

Consideration of Zoning Ordinance (Vargus)

(Agenda Item E.2)

Mayor Vargus reported that no changes have been made to the zoning ordinance since the initial proposed changes. Mayor Vargus reported the council has held four public hearings and has received no negative feedback from citizens regarding the proposed changes.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman West, council voted five (5) “ayes”, no (0) “nays” to approve the zoning ordinance. *The motion carried.*

**Consideration of Professional Services
Agreement (Reed)**

(Agenda Item D.3)

Mayor Vargus and Councilman Bushong reviewed the history of the professional services agreement with LandPlan Development. Mayor Vargus reported that he asked the Town

Secretary and Town Attorney to provide a standard Professional Services Agreement that would be appropriate for use with any developer. Town Attorney Messer reported that most small towns use professional services agreements to provide for professional review of developments. Attorney Messer reported that LandPlan has seen this agreement many times and there is nothing unexpected in this document.

MOTION: *No motion made*

**Consideration of Approval of Engineering
Project for Concrete Roads (Vargus)**

(Agenda Item E.4)

Mayor Vargus reviewed the preliminary work that is necessary to plan the construction of the concrete roads. Mr. Todd Strouse, Town Engineer stated that a geotechnical report will be provided to the town which will contain laboratory results, soil cross sections, and recommendations on construction process to follow during the road construction. There was some discussion about typical types of stabilization that is necessary for concrete roads. Mr. Strouse reported that work would begin within approximately two weeks and the work, including the report, would take approximately 4 weeks following council approval.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilwoman Shields, council voted five (5) “ayes”, no (0) “nays” to authorize Mayor Vargus to execute a contract for Kimley Horn to perform the geotechnical analysis in preparation for concrete roads. *The motion carried.*

**Consideration of Capital Improvements
(Vargus)**

(Agenda Item E.5)

Mayor Vargus reviewed the estimate for the cost to reroute sewer down Melody Lane to reduce workload at the Stowe Lane lift station. There was discussion about the construction process and Mayor Vargus reported that no property should experience an interruption in service. Work would be completed prior to springtime.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman West, council voted five (5) “ayes”, no (0) “nays” to approve installation of a pressure sewer line from the Carrie Lane lift station to the manhole on Melody Lane. *The motion carried.*

**Consideration of Budget Amendment for -
Fiscal Year 2018-2019 (Vargus)**

(Agenda Item E.6)

Mayor Vargus reviewed the proposed changes to the budget in both General and Utility Funds.

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilman Bushong, council voted five (5) “ayes”, no (0) “nays” to approve budget amendment as proposed. *The motion carried.*

Discussion of Concrete Roads (Vargus)

(Agenda Item E.7)

Mayor Vargus stated he will likely place this item on council agendas for the foreseeable future to give council and citizens an opportunity to discuss any issues or concerns as this project progresses. Mayor Vargus stated he believes the town will need an ordinance in place to protect the town’s investment in the concrete road during the construction process. Drivers going around a barricade and damaging uncured concrete should be held responsible for the damage. Town Attorney Messer stated a citation could be issued if the driver can be identified.

**Discussion of Repeal of Ordinance 14-08
(Vargus)**

(Agenda Item E.8)

Mayor Vargus reviewed the history of Ordinance 14-08 establishing a road maintenance fund. Mayor Vargus reported that with the concrete road project underway this fund is no longer necessary.

**Discussion of Municipal Court of Record
(Asbell)**

(Agenda Item E.9)

Mayor Vargus reported that cases appealed from Lakewood Village Municipal Court are heard by Denton County. Town Attorney Messer stated the County District Attorney can decide not to prosecute appealed cases on their discretion. If Lakewood Village is a court of record it would require the County to consider cases only on judicial error. Town Attorney Messer stated he does not see becoming a court of record causing any negative consequence to the town.

EXECUTIVE SESSION:

(Agenda Item F)

At 8:09 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

**LAKWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
FEBRUARY 14, 2019**

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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. (2) § 551.072 Texas Government Code to wit: deliberations about real property; (3) § 551.087 Texas Government Code to wit: Economic Development Negotiations; and (4) § 551.076 Texas Government Code to wit: deliberations about Security Devices

RECONVENE:

(Agenda Item G)

Mayor Vargus reconvened the regular session at 9:03 p.m.

REPORTS

(Agenda Item H)

No reports were made.

ADJOURNMENT

(Agenda Item I)

MOTION: Upon a motion made by Councilwoman Lepley and seconded by Councilwoman Shields council voted five (5) “ayes” and no (0) “nays” to adjourn the Regular Meeting of the Lakewood Village Town Council at 9:03 p.m. on Thursday, February 14, 2019. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 14th day of March 2019.

APPROVED

Ed Reed
MAYOR PRO-TEM

ATTEST:

Linda Asbell, TRMC, CMC
TOWN SECRETARY

linda@lakewoodvillagetx.us

From: Matthew Bissonnette <matthewabissonnette@gmail.com>
Sent: Thursday, February 21, 2019 6:51 PM
To: Asbell Linda
Subject: MDD Resignation

Hello Linda,

This email is to serve notice as my resignation of my position as Treasurer on the Lakewood Village MDD Board effective May 4th 2019.

Regards,

Matthew Bissonnette
C: 216.534.4083

CERTIFICATION OF UNOPPOSED CANDIDATES
CERTIFICACIÓN DE CANDIDATOS ÚNICOS

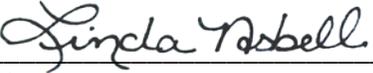
TO: Presiding Officer of Governing Body, Dr. Mark E. Vargus, Mayor
Al: *Presidente de la entidad gobernante, Dr. Mark E. Vargus, Alcalde*

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on Saturday, May 4, 2019.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el sábado, 4 día de mayo, 2019.

List offices and names of candidates:
Lista de cargos y nombres de los candidatos:

<u>Offices (Cargos)</u>	<u>Candidates (Candidatos)</u>
Councilman At-Large Place 1 (<i>Concejales en General Place 1</i>)	Eric Farage
Councilman At-Large Place 3 (<i>Concejales en General Place 3</i>)	Matt Missonette
Councilman At-Large Place 5 (<i>Concejales en General Place 5</i>)	Clint Bushong



Signature (*Firma*)

Linda Asbell, TRMC, CMC
Printed name (*Nombre en letra de molde*)

Town Secretary (Secretario)
Title (*Puesto*)

March 8, 2019
Date of signing (*Fecha de firma*)

TOWN OF LAKEWOOD VILLAGE

ORDINANCE NO: 19-XX

AN ORDINANCE CANCELLING THE TOWN OF LAKEWOOD VILLAGE GENERAL ELECTION CURRENTLY SCHEDULED FOR MAY 4, 2019, DECLARING UNOPPOSED CANDIDATES, AND SETTING AN EFFECTIVE DATE.

WHEREAS, a General Election is currently scheduled for Saturday, May 4, 2019 for the purpose of electing three Councilmembers; and

WHEREAS, the Town Secretary has given certification in accordance with Texas Election Code, that no candidate in the general election is opposed on the ballot, EC §2.052, or by a declared write-in candidate, EC §146.052, and no proposition is to appear on the ballot; and

WHEREAS, the Election Code provides for the cancellation of an election and the declaration of the unopposed candidates as elected to office; and

WHEREAS, the Council does not desire to incur public expense by conducting an unopposed election.

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

The General Election scheduled for Saturday, May 4, 2019 is hereby cancelled, and that Clint Bushong, Eric Farage, and Matt Bissonnette are declared to be elected to their respective offices with the terms to begin in the same manner as if an election had taken place.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, on this 14th day of March 2019.

APPROVED:

Dr. Mark E. Vargus,
Mayor

ATTEST:

Linda Asbell, TRMC, CMC
Town Secretary

RESOLUTION NO. 19-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE RECOGNIZING THE BENEFICIAL EFFORTS OF THE INTERNATIONAL DARK SKY ASSOCIATION; SUPPORTING THE TOWN'S APPLICATION TO BECOME A DARK SKY COMMUNITY AND EXPRESSING THE TOWN'S COMMITMENT TO MAINTAINING MEMBERSHIP IN THE INTERNATIONAL DARK SKY ASSOCIATION.

WHEREAS, the International Dark Sky Association's (IDA) mission is to preserve and protect the night sky through environmentally responsible outdoor lighting for current and future generations; and

WHEREAS, the IDA is a leading authority on the harmful effects of artificial light on human health and wildlife; and

WHEREAS, the Town of Lakewood Village is surrounded by the Lewisville Lake wildlife habitat area and is home to many species of wildlife including deer, foxes, coyotes, and many varieties of water fowl; and

WHEREAS, the Town of Lakewood Village wishes to enhance our wildlife and maintain our residential-only rural setting; and

WHEREAS, future development and growth in population in surrounding areas will increase light pollution that will diminish the natural environment and quality of life for the residents of Lakewood Village; and

WHEREAS, currently only three Dark-Sky communities exist in Texas and none exist in North Texas, and Lakewood Village seeks to be at the forefront and be a leading example for other communities in the Dallas-Fort Worth Metroplex; and

WHEREAS, the Town initiated and has been actively pursuing a Dark Sky project for more than eighteen months and has subsequently enacted an Outdoor Lighting Ordinance;

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

The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

1. **APPLICATION** - The Town Council strongly support the work of staff and the Mayor Pro-Tem in the application process of becoming an International Dark Skies Community. Further, staff is authorized to make necessary changes to the submittal following guidance from the IDA.

2. **ONGOING COMMITMENT** - As part of our ongoing commitment to the IDA principles , the Town Council agrees to: (1) undertake the monitoring and reporting requirements necessary to maintain our membership in the IDA in good standing, and (2) through building codes and development ordinances the Town will enforce newly adopted IDA approved lighting standards on all new construction, and (3) The Town will retro-fit, or redesign lighting on all town owned facilities.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, on this 14th day of March 2019.

Dr. Mark E. Vargus
MAYOR

Ed Reed
MAYOR Pro-Tem

ATTEST:

Linda Asbell, TRMC, CMC
Town Secretary

TOWN OF LAKEWOOD VILLAGE

ORDINANCE NO. 19-XX

**AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS
REPEALING ORDINANCE 14-08.**

WHEREAS, Ordinance 14-08 adopted by the Town of Lakewood Village in August 2014 established a Road Maintenance Fund with dedicated revenues and expenditures; and

WHEREAS, Fund expenditures were primarily earmarked for road repairs and temporary maintenance on the non-concrete roads until they could be reconstructed; and

WHEREAS, the Phase 2 of the concrete road reconstruction is planned for February 2020 and the Town is no longer performing any significant repairs on these streets;

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

Ordinance 14-08 is repealed in its entirety.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, on this the 14th day of March 2019.

Dr. Mark E. Vargus
Mayor

ATTESTED:

Linda Asbell, TRMC, CMC
Town Secretary

As part of this evaluation, the Consultant will provide recommendations on the following:

1. Confirm the proposed location is acceptable from a geometric and sight distance standpoint
2. Perform a trip generation exercise using the existing homes and evaluate the need for a right-turn declaration lane
3. Discuss the potential validity of a future signal

Deliverables:

- Technical Memorandum Summarizing the Evaluations & Recommendations

ADDITIONAL SERVICES IF REQUIRED:

Any services not specifically provided for in the above scope will be considered additional services and can be performed at our then current hourly rates. Additional services we can provide include, but are not limited to, the following:

- Opinion of Probable Construction Costs

TERMS OF COMPENSATION:

The Consultant will provide the Scope of Services for a lump sum fee (LS): **\$ 5,000**

ACCEPTED:

TOWN OF LAKEWOOD VILLAGE

KIMLEY-HORN AND ASSOCIATES, INC.

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____