

LAKEWOOD VILLAGE TOWN COUNCIL

COUNCIL MEETING

OCTOBER 13, 2016

Council Members:

Dr. Mark Vargus, Mayor
Ed Reed – Mayor Pro-Tem - ABSENT
Clint Bushong
Gary Newsome
Ray Duff
Dan Tantalo

Town Staff:

Linda Asbell, TRMC, Town Secretary

REGULAR SESSION - 7:00 P.M.

With a quorum of the Council Members present, Mayor Vargus called the Regular Session of the Town Council to order at 7:00 p.m. on Thursday, October 13, 2016, 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

PUBLIC HEARING:

(Agenda Item B)

A public hearing was held to provide an opportunity for citizens to comment on the proposed water and wastewater impact fees. Mayor Vargus opened the public hearing at 7:02 p.m.

Mayor Vargus introduced Mr. Todd Strauss from Kimley Horn and reviewed how impact fees are implemented. Mr. Danny Cook stated that the CIAC committee benefited greatly by having Mr. Van Freeman and Mr. Chip Hill on the committee as they could provide valuable input from the builder's point of view.

MOTION: Upon a motion made by Councilman Newsome and seconded by Councilman Bushong, council voted four (4) "ayes", no (0) "nays" to close the public hearing at 7:08 pm. *The motion carried.*

VISITOR/CITIZENS FORUM:

(Agenda Item C)

No one requested to speak

REGULAR AGENDA:

(Agenda Item D)

**Discussion of Water and Waste Water
Impact Fee Study (Bushong)**

(Agenda Item D.1)

Mr. Todd Strauss of Kimley Horn reviewed the Impact Fee Study presentation. There was some discussion on the impact fee components and service units. The maximum recoverable water impact fee per service unit is \$9,695 for a total recoverable cost of \$1,434,820. The maximum recoverable wastewater impact fee per service unit is \$5,923 for a total recoverable cost of \$1,918,995. Town Attorney Andy Messer explained the importance of a thorough list of projects in the adopted capital improvements plan.

**Discussion of Well Feasibility Study
(Bushong)**

(Agenda Item D.2)

There was some discussion on the differences in water quality of the Paluxy and Trinity aquifers in this area. There was some discussion on the concerns about water temperature, and the number of wells utilizing the Paluxy aquifer in the area.

**Consideration of Residential Code
Ordinance – Removing Enforcement
Requirement in the Extra Territorial
Jurisdiction (Bushong)**

(Agenda Item D.3)

Mayor Vargus reviewed the Texas Supreme Court ruling

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the Residential Code Ordinance as presented. *The motion carried.*

**Consideration of Plumbing Code Ordinance
– Removing Enforcement Requirement in the
Extra Territorial Jurisdiction (Bushong)**

(Agenda Item D.4)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the Plumbing Code Ordinance as presented. *The motion carried.*

Consideration of Mechanical Code Ordinance – Removing Enforcement Requirement in the Extra Territorial Jurisdiction (Bushong)

(Agenda Item D.5)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the Mechanical Code Ordinance as presented. *The motion carried.*

Consideration of Fuel Gas Code Ordinance – Removing Enforcement Requirement in the Extra Territorial Jurisdiction (Bushong)

(Agenda Item D.6)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the Fuel Gas Code Ordinance as presented. *The motion carried.*

Consideration of Fire Code Ordinance – Removing Enforcement Requirement in the Extra Territorial Jurisdiction (Bushong)

(Agenda Item D.7)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the Fire Code Ordinance as presented. *The motion carried.*

Consideration of Energy Conservation Code Ordinance – Removing Enforcement Requirement in the Extra Territorial Jurisdiction (Bushong)

(Agenda Item D.8)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the Energy Conservation Code Ordinance as presented. *The motion carried.*

**Consideration of Electrical Code Ordinance
– Removing Enforcement Requirement in the
Extra Territorial Jurisdiction (Bushong)**

(Agenda Item D.9)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the Electrical Code Ordinance as presented. *The motion carried.*

**Consideration of Resolution for Town
Attorney Opinions (Asbell)**

(Agenda Item D.10)

Mayor Vargus reviewed the resolution and expressed the need for protection of attorney/client confidentiality while allowing for council access and providing for document retention. Town Secretary Linda Asbell reviewed the provisions of the resolution and the process for council members to obtain an official opinion from the Town Attorney. Councilman Tantalo asked for clarification on attorney/client privilege. Town Attorney Andy Messer explained that nearly all communication between the attorney and the town is covered by attorney/client privilege. Town Attorney Messer reported that the body politic must make a decision to waive privilege by voting to waive confidentiality. Councilman Tantalo asked for clarification on what items would be open to the public versus covered by confidentiality. Town Attorney Messer stated that any communication between the attorney and the client can be confidential. Town Attorney Messer stated that to allow documents to be available to the public the council should put an executive session on the agenda to confer with the Town Attorney then, following the executive session, the council could take action to vote on the release of the opinion. There was some discussion on the ability of the Town Attorney to discuss issues with the council and prevent dissemination of protected information to the public. Attorney Messer stated that municipalities deal with distribution of his opinions differently. Attorney Messer stated that all his work product deals with sensitive issues and should be protected unless the council collectively decides it may be released. Councilman Tantalo recommends review of the proposed language prior to passage of the resolution.

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted three (3) “ayes”, one (1) “nays” (Councilman Tantalo) to approve the resolution establishing policy for requesting and receiving official opinions of the Town Attorney. *The motion carried.*

Discussion of Recent Road Repairs (Tantalo)

(Agenda Item D.11)

Councilman Tantalo reported that citizens have asked him about the plan to complete the repairs on Carrie Lane. Councilman Tantalo stated that he understood that Mayor Vargus would be inspecting the repair work daily and expected that all areas on the roads marked by paint would be repaired. Councilman Newsome stated that he reviewed the road repair work daily. Councilman Newsome reported that the quote for the full repair of both Carrie and Melody Lanes was \$40,000 and the council authorized the Mayor to spend up to \$25,000 therefore, not all the painted areas could be repaired. Councilman Newsome stated that council discussed the repairs at a previous meeting and approved collectively that only some of the repairs on Melody and Carrie Lanes would be completed. There was some discussion about the prioritization of the repairs to be made.

Discussion of Fire Hydrant Project (Tantalo)

(Agenda Item D.12)

Councilman Tantalo indicated he was not prepared to discuss this item and would bring it up to council at a future meeting.

Discussion of Current Financials (Tantalo)

(Agenda Item D.13)

Councilman Tantalo asked council if they had a chance to review the financial disclosures that are posted on the website. There was some discussion about council not being able to respond to questions because there was no backup information provided in the agenda packet. Councilman Tantalo stated that he would like to look at the financial disclosure information and evaluate the level of citizen satisfaction with that information provided.

**Consideration of Minutes of the September 8,
2016 Council Meeting (Asbell)**

(Agenda Item D.14)

MOTION: Upon a motion made by Councilman Newsome and seconded by Councilman Bushong, council voted four (4) “ayes”, no (0) “nays” to approve the September 8, 2016 Council Meeting minutes as presented. *The motion carried.*

**LAKWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
OCTOBER 13, 2016**

Page 6

**Consideration of Minutes of the September
22, 2016 Council Meeting (Asbell)**

(Agenda Item D.14)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff, council voted four (4) “ayes”, no (0) “nays” to approve the September 22, 2016 Council Meeting minutes as presented. *The motion carried.*

EXECUTIVE SESSION:

(Agenda Item E)

At 8:20 p.m. Mayor Vargus recessed into executive session in compliance with (1) § 551.071(1) Texas Government Code to wit: Consultation with the Town Attorney regarding pending or contemplated litigation, re: Town of Lakewood Village V. Harry Bizios; (2) § 551.071(2) Texas Government Code to wit: Consultation with the 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; (3) § 551.072 Texas Government Code to wit: deliberations about real property; and (4) § 551.087 Texas Government Code to wit: Economic Development Negotiations

RECONVENE:

(Agenda Item F)

Mayor Vargus reconvened the regular session of the Lakewood Village Town Council at 9:36 pm. No action was taken.

COUNCIL AND STAFF COMMENTS

(Agenda Item G)

Mayor Vargus reported that two large sewer repairs have been completed. A drainage problem on Peninsula will be corrected with a project that will begin tomorrow. The assembly of the new water storage tank will begin shortly. The GIS system has been updated to show the new equipment in the water plant.

Mayor Vargus clarified that the Town did not purchase service trucks belonging to Little Elm Services/Sam Morgan. Magnetic signs were purchased to use on the trucks to allow citizens to identify the Town’s agents and contractors.

Councilman Newsome reported that the Halloween hayride will take place at 6:00 p.m. on October 31. The town will host the hayride and will have a total of five trailers this year.

Councilman Bushong reported that the subdivision ordinance will be updated and submitted for council consideration at a future meeting

**LAKWOOD VILLAGE TOWN COUNCIL
REGULAR SESSION
OCTOBER 13, 2016**

Page 7

Councilman Tantalo thanked Joni Lehan for recording and posting videos of the council meetings.

ADJOURNMENT

(Agenda Item H)

MOTION: Upon a motion made by Councilman Bushong and seconded by Councilman Duff council voted four (4) “ayes” and no (0) “nays” to adjourn the Regular Session of the Lakewood Village Town Council at 9:40 p.m. on Thursday, October 13, 2016. The motion carried.

These minutes approved by the Lakewood Village Town Council on the 10th day of November 2016.

APPROVED

Dr. Mark E. Vargus
MAYOR

ATTEST:

Linda Asbell, TRMC
TOWN SECRETARY