

**NOTICE OF SPECIAL COUNCIL MEETING  
SEPTEMBER 9TH, 2013 7:00 PM  
SHADY SHORES COMMUNITY CENTER  
101 S. SHADY SHORES ROAD  
SHADY SHORES, TX 76208**

**AGENDA**

**1. CALL TO ORDER:** *The meeting was called to order at 7:50 PM.*

**MEMBERS PRESENT**

Cindy Spencer, Mayor  
Cindy Aughinbaugh, Mayor Pro-Tem  
Paula Woolworth  
Patty Durkin  
Charles Grimes  
Matthew Haines  
Also Present: Sarah Swanson, Town Secretary  
Jim Shepherd, Town Attorney

**MEMBERS ABSENT**

**2. PLEDGE ALLEGIANCE TO THE UNITED STATES FLAG AND THE TEXAS FLAG.**

*(HONOR THE TEXAS FLAG; I PLEDGE ALLEGIANCE TO THEE, TEXAS, ONE STATE UNDER GOD, ONE AND INDIVISIBLE.*

**3. CONSENT AGENDA:** Each item listed on the consent agenda is considered to be routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda. Information concerning consent agenda items is available for public review.

- A. Consider and take action relative to the following minutes:
  - 1. Town Council Meeting Minutes August 5, August 17 and August 22, 2013.
  - 2. Consider and take action relative to the July financial reports.

*Cindy Aughinbaugh made a motion to approve the consent agenda, excluding the August 5th minutes. Charles Grimes seconded. Motion carried.*

*Alderman Durkin explained that in the August 5th minutes, Paul Brown's comments to the council states that "Alderman Durkin replied and acknowledged that she was in error and wrong about statements regarding DISD development". Alderman Durkin said this is an incorrect and misleading statement and was not her response to his email. Alderman Durkin said that while she did misspeak on the date when Mayor Williams made a recommendation, she was not in error about statements regarding DISD development. Comments entered into the minutes should reflect what can actually be attributed to the*

person speaking and therefore she asked that the sentence “Alderman Durkin replied and acknowledged that she was in error and wrong about statements regarding DISD development” be removed.

Cindy Aughinbaugh made a motion to strike this sentence in the minutes. Matthew Haines seconded. Motion carried.

**4. COUNCILMEMBER/COMMITTEE REPORTS:** Consider and take action relative to the following Councilmember/Committee member reports:

1. CEC (Spencer)

Mindy Grimes invited the Council to bring their families to the events. The first event is Trash Bash, on Saturday, September 21<sup>st</sup>. There is a Community Events Meeting on the 18<sup>th</sup> of September. The next event will be the Hoot N Holler on October 26<sup>th</sup> which also includes a Chili Cook Off. They are renting spaces for the garage sales on October 18<sup>th</sup> and 19<sup>th</sup>. There is an events calendar on the newsletter.

2. DISD Busing (Spencer)

We have all been concerned about the safety of the middle school students in Shady Shores who are not eligible for transportation. Mayor Spencer and various Council members met with the Denton school district. Their position is that their funding has been cut by the State and they do not have the money to provide a bus for Shady Shores. Our suggestion is each of the eleven buses taking students to Betty Myers Middle School make an extra stop in Shady Shores to pick up any of the middle school students in the two mile radius. This does not seem to be a solution.

The school traffic is slow and steady. There was no problem with the middle school buses turning into the school on W Shady Shores Rd. There were four students observed crossing the intersection. We have been in contact with the PTA to see if volunteers might be available as crossing guards. We are also researching ways to get additional money to hire a crossing guard, if necessary.

3. Animal Control (Grimes)

This month has been quiet, with typical issues.

4. Code Enforcement (Grimes)

Bob Matthews is doing well and it is typical for getting things straightened up. He is also treating standing water with dunks.

5. Police Report (Durkin)

In August, there were six offenses. Three were possession of drug paraphernalia, two minor in possession and one misdemeanor. There were 296 calls.

6. Fire Report (Woolworth)

Alderman Woolworth is going to ask that they recast the report so we have last month's value. There were five Fire Calls, 50 Rescue and Emergency Medical Service Incidents, three Hazardous Condition, 15 Service Calls, 11 Good Intent Calls, two False Alarms Calls, two Severe Weather and Natural Disasters

and two Special Incident Types.

There was a serious property damage that happened in Hidden Valley. Upon arrival, the crew found heavy fire in the attic. Three alarms were called and worked for several hours to ensure the fire was completely extinguished. There were no issues with the fire hydrants. The fire was deemed not suspicious and of electrical origin. It appears to be a total property loss.

## **5. CITIZENS COMMENTS-PURSUANT TO THE STATE OF TEXAS OPEN**

**MEETINGS STATUTE:** The governing body of the Town of Shady Shores may not take action on items not posted on the agenda. Those items mentioned by citizens may be placed on a future agenda.

Judith Halaszyn asked that all of the council member and committee reports be detailed.

**6. PUBLIC HEARING:** Conduct second public hearing on the proposed tax rate and budget for 2013-2014.

- a. Open Public Hearings

Cindy Aughinbaugh made a motion to open the public hearing. Patty Durkin seconded. Motion carried.

We are proposing to keep the tax rate the same as last year at 0.314625 per 100 dollars. That will give us an additional \$20,000 in revenue. Mayor Spencer moved \$5,300 out of roads and drainage into the police department fund in order to pay for the mandatory police car radio.

- b. Public Comments
- c. Rebuttal
- d. Close Public Hearings

Patty Durkin moved to close the public hearing. Matthew Haines seconded. Motion carried.

## **7. PLANNING AND ZONING COMMITTEE AND FLOODPLAIN**

**ADMINISTRATOR:** Report on the current status.

On August 23, 2013, Charla Marchuk resigned as our Floodplain Administrator and Chair of the Planning and Zoning Committee. Dan Perrenoud is the Acting Chair. There are four other members remaining. We are now taking applications for new members and alternates. Ordinance 130 states that every October, three members will be approved for a two year term. This will be an agenda item for our October 7<sup>th</sup> meeting.

The next Planning and Zoning Meeting is rescheduled for the second Thursday in October.

Alderman Durkin explained that Shady Shores is already under the Emergency Operations plan for Denton County. This covers us for FEMA assistance for any natural disasters declared for our Town. We are not under Denton Counties Hazard Mitigation Plan and cannot roll into the plan until the expiration of the current plan in May of 2016.

**8. HYDROLOGY STUDY:** Consider and take possible action regarding the pursuit of a hydrology study.

The Mayor and some Alderman contacted other towns to get feedback and understanding of their hydrology study.

Judith Halaszyn

Ms. Halaszyn was the former chairperson of the road committee and recommended the hydrology study. She now understands that the study is very expensive. If the same information is available through FEMA maps and can provide the same kind of engineering guidelines, this is more economical and readily available.

Sharon Bounds – 201 Shahan

Ms. Bounds asked if we had researched into this enough, as it is an excessive amount of money. She asked if there were any grants to be applied for and also suggested the local universities to possibly have graduate students help. We could also get FEMA and citizen input, as we don't need to spend that type of money, unless we cannot find any other way.

Tom Spencer

Mr. Spencer agrees with Ms. Bounds as he thinks we have a thorough understanding of the drainage issues. He would prefer spending the money on projects.

Bill Kruger – 103 Cielo

It would be nice to have an engineered plan but he would hate to see the council spend money on something we don't have the money for. He thinks the county has great, detailed maps that will provide good information while cutting our expenses.

The Council and Mayor read reports from the other towns. One of the most helpful aspects of the drainage study was for their future development, in which Shady Shores is limited.

Cindy Aughinbaugh made a motion to not move forward with the drainage study. Patty Durkin seconded. Motion carried.

**9. ORDINANCE 258-7-2013:** Consider and take action creating a school zone in the middle school at Garza and West Shady Shores, including two flashing school zone signs, one on Garza and one on W. Shady Shores Rd.

Patty Durkin made a motion to accept Ordinance 258-7-2013. Cindy Aughinbaugh seconded. Motion carried.

**10. ELECTRIC SERVICE PROVIDER:** Consider and take action regarding the electrical service provider and length of contract for the Town of Shady Shores.

Matthew Haines researched various electric service providers. Two things we do have control over is the cost per kilowatt hour and customer charges. Currently, we have four different bills ranging from 11.7 cents per kilowatt hour to 9.8. We are currently paying \$7.90 per ESID. We currently have three bids (Constellation Energy, Just Energy and TXU) and will be able to cut our kilowatt cost in half. Alderman Haines will be entering into final negotiations. He asked the Council how long they wanted to enter into a contract and they agreed on 24 month agreement.

**11. LEWISVILLE DAM SAFETY:** Consider and take possible action regarding the Lewisville Dam

Safety EIS Public Scoping Meeting.

Paula Woolworth attended this public meeting in Lewisville. The Corp of Engineers was clear that the damn was not at risk of failing. They will be doing a study resulting in an environmental impact statement which will give the precise notion of what “high risk” means to them. The final draft of the study will come out in 2015 and the final in 2016. Should there be repairs, they will be started in 2017 or 2018. The Lake Lewisville Dam was built in 1955 and is a six mile long dam with the foundation made up of clayey sands and sandy clays. As soon as the dam was built, it started having sinkage, which is common for dams.

- 12. EXECUTIVE SESSION:** Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon’s Texas Codes Annotated, the Town Council may hold a closed meeting.
- A. Government code 551.074-Personnel to deliberate and take any action needed for the appointment, employment, evaluation, reassignment or duties of office staff.
  - B. Government code 551.071-Confidential legal advice regarding pending or threatened litigation. (Haber, Perry and Pohlman v. Shady Shores)

Cindy Aughinbaugh made a motion to move into executive session. Charles Grimes seconded. Motion carried.

- 13. OPEN SESSION:** Any action needed as a result of the executive session items.

Patty Durkin made a motion reopen the session. Paula Woolworth seconded. Motion carried.

**14. ADJOURN**

Charles Grimes made a motion to adjourn. Matthew Haines seconded. Motion carried.