

NOTICE OF REGULAR COUNCIL MEETING

JULY 2ND, 2012 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 7:00 p.m.

MEMBERS PRESENT

**Jerry Williams, Mayor
Cindy Aughinbaugh, Mayor Pro-Tem
Cindy Spencer
John Reedy
Lance Sandmann
Charles Grimes**

MEMBERS ABSENT

**Also Present: Sarah Swanson, Town Secretary
Jim Shepherd, Town Attorney**

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.

1. Consider and take action relative to the following minutes:
 - a. Town Council Meeting 5/07/2012
 - b. Town Council Meeting 6/04/2012
 - c. Budget Meeting June 18, 2012

- d. Consider and take action relative to the April and May Financial Reports.

Cindy Spencer asked that we move 'D' to a separate agenda item. Cindy Spencer made a motion to approve 'A-C'. John Reedy seconded. Motion carried.

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

1. Road Report (Williams)

We are taking an aggressive approach to funding next year's budget to take care of our major problems. Public Works is driving all the streets right now. The Town Secretary will also take calls if you have issues. We are approaching the priorities through the strategy meetings.

2. Police Report (Grimes)

There were 287 calls for the month of May. There is heavy special patrol but nothing repetitive. Cindy Spencer asked what a special patrol is and Chief explained that it is a resident requesting the police department to check the residence or another particular issue.

3. Strategic Planning Report (Reedy)

In the June meeting, all of the items to date were reviewed and summarized. Roads and drainage were also addressed which are being summarized. The committee also looked at the possibility of creating a Shady Shores Police Department.

4. Community Events Committee (Spencer)

The first meeting was on June 13th. September 1st is the Labor Day Picnic. October is the community garage sale, the date TBD. December 1st is Shady Shores Christmas, along with a Chili Cook-off. Earth Day will be on April 20th. The next meetings will be on August the 8th and then on September the 12th.

5. New Website (Aughinbaugh)

Sarah Swanson and Shantell Ross are working on the website together and are asking for any Shady Shores pictures to be placed on the front page.

6. Budget (Williams)

We had our first budget work session. The biggest expenses are the roads and drainage. If the budget were passed today we would probably have to approve about \$431,000 out of our fund balance to be able to balance the budget. We have not gotten our initial revenues from

our Ad Valorem taxes. The next meeting is a Special Council Meeting and we will also work more on the budget.

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.

Michael Thompson – 409 W. Shady Shores Rd.

He is noticing that there is an issue with the 18 wheelers parking in front of the construction site in front of his house which is a hazard with that curb. Mayor Williams said that he would let Balfour Beatty know.

Patty Durkin – Paradise Cove

The trees are overgrown at the curve at Olive's Garden, which makes it difficult to see the other approaching vehicles. Mayor Williams explained that Baker Tree Service will be starting the entire town within days.

Tom Spencer – 203 West 6th St.

Spencer said that Hickory Creek and Lake Dallas are meeting about creating their own fire department, which shows the concern with the cost of public safety. He wonders where this leaves Shady Shores since we took action in May.

6. CORINTH POLICE DEPARTMENT: Chief Walthall will be present to answer questions and present the requested funding for the 2012/2013 fiscal year police budget. Consider and take action regarding the new five year cooperation agreement.

Chief Walthall presented the requested funding for the 2012/2012 fiscal year police budget. She understands that everyone is concerned about the cost of public safety. She is trying to move to a five year contract because instead of asking for all that cost upfront, they decided it would be easier for Shady Shores to implement that over a five year period. They are asking for the addition of half the cost of another police officer, which is needed for 24 hour coverage. The dollar amount increase this year is about a \$10,000 to compensate for this year and then over the second, third, fourth and fifth year, that will change. Shady Shores will only be paying for 1.5 officers and their benefits. At any given time, with the additional officer, there could be up to four officers in Shady Shores at one time, if needed. John Reedy asked why the cost would not be prorated. Chief explained that she is looking at it as four officers, not one, for Shady Shores, as though Shady Shores is part of Corinth. Cindy Spencer asked about the ordinance conflict – if Corinth and

Shady Shores does not match, can they refrain from taking action? Chief explained that if they see a conflict, they will address it. Spencer also asked why the old addition mentions ETJ and the CORP property, while the new ordinance does not. Chief explained that she was looking at an older copy. Chief is going to check into why it is not mentioned in the latest contract. Charles Grimes asked why they are asking for a five year contract. Chief explained that over the five years, Shady Shores would only be paying half of another officer's salary. Grimes said that it is scary to sign a five year contract without knowing the cost. Chief said that their salaries are not going to be raised too much for it to make a significant budget change. Cindy Spencer also asked if a school resource officer would be provided and Chief explained that she does not currently have the staffing to provide a resource officer. Charles Grimes voiced that he is concerned with signing a five year contract while there is no budget for all five years.

Michael Thompson – 409 W. Shady Shores Rd.

Michael Thompson asked if the police cars get replaced every two years and Chief explained that it is every five years, not two. He asked if Shady Shores can get out of the contract if the town starts their own police department, which she said they can. He also asked if Shady Shores would be provided with mutual aid, in the event that they start their own police service. Chief said that is standard, but they could not provide the service level they currently can.

Parry Durkin – Paradise Cove

Shady Shores has already looked extensively at starting their own police department in the past when the issue was raised. However, it was decided that it is not feasible because of the need for four fulltime officers, in such a small town. We are also utilizing their other police serves such as the crime watch and detectives.

Jim Shepherd – Town Attorney

The perimeters of the contract need to be sorted out, which can be done in a special session with the Chief.

Cindy Aughinbaugh made a motion to give preliminary approval for a 2012/2013 contract with the City of Corinth for \$131,143. John Reedy seconded. Cindy Spencer is against. Motion carried.

- 7. RESOLUTION 733:** Consider and take action relative to approving Resolution 733 setting two public hearings for an annexation petition for approximately 63 acres in the

W. Durham Abstract 330 and the M.E.P. & P.R.R. Co. Survey Abstract 911 Denton Co., Texas.

Cindy Spencer asked how long this would remain open pasture lane.

Tom Spencer – 203 W. 6th Street

Spencer asked if there were any FAA regulations around this land because of the airport.

John Reedy made a motion to accept Resolution 733. Charles Grimes seconded. Motion carried.

- 8. ROAD COMMITTEE FORMATION:** Consider and take action regarding the formation of a road and drainage advisory committee.

Cindy Spencer said that because we are looking to spend nearly two million dollars on roads, it is important for citizen input so they can help with prioritization. Cindy Aughinbaugh wants members of the committee from the entire town. Cindy Spencer agrees.

Ann Falkenberg – 311 Lakeshore

Falkenberg asked what the difference between the citizen committee and strategy committee was. Cindy Spencer said that the citizen committee will only be looking at roads and drainage while the strategy committee has all areas of the town to look at. John Reedy is concerned that another committee will delay action on fixing the roads. He feels that master planning has relied on the expertise of the engineer and that citizen members will create bias.

Lance Sandmann moved to reform the road committee. Cindy Spencer seconded. John Reedy moved against. Motion carried. Mayor Williams said he will make sure that our staff sends out advertisement so we can have good representation.

- 9. POLICE SERVICE COMMITTEE:** Consider and take action regarding the formation of an advisory committee to examine the options and cost of the Town of Shady Shores providing its own police service.

Cindy Spencer would like to form the advisory committee for not only the cost of the Town of Shady Shores having its own police department but also to explore all options.

Ann Falkenberg – 311 Lakeshore

Falkenberg thanked the Chief for their good work. She remembers what it was like before the Police Corinth Department, which was not good. She also would like to volunteer for this committee.

Cindy Spencer approves the formation of the committee. Charles Grimes seconded. Cindy Aughinbaugh and John Reedy are opposed to the need for this committee. Motion carried. Mayor Williams said that he will also have the staff do proper advertising for this.

10. PRESENTATION BY RESIDENT PAUL BROWN REGARDING FURTHER INFORMATION ON AN ENVIRONMENTAL REPORT FOR DISD MIDDLE

SCHOOL 7 – Paul Brown will make an updated presentation regarding drainage for Middle School 7.

Brown said his purpose is to go on the record to petition to the Council to take action concerning the drainage issues for the new middle school. On December 5, 2011 Regular Council Meeting, Mayor stated that he met with the town attorney and engineer about seven dignitaries from the engineering company and the school district regarding the new middle school. During the meeting he made them very aware that we will tolerate no fast tracked school without all of the concerns and issues being addressed. The Mayor assured that all concerns regarding the middle school will be addressed to the satisfaction of all residents before the school will be built. Question: Records shows all concerns were not addressed, so why was this approved?

At the work session number three, Tom Rutledge, DISD Engineer, made a presentation regarding drainage and traffic. The drainage will be modified to include a much larger detention pond and all water will discharge into this pond and then be released downstream. It will not address any issues downstream during 100 year flood. Mr. Rutledge asked what the process would be to get approval from P&Z and then the Council. Mr. Shepherd said he would provide him with a process document. The drawings should be finished by the third week of February and site construction will begin in April. Questions: Why did town leaders ignore Rutledge's statement that "downstream issues were not addressed"? Refer back to December 5th meeting concerning "no fast track", plans submitted the 3rd week in February and construction was to start in April. Did the Mayor provide to Council and P&Z a copy of Teague, Nall & Perkins Engineering Report dated 1/23/2012? The Mayor responded that he did provide this report.

For the Middle School Site Plan #4, Mayor Williams listed the concerns that were voiced at the joint work session held on 1/26/2012. Nine items are listed having to do with traffic and

not one about drainage. Then Mayor Williams explained that Council needs to approve the site plan with two exceptions. The first is the sidewalk issue and the second is the drainage issue from the old Atkinson house. The town engineers have investigated and it is their opinion that C&P should analyze the drainage at the Atkinson Ranch property that was not included in the C&P design for the Middle School 7 site and present an acceptable method of accommodating this runoff or further evidence that alternative drainage patterns exist. Mayor Williams is concerned whether or not the detention pond can hold additional water. Tom Rutledge, DISD engineer, also spoke on the drainage issue. We want to make sure that we are not diverting drainage to a place it is not going to today and end up impacting someone else. As for the drainage solution, if there is going to be a solution, it will need to be a town/district one. They did not see this drainage issue as a problem when the middle school was designed simply because the elementary school was approved. Charles Grimes felt it was a huge mistake to approve this without a full blown workout, because we did approve the elementary school to be built without answers, just like we are going to do with the middle school. The Council agreed to approve the site plan with two conditions: 1) regarding the sidewalk into the middle school and 2) \$50,000 in escrow to identify a problem and solution for the drainage into Stephens Elementary and Middle School 7. All were in favor except one, Charles Grimes, who was opposed to approving at this time. Question: Why would Mayor direct Council to approve the site plan without resolving all of the drainage issues? Why has this Council not addressed Mr. Rutledge's statement about impacting someone else? Charles Grimes stated that mistakes were made in approving the elementary school so Council and P&Z should not repeat this error.

At the April 2, 2012 Council Meeting, Michael Thompson stated his concern with water drainage directly related to the new middle school, which directly affects his neighbor, the creek and his property. He is also concerned that Council approved the engineer's work when there are current retaining ponds that are not working properly. He does not want to see the city liable for something the school is going to create, because the city engineer signed off on it. Questions: Did the Mayor or any Council member take any action concerning this citizen's valid concern before the start of construction? Does this Council understand that being a Type A town under Title 2, Subtitle D, Chapter 51, Subchapter B, Section 51.013 Local Government Code makes you liable in court of law? Does this Council know our municipality is to notify FEMA of any development filling or altering a Federal Flood Plain?

Paul Brown and any other citizen who wishes to join, petitions and directs Council to:

1. Immediately direct DISD to provide off-site drainage facilities and improvements where storm water runoff from Middle School 7 development affects any off-site property and/or overload whether natural or manmade.
2. Not permit discharge of water onto Shady Shores Road right-of-way.
3. Direct DISD to get FEMA approval for fill and alteration of flood plain #48121C0395G.
4. Direct DISD to provide to town and its citizen a Stream Velocity report showing no significant erosion of flood plain souls up or downstream of Middle School 7 development.

Karlos Otaknkis – 404 Bronco Circle

Otaknkis said that his home sits on Bronco Circle at the very end close to the floodplain. If the school is built then his home will be back in the floodplain, which will cause issues for him.

Debbie Brown – 420 Fritz Ln.

Brown supports the petition. There is already a history of flooding on Fritz, and as that elevation on the middle school is raised and raised it's becoming frightening to think of how things might change and hates to think of the liability for the town.

Bob Fritts – 410 Fritz Ln.

Fritts also supports the petition and appreciate any work that Council will do to look into this.

Austin Youngblood - 116 Dogwood Trail

Youngblood also supports the petition. He just recently found out this week that his home and property would be affected. It was quite shocking to find a flyer on his door with all of this information.

Michael Thompson – 409 W. Shady Shores Rd.

Thompson said that he has been coming to the meetings since April trying to get some help from the city but is being told it is DISD's problem and that it is his issue because it is private property. However, if he opens up his creek then everyone that lives downstream is going to get the water.

Dewayne Reeder – 413 Bronco

Reeder supports the petition as drainage has already been an issue in the past. Ignoring these things can be catastrophic.

Ann Kalkenberg – 311 Lakeshore

Kalkenberg asked if before the plans were approved by the Council, did the engineer have the chance to look at the drainage and runoff? Normally there is a study before the Council approves it. Mayor Williams responded that a study has been done. Charles Grimes said that however, the plans that the school presented were not 100% complete plans and he identified that there was a problem at that time.

Cheryl Grug – 103 Evertt Ct.

She has already been dealing with the flooding before the possible drainage issues brought on by the school. She supports the petition because their homes are going to be wiped out.

- 11. 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 the appointment, employment, evaluation, reassignment or duties of a public officer or employee-Town Secretary, Bookkeeper, court Clerk, and/or investment/Budget officer.
 - B. Confidential legal advice from the town attorney on municipal regulation on employment and other legal matters on the agenda.

At 9 p.m. John Reedy made a motion to move into executive session. Cindy Aughinbaugh seconded. Motion carried.

At 10:20, Cindy Aughinbaugh made a motion to reopen the meeting. John Reedy made the second. Motion carried.

As authorized by section 551.071(2) of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the town attorney on any agenda item listed herein.

12. ADJOURN

Cindy Spencer asked about the April and May financials: 1) in 7430 building inspector, it mentions Baily Environmental and she wonders who this is? Mayor Williams answered that it is our sanitarian that approves and inspects all new aerobic systems and 2) Cindy Spencer also asked about 8060 Roads and Streets concerning the Angelina's item. Mayor Williams explained that this was for the town engineer.

Cindy Spencer made a motion to approve the consent agenda, April and May financials. John Reedy seconded. Motion carried.

Charles Grimes made a motion to adjourn. Cindy Aughinbaugh seconded. Motion carried.

I, Jerry Williams, Mayor of the Town of Shady Shores do hereby certify that the above notice of the Regular Council Meeting was posted on the bulletin board at the Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on _____ DAY OF _____, AT _____ P.M.

_____ Jerry Williams

Upcoming Dates and Events:

- Strategy Meeting July 17, 2012
- Budget Workshop July 18, 2012
- Community Events Meeting August 8, 2012
- Budget Workshop August 13, 2012
- KSSB Meeting August 15, 2012
- Meet & Greet Cook Out September 1, 2012