



**TOWN OF SHADY SHORES
SHADY SHORES TOWN COUNCIL
REGULAR SESSION
NOVEMBER 9, 2020; 7:00 PM
VIRTUAL MEETING
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208**

MEMBERS PRESENT

Cindy Aughinbaugh	Mayor	Present (in person)
Tom Newell	Mayor Pro Tem	Present (in person)
Charles Grimes	Councilmember	Present (virtual)
Matthew Haines	Councilmember	Present (Virtual)
Jack Nelson	Councilmember	Present (Virtual)
Mike Nowels	Councilmember	Present (in person)

MINUTES

In response to the coronavirus pandemic, effective March 16, 2020, Texas Governor Abbott suspended certain Open Meeting rules to allow meetings of government bodies that are accessible to the public to decrease large groups of people from assembling. The suspension temporarily removes the requirement that government officials and members of the public be physically present at a meeting location. The meeting was held via Zoom Teleconference Meeting **858 5588 3527**.

MEETING LOG IN DIRECTIONS

1. Register in advance for this meeting:

<https://us02web.zoom.us/join/9tZElcuygpgjvGNP7jmnnowl3tsUPJVJiTqYJ>

After registering, you will receive a confirmation email containing information about joining the meeting.

CALL TO ORDER

Mayor Aughinbaugh called the meeting to order at 7:06 pm.

ROLL CALL

Establish a quorum.

Mayor Aughinbaugh called the roll, and a quorum was established for the record.

**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.)**

PROCLAMATIONS, PRESENTATIONS AND AWARDS

Mayor Aughinbaugh read a proclamation in honor of Texas Arbor Day. A Live Oak Tree was planted in the Community Center Garden in honor of Texas Arbor Day.

2. Mayor's Proclamation in Honor of Texas Arbor Day

COUNCILMEMBER/COMMITTEE/STAFF REPORTS:

3. Planning and Zoning Commission Report

Chairman Allen Lea gave the Planning and Zoning Commission report to the Town Council.

4. Keep Shady Shores Beautiful

Town Administrator Wendy Withers gave the Keep Shady Shores Beautiful Repo

5. Animal Control

Councilmember Grimes gave the animal control report.

6. Code Enforcement

Councilmember Charles Grimes gave the Code Enforcement Report,

7. Police Department

Councilmember Haines gave the Police Report for September 2020.

8. Fire Department

Tom Newell Gave the Fire Department Report for October 2020.

9. Staff Report

Town Administrator Wendy Withers gave the Staff Report for October 2020.

10. Roads, Drainage, Capital Improvements

Councilmember Mike Nowels stated that there was another meeting coming up this week on the S. Shady Shores Road Project.

Richard Arvizu Town Engineer, stated that surveyor finished the on the ground survey last week for Dobbs Road and the engineering staff is reviewing the information stake holders meeting next Wednesday,

11. Announcements

- Town Hall Closed for Thanksgiving Holiday 11/26 & 11/27

- Lake Cities Recycles 11/14 - NCTC Parking lot 9-11 dumpsters located behind Town Hall and at the Shady Shores Boat Ramp.

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.

Mike Nowels made a motion to accept the items on the consent agenda as presented. Tom Newell seconded the motion.

Discussion: None

Ayes: Haines, Grimes, Newell, Nowels, Nelson

Nays: None

The motion passed unanimously.

12. Minutes- Consider and act on approval of the minutes of the October 12, 2020 Town Council Meeting.

13. Ordinance Updating the Town of Shady Shores Fee Schedule- Consider and act on approval of an Ordinance Updating the Town of Shady Shores Fee Schedule.

14. Quarterly Financial Reports- Consider and act on approval of the 4th quarter FY 2020 Financial Reports.

15. Investment Committee Report- Consider and act on the 4th quarter Investment Committee Report.

16. Solid Waste Contract- Consider and act on authorizing the Town Administrator to prepare a Bid Package to receive sealed bids for Solid Waste Services.

CITIZENS COMMENTS

This is your opportunity to comment on an item on the agenda, or any other relevant topic. If the item on the agenda you wish to comment on is set for a public hearing, please give your remarks on that item when the public hearing is opened. Speakers will be limited to three (3) minutes.

Anthony Joseph - 306 Cottonwood Trail, stated that he was assigned jury duty once and came 15 minutes early to serve and wondered why the judge would not let the jury trial proceed.

Theresa Bowman 710 Paradise Cove, has a question regarding the bid amount for solid waste service.

REGULAR AGENDA ITEMS

17. Audiovisual Upgrades- Consider and act on approval of a proposal for audio visual upgrades in the Council Chambers.

Matthew Haines made a motion to allow the staff to pursue the contract with BIS Digital. Tom Newell seconded the motion.

Discussion: Mayor Aughinbaugh stated that these upgrades would be paid for with COVID Funds, would upgrade our ability to provide meetings on audiovisual requests.

Ayes: Grimes, Haines, Newell, Nelson, Nowels

Nays: None

The motion passed unanimously.

18. Presentation Regarding Development in the ETJ (Extra-Territorial Jurisdiction of the Town of Shady Shores

Mayor Aughinbaugh gave a presentation regarding powers that the Town of Shady Shores relative to Annexations, Development Agreements, the ETJ (extra-territorial jurisdiction).

19. Public Hearing- Conduct a Public Hearing relative to a request for preliminary plat for the property more legally described as 13.584 acres in the A0110A R.B. BROWN, TR 1. This property is located adjacent to the Cielo Ranch Subdivision. The applicant is proposing 29 single-family residential lots.

A) Open Public Hearing

B) Applicant

C) Those in Favor of the Request

- D) Those Opposed to the Request
- E) Rebuttal
- F) Close Public Hearing

Omar Oweiss one of the developers of the property, stated that he had attended the Planning and Zoning Commission meeting and was aware of all the comments that the Cielo Ranch residents had. Mr. Oweiss stated that he has been doing this type of development for quite a while and wanted to assure residents that he and his partners did care and planned to make a quality subdivision, saving as many trees as possible. Mr. Oweiss stated this development was going to be a luxury development, with high end landscaping, and beautiful homes that people would like and enjoy. Mr. Oweiss stated that during construction a representative would be onsite to discuss problems many times a week and hopes that the new residents would be welcomed into the neighborhood.

- A) Mayor Aughinbaugh opened the public hearing.
- B) Applicant:

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- C) Those in Favor of the Request: No one spoke in favor of the request.
- D) Those Opposed to the Request:

Kerry Schrader 740 Paradise Cove stated that he felt like the city was going around our zoning laws by approving the preliminary plat. If Annexation is adverse why would the developer want to annex.

Bruce Gibson 1020 Mesa Park asked questions about road repairs and whether or not the developer would be assisting with repairs to the road. He would like to see some cleaning of the roads periodically as we move forward.

Theresa Bowman 710 Paradise Cove expressed concerns regarding drainage and flooding.

Town Engineer Richard Arvizu stated that he had reviewed the preliminary drainage plan and the drainage is planned to follow existing drainage. There will be an additional amount of flow, but all of that water will flow to the lake and not North to the Subdivision.

Amber Cunningham 400 Comanche Drive would like to direct her comments and question to Omar Oweiss, her property line backs up to the property line and stated that her backyard had in fact been in her backyard. Her concern is that the area is going to flood and that it would present an issue for the residents in Cielo Ranch and that water will back up into Cielo Ranch. Her second point stated that the first lot into the neighborhood shares her fence line and will create a situation where she has no privacy. What is the harm of lower the number of homes and putting a buffer there so that they can maintain the privacy? Mrs. Cunningham believe that our roads will become speedways.

Patty Durkin 441 Paradise Cove- the 60' easement required for the road, contains a driveway and a mailbox and wondered who would be responsible for replacing. Mrs. Durkin also expressed concerns regarding the drainage and floodplain areas. Mrs. Durkin wondered what the two previous developers found out about the property that made them pull out.

Steve Broughton 1241 McClintock- Mr. Broughton asked questions regarding the subdivision ordinance and what could we do to prevent the development of the property. He felt that most people understand that the zoning ordinance could not be enforced. Page 113 of the development agreement stated that his driveway would be removed, and new culverts would be installed. His driveway has been located on the easement for the last 20 years. Mr. Broughton stated there would be legal repercussions if his driveway was removed.

Edward Sassone 1141 Durango Circle- expressed concerns about the traffic increase and that didn't include construction. Mr. Sassone stated he didn't necessarily oppose the property, but he did want to address the deviation of the lot frontage in the proposed subdivision.

Doug Hay 1121 Cahill Way- wondered if other people had been notified. Mr. Hay also wondered if there were any powers in the neighborhood to put in speed bumps or adjust traffic signs.

Paula Brown 700 Paradise Cove- *Cielo Lane is too narrow and many accidents have happened there how are big trucks going to avoid people. She is opposed to one narrow way in and one narrow way out.*

Omar Oweiss stated that per the development agreement there would be screening in place and privacy considerations would be taken into consideration with lots 1 & 2. Mr. Oweiss stated that his development group had already volunteered to donate to any type of road repair fund that might be needed.

F) Mayor Aughinbaugh closed the public hearing - at 9:06 pm.

20. Action Regarding Public Hearing (13.54 Acres RB Brown Survey-Lingenfelter)- Consider and act on approval of a preliminary plat submitted by Omar Oweis.

Mayor Pro Tem Tom Newell stated that as the lone Cielo resident on the Council he is not happy about the proposal, however due to his elected position that is a whole different issue. Mr. Newell stated that the Town Council had plans to review and possibly make improvements to Cielo Lane. Mr. Newell stated that it had been suggested that he had a financial interest and wanted to make it clear for the record that he had no personal or financial interest in the construction of this subdivision.

Councilmember Mike Nowels stated that there are two options; Council could walk away from this project and they could build it under any circumstances and there would be little or no input from the town. Mr. Nowels stated that he felt the proposal was as good as we could hope for, as the developer will want to make money on the project.

Councilmember Matthew Haines stated that it has been evident that he is opposed to changes to our zoning ordinance and other ordinances, because they were set up for a purpose. Mr. Haines stated that this project poses an interesting challenge for us and he also felt this was the best use of the property. Mr. Haines continued that he was here in 1986 when Cielo was annexed and listened to the opposition at that time having the proposed property stay in the ETJ is not a practical solution for us.

Councilmember Charles Grimes stated that he agreed with Matthew the City had no control over the project thinks this is the best way to have any control any future development of the property.

Councilmember Jack Nelson stated that he has been in attendance at all the Planning and Zoning Meetings and appreciates the input that the people that live in Cielo have. Councilmember Nelson stated that he had been a developer in the past and feels that this is the best opportunity for the town.

Mike Nowels made a motion to approve the preliminary plat. Jack Nelson seconded the

motion.

Discussion: None

Ayes: Grimes, Haines, Newell, Nelson, Nowels

Nays: None

The motion passed unanimously.

21. Public Hearing- Conduct a public hearing relative to an annexation request for 13.54 acres

A) Open Public Hearing

B) Applicant

C) Those in Favor

D) Those in Opposition

E) Close Public Hearing

Open the public hearing - Mayor Aughinbaugh opened the public hearing at 9:18 pm

A) Applicant -

B) Those in favor of the annexation

C) Those opposed to the annexation -

Shawn McBride 301 Paradise Cove asked what triggers the annexation and when the property would be annexed.

Patty Durkin 441 Paradise Cove stated that she wanted to clarify that there wouldn't be trash service available to the residents outside the Town.

D) Close the public hearing at: Mayor Aughinbaugh closed the public hearing at 9:22 pm.

22. Action Regarding Public Hearing (Annexation)- Consider and act on approval of the annexation of 13.54 acres to include approval of an Ordinance authorizing the annexation and a service plan for serving the annexed area.

Mike Nowels made a motion to approve the Service Plan for the annexation of 13.854 acres.

Jack Nelson seconded the motion.

Discussion: None

Ayes: Grimes, Haines, Nelson, Newell, Nowel

Nays: None

The motion passed unanimously.

Mike Nowels made a motion to approve the Ordinance annexing 13.854 acres. Matthew Haines seconded the motion.

Discussion: None

Ayes: Grimes, Haines, Nelson, Newell, Nowel

Nays: None

The motion passed unanimously.

23. Board Member Appointments- Consider and act on appointing an individual to fill the unexpired position on the Keep Shady Shores Beautiful Board - Place 3.

Tom Newell made a motion to appoint Juli Bartley to serve on the Keep Shady Shores Beautiful Board.

Mike Nowels seconded the motion.

Discussion: None

Ayes: Grimes, Haines, Newell, Nelson, Nowels

Nays: None

The motion passed unanimously.

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.

FUTURE AGENDA ITEMS AND STAFF DIRECTION

Tom Newell asked if we could have the Town Engineer Cielo Lane and look at the general nature of traffic along Cielo Lane.

Matthew Haines addressed Omar Oweiss stating "This is a small tight knit community you are first developer I feel is doing the right thing. We (the Town Council) want to support you and everything you do along the way that is the right thing for our residents. We are a population of almost 3600 people now and want to make sure that you understand that this is a big deal."

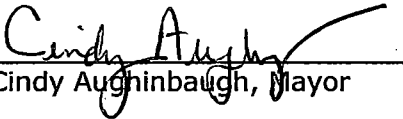
Zoning Ordinance to match with the next zoning Ordinance and will be on a future agenda

ADJOURN

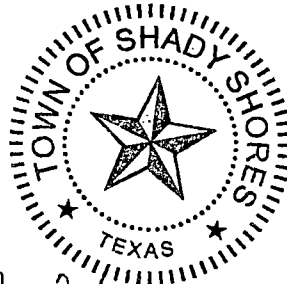
Tom Newell made a motion to adjourn. Matthew Haines seconded the motion. The meeting was adjourned at 9:00 pm.

PASSED AND APPROVED THIS THE 14th DAY OF December 2020.

APPROVED:


Cindy Auchinbaugh, Mayor

ATTEST:




Wendy Withers, Town Administrator/Secretary