



**SHADY SHORES TOWN COUNCIL
REGULAR SESSION
JUNE 10, 2019; 7:00 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208**

CALL TO ORDER

ROLL CALL

Establish a quorum.

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

Oath of Office- Deliver the Oath of Office to Mayor Cindy Aughinbaugh and Mayor Pro Tem Tom Newell.

COUNCILMEMBER/COMMITTEE/STAFF REPORTS:

Keep Shady Shores Beautiful

Animal Control

Code Enforcement

Police Department

Fire Department

Planning and Zoning Commission Report

Staff Report

Roads, Drainage, Capital Improvements

Announcements

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.

Approval of the May 13, 2019 Town Council Meeting Minutes

Approval of an Interlocal Agreement with Denton County for the S. Shady Shores Bridge Project

Amendment to the Span Agreement

Approval of a Resolution Authorizing Signatories on the Town of Shady Shores Bank Accounts

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.

REGULAR AGENDA ITEMS

Budget Worksession- Conduct a worksession relative to the 2020 FY Budget

Discussion of Public Works Contracting

Dangerous Structures Ordinance- Consider and act on an amendment to the Dangerous Structures Ordinance revising the regulations for the Building and Standards Committee.

Building and Standards Commission- Consider and take action relative to appointing individuals to serve on the Building and Standards Commission.

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.

1) Personnel Issues (551.071 (4) a) deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - discuss the duties of the Town Secretary Wendy Withers

Action Regarding Executive Session

FUTURE AGENDA ITEMS AND STAFF DIRECTION

ADJOURN

The Town Council reserves the right to adjourn into closed session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberation about Real Property), 551.073 (Deliberation about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.087 (Economic Development).

I, Cindy Aughinbaugh, Mayor of the Town of Shady Shores do hereby certify that the above notice of the Regular Town Council Meeting was posted on the bulletin board at the Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on _____ Day of _____ 2019, at _____ .M.

Cindy Aughinbaugh, Mayor

Address	Notes	Code
May 28, 2019 10:12 AM 101 S Shady Shores Road 409 W SHADY SHORES	Patrolled city focusing on stray animals.	Animal Control
May 28, 2019 10:11 AM 101 S Shady Shores Road 409 W SHADY SHORES	I DISPATCHED AN OFFICER TO THE AREA FOR A LOOSE DOG.	Animal Control
May 22, 2019 10:13 AM 101 S Shady Shores Road 409 W SHADY SHORES	I DISPATCHED AN OFFICER TO THE AREA TO ASSESS THE NUMBER OF ANIMALS ON THE PROPERTY.	Animal Control
May 21, 2019 4:39 PM 101 S Shady Shores Road 409 W SHADY SHORES	Patrolled city focusing on stray animals.	Animal Control
May 17, 2019 4:39 PM 101 S Shady Shores Road 409 W SHADY SHORES	Patrolled city focusing on stray animals.	Animal Control

Address	Notes	Code
May 7, 2019 4:39 PM 101 S Shady Shores Road 409 W SHADY SHORES	Patrolled city focusing on stray animals.	Animal Control
May 3, 2019 4:39 PM 101 S Shady Shores Road 409 W SHADY SHORES	Patrolled city focusing on stray animals.	Animal Control
May 3, 2019 10:07 AM 101 S Shady Shores Road 409 W SHADY SHORES	I DISPATCHED AN OFFICER TO THE AREA OF W SHADY SHORES RD FOR A ANIMAL WELFARE ISSUE AND ALSO TO CONDUCT A COUNT OF ADULT ANIMALS ON THE PROPERTY.	Animal Control
May 1, 2019 8:21 PM 101 S Shady Shores Road 409 W SHADY SHORES	Had a meeting at city hall about the citation that we issued across the street from city hall. The case was rescheduled due to an injury.	Animal Control

Case Summary Report

6/3/2019

Case Information for Years 2019 - 2019

2019

Violations	Jan	Feb	Mar	Apr	May
Trash and Debris	4	1	1	3	2
Parking Violation	5	1	2	4	0
Failure to Obtain a Building Permit	3	1	0	2	2
Violation of Sign Ordinance	1	1	0	0	1
Nuisance Ordinance	0	0	1	0	0
Obstructed Drainage Easement	0	0	2	0	0
Failure to Maintain a Solid Waste Account	0	0	1	0	0
High Grass & Weeds	0	1	0	17	4
Other	0	0	0	1	3
PARKING OF PROHIBITED VEHICLE	0	0	0	1	0
Junked Vehicle	0	0	0	0	1
Totals	13	5	7	28	13



LAKE CITIES FIRE DEPARTMENT

SHADY SHORES

JANUARY - DECEMBER 31, 2019

Incident Call Type	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Alarm system activation, no fire - unintentional													0
Alarm system sounded due to malfunction			1		1								2
Animal rescue													0
Arcing, shorted electrical equipment					1								1
Assist Police or other agency													0
Assist invalid			1										1
Authorized controlled burning	1	1	1	7	1								11
Brush or brush-and-grass mixture fire													0
Building fire					1								1
Carbon monoxide incident					1								1
Carbon Monoxide detector No CO													0
Citizen complaint													0
Chimney Fire Contained to Chimney	1												1
Cooking Fire Confined to Container													0
Dispatched & cancelled en route													0
Electrical wiring/equipment problem, Other				1									1
Elevator Rescue													0
Emergency medical service, other													0
EMS call, excluding vehicle accident with injury	8	5	8	9	6								36
False alarm or false call, Other					1								1
Fire in mobile home used as fixed residence													0
Fire in motor home, camper, RV	1												1
Flood assessment													0
Gas leak (natural gas or LPG)		1											1
Good intent call, Other													0
Grass fire													0
HazMat release investigation w/no Hazmat													0
Hazardous Condition (No Fire)													0
Lock-out													0
Motor vehicle accident with injuries					1								1
Motor Vehicle Accident with no injuries													0
Motor Vehicle/Pedestrian Accident													0
No Incident found on arrival at dispatch address	1												1
Outside trash or waste fire													0
Outside equipment fire													0
Outside Storage Fire													0
Passenger Vehicle Fire	1												1
Person in Distress													0
Police matter													0
Power line down													0
Public Education				1	3								4
Public service				1									1
Rescue, water				1									1
Service Call, Other													0
Severe weather or natural disaster, Other													0
Smoke detector activation, no fire	1												1
Smoke/Heat detector activation due to malfunction	1												1
Smoke from barbecue, tar kettle													0
Smoke or odor removal													0
Smoke scare, odor of smoke													0
Sprinkler activation, no fire													0
System malfunction, Other													0
Unauthorized burning			1										1
Unintentional transmission of alarm, Other	1												1
Water or steam leak													0
Total	16	7	12	20	16	0	0	0	0	0	0	0	71

CORINTHLAKE

Incident Type Report (Shady Shores Summary)

05/01/2019 - 05/31/2019

All Applicable Records

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
1 Fire				
111 Building fire	1	6.25%	\$1,300	100.00%
	1	6.25%	\$1,300	100.00%
3 Rescue & Emergency Medical Service Incident				
321 EMS call, excluding vehicle accident with injury	6	37.50%	\$0	0.00%
322 Motor vehicle accident with injuries	1	6.25%	\$0	0.00%
	7	43.75%	\$0	0.00%
4 Hazardous Condition (No Fire)				
424 Carbon monoxide incident	1	6.25%	\$0	0.00%
445 Arcing, shorted electrical equipment	1	6.25%	\$0	0.00%
	2	12.50%	\$0	0.00%
5 Service Call				
5501 Public Education	3	18.75%	\$0	0.00%
	3	18.75%	\$0	0.00%
6 Good Intent Call				
631 Authorized controlled burning	1	6.25%	\$0	0.00%
	1	6.25%	\$0	0.00%
7 False Alarm & False Call				
700 False alarm or false call, Other	1	6.25%	\$0	0.00%
735 Alarm system sounded due to malfunction	1	6.25%	\$0	0.00%
	2	12.50%	\$0	0.00%

Total Incident Count: 16

Total Est Loss: \$1,300

CORINTHLAKE

Aid Responses by Department (All Cities)

05/01/2019 - 05/31/2019

Type of Aid	Count
Denton Fire Department	
Mutual aid given	2
Automatic aid given	3
None	1
	6
Highland Village Fire Department	
Automatic aid received	1
	1
Little Elm Fire Department	
Mutual aid received	3
Automatic aid received	2
Mutual aid given	3
	8
Lewisville	
Mutual aid received	3
Mutual aid given	5
	8

CORINTHLAKE

Incident Type Report (Department Summary)

05/01/2019 - 05/31/2019

All Applicable Records

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
1 Fire				
111 Building fire	3	0.88%	\$1,300	20.61%
116 Fuel burner/boiler malfunction, fire confined	1	0.29%	\$5,000	79.30%
150 Outside rubbish fire, Other	1	0.29%	\$0	0.00%
160 Special outside fire, Other	1	0.29%	\$5	0.07%
	6	1.77%	\$6,305	100.00%
2 Overpressure Rupture, Explosion, Overheat(no fire)				
251 Excessive heat, scorch burns with no ignition	1	0.29%	\$0	0.00%
	1	0.29%	\$0	0.00%
3 Rescue & Emergency Medical Service Incident				
321 EMS call, excluding vehicle accident with injuries	164	48.38%	\$0	0.00%
322 Motor vehicle accident with injuries	13	3.83%	\$0	0.00%
324 Motor Vehicle Accident with no injuries	27	7.96%	\$0	0.00%
	204	60.18%	\$0	0.00%
4 Hazardous Condition (No Fire)				
411 Gasoline or other flammable liquid spill	1	0.29%	\$0	0.00%
412 Gas leak (natural gas or LPG)	1	0.29%	\$0	0.00%
422 Chemical spill or leak	1	0.29%	\$0	0.00%
424 Carbon monoxide incident	2	0.59%	\$0	0.00%
440 Electrical wiring/equipment problem, Other	3	0.88%	\$0	0.00%
444 Power line down	6	1.77%	\$0	0.00%
445 Arcing, shorted electrical equipment	3	0.88%	\$0	0.00%
480 Attempted burning, illegal action, Other	1	0.29%	\$0	0.00%
	18	5.31%	\$0	0.00%
5 Service Call				
500 Service Call, other	1	0.29%	\$0	0.00%
511 Lock-out	16	4.72%	\$0	0.00%
520 Water problem, Other	2	0.59%	\$0	0.00%
522 Water or steam leak	3	0.88%	\$0	0.00%
550 Public service assistance, Other	1	0.29%	\$0	0.00%
5501 Public Education	6	1.77%	\$0	0.00%
551 Assist police or other governmental agency	1	0.29%	\$0	0.00%
553 Public service	1	0.29%	\$0	0.00%

CORINTHLAKE

Incident Type Report (Department Summary)

05/01/2019 - 05/31/2019

All Applicable Records

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
5 Service Call				
5531 Burn Inspection	2	0.59%	\$0	0.00%
554 Assist invalid	2	0.59%	\$0	0.00%
561 Unauthorized burning	2	0.59%	\$0	0.00%
571 Cover assignment, standby, moveup	2	0.59%	\$0	0.00%
	39	11.50%	\$0	0.00%
6 Good Intent Call				
600 Good intent call, Other	2	0.59%	\$0	0.00%
611 Dispatched & cancelled en route	31	9.14%	\$0	0.00%
621 Wrong location	1	0.29%	\$0	0.00%
622 No Incident found on arrival at dispatch address	3	0.88%	\$0	0.00%
631 Authorized controlled burning	2	0.59%	\$0	0.00%
671 HazMat release investigation w/no HazMat	4	1.18%	\$0	0.00%
	43	12.68%	\$0	0.00%
7 False Alarm & False Call				
700 False alarm or false call, Other	8	2.36%	\$0	0.00%
730 System malfunction, Other	1	0.29%	\$0	0.00%
733 Smoke detector activation due to malfunction	3	0.88%	\$0	0.00%
735 Alarm system sounded due to malfunction	6	1.77%	\$0	0.00%
740 Unintentional transmission of alarm, Other	2	0.59%	\$0	0.00%
743 Smoke detector activation, no fire - unintentional	2	0.59%	\$0	0.00%
745 Alarm system activation, no fire - unintentional	4	1.18%	\$0	0.00%
	26	7.67%	\$0	0.00%
8 Severe Weather & Natural Disaster				
814 Lightning strike (no fire)	1	0.29%	\$0	0.00%
	1	0.29%	\$0	0.00%
9 Special Incident Type				
911 Citizen complaint	1	0.29%	\$0	0.00%
	1	0.29%	\$0	0.00%

Total Incident Count: 339

Total Est Loss:

\$6,305



AGENDA MEMORANDUM

DATE: June 10, 2019
TO: Town Council
FROM: Wendy Withers, Town Secretary
SUBJECT: Planning and Zoning Commission Report

BACKGROUND/INFORMATION:

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/SUPPORTING DOCUMENTATION:

None

REVIEWED BY:



To: Mayor Cindy Aughinbaugh and Council Members
From: Wendy Withers, Town Secretary
CC: Jim Shepherd, Town Attorney
Date: June 3, 2019
Re: Staff Report

Monthly Statistics May 2019

Building Permit Report is attached

WEBSITE

Facebook has 644 (+ 24) - Town of Shady Shores
74 (+2) - Keep Shady Shores Beautiful
There are 417 (-3) persons signed up to receive the e-news. (Year began with 369)

ADMINISTRATION

Projects this month include:

- ✓ Safe Route to School Call for Projects Update
- ✓ Continued work with Lake Cities to develop community cooperation
- ✓ Launched new website
- ✓ 7 replat projects currently being worked.
- ✓ Work on budget document
- ✓ Continued work with Keep Shady Shores Beautiful to work on beautification plan.
- ✓ Worked with Code Enforcement to notify and process code enforcement cases

- ✓ Municipal Court issues
- ✓ Met with community members and residents to plan first annual Lake Cities Serve 2019

UPCOMING

Lake Cities 4th of July Celebration

Town Hall Closed July 4th and 5th in observance of Independence Day

PermitReport

6/4/2019 10:11:17 AM

Permit #	Property	Permit Type	Applied Date	Estimated Value
19-00064-01	601 Ambergate Drive	New Residence Permit	5/9/2019	\$440,950.00
19-00065-01	1151 Cogburn Court	Plumbing Permit	5/10/2019	
19-00066-01	1110 Cahill	Water Heater Permit	5/13/2019	
19-00067-01	701 Paradise Cove	HVAC Permit	5/16/2019	
19-00068-01	325 Berry Lane	Roof Permit	5/20/2019	
19-00069-01	65 HIDDEN VALLEY AIRPARK	Water Heater Permit	5/29/2019	
19-00070-01	200 COVE Drive	Sprinkler Permit	5/31/2019	
19-00071-01	107 Palomino Court	Gas Leak Repair Permit	5/31/2019	

Permit Type	Count	Permit Amount	Adjusted Amount	Paid Amount	Balance
New Residence Permit	1	\$3,419.80	\$0.00	\$3,419.80	\$0.00
Plumbing Permit	1	\$150.00	\$0.00	\$150.00	\$0.00
Water Heater Permit	2	\$300.00	\$0.00	\$300.00	\$0.00
HVAC Permit	1	\$400.00	(\$100.00)	\$300.00	\$0.00
Roof Permit	1	\$150.00	\$0.00	\$0.00	\$150.00
Sprinkler Permit	1	\$170.00	\$0.00	\$170.00	\$0.00
Gas Leak Repair Permit	1	\$340.00	(\$190.00)	\$150.00	\$0.00
Totals	8	\$4,929.80	(\$290.00)	\$4,489.80	\$150.00



**SHADY SHORES TOWN COUNCIL
REGULAR SESSION
MAY 13, 2019; 7:00 PM
SHADY SHORES COMMUNITY CENTER
101 S. SHADY SHORES ROAD
SHADY SHORES, TX 76208**

MINUTES

MEMBERS PRESENT

Cindy Aughinbaugh	Mayor	Present
Paula Woolworth	Mayor Pro Tem	Present
Charles Grimes	Councilmember	Absent
Matthew Haines	Councilmember	Absent
Tom Newell	Councilmember	Present
Jack Nelson	Councilmember	Present

Also Present: Mike Nowels, Councilmember Place 2, Elect

Staff Present: Wendy Withers, Town Secretary; Amber Schuler, Deputy Town Secretary; Jim Shepherd, Town Attorney

CALL TO ORDER

Mayor Aughinbaugh called the meeting to order at 7:00 pm.

ROLL CALL

Establish a quorum.

Mayor Aughinbaugh called the roll and established a quorum 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

1. Certificate of Appreciation to Boy Scout Troop 60 for their construction and donation of the Little Free Library.

Mayor Aughinbaugh presented a certificate of appreciation to the Boy Scouts of Troop 60 for their work on the Little Library.

2. Oath of Office- Deliver the Oath of Office to newly elected Councilmember Mike Nowels.

Mayor Aughinbaugh delivered the Oath of Office to Mike Nowels. Mike Nowels assumed the duties of office.

3. Presentation in Appreciation of Paula Woolworth

Mayor Aughinbaugh presented Paula Woolworth with a plaque in appreciation for her years of service and dedication to the Town of Shady Shores.

COUNCILMEMBER/COMMITTEE/STAFF REPORTS:

1. Keep Shady Shores Beautiful

Tamara Ross, Keep Shady Shores Beautiful Vice- Chairman gave the Keep Shady Shores Beautiful Report.

2. Animal Control- The animal control report was presented in the packet; there were no comments.
3. Code Enforcement- the Code Enforcement report was presented in the packet, there were no comments.
4. Police Department- Police Reports were presented in the packets there were no comments.
5. Fire Department- Fire Department Reports were presented in the packets; Town Secretary Wendy Withers did report that the Lake Cities Fire Department had begun a comprehensive analysis of their department to identify strengths and weaknesses within the department.
6. Planning and Zoning Report- Chairman Allen Lea was present and stated the Board did not meet last month.
7. Staff Report- Town Secretary Wendy Withers gave the staff report.
8. Roads, Drainage, Capital Improvements
9. Announcements

CONSENT AGENDA

Each item listed on the consent agenda is 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. Approval of the Minutes of the April 8, 2019 Town Council Meeting

Tom Newell made a motion to approve the consent agenda items. Jack Nelson seconded the motion.

Discussion: None

AYES: Nelson, Newell, Nowels

NAYS: None

The motion passed unanimously.

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.

Joshua Scherrer 601 Lakeshore Road, voiced concerns about walking and riding bicycles in the road way stating this was a safety issues as cars are driving too fast with walkers and strollers.

Aaron Stoop 411 Oakwood Circle, voiced concerns about road work and paving of the roads, striping, paint on the roads. Mr. Stoop stated that it is sometimes confusing for the driver to determine what to do as the roads are not marked very well. Mr. Stoop stated one of the worst intersections was at W. Shady and Swisher Road. (Mayor Aughinbaugh noted this intersection is not within the Town Limits of Shady Shores.)

REGULAR AGENDA ITEMS

1. Approval of a Market Adjustment Effective July 2019- Community Waste Disposal

Tom Newell made a motion to approve the market rate adjustment. Jack Nelson seconded the motion.

Discussion: None

Ayes: Newell, Nelson, Nowels

Nays: None

The motion passed unanimously.

2. Election of Mayor Pro Tem- consider and act on nomination and appointment of a Councilmember to serve as Mayor Pro Tem.

Jack Nelson nominated Tom Newell to serve as Mayor Pro Tem. Mike Nowels seconded the motion.

Discussion: None

Ayes: Nelson, Newell, Nowels

Nays: None

The motion passed unanimously.

3. Council Committees

Mayor Aughinbaugh Appointed the following Members to serve:

Tom Newell and Jack Nelson to serve on the 2020 Budget Committee

Mike Nowels- Road Committee

Jack Nelson and Tom Newell in the future for Fire Negotiations.

4. Amendment to the Span Agreement

Tom Newell made a motion to amend the span agreement; Jack Nelson seconded the motion.

Discussion: Jim Shepherd would like to make additions to the document to change the provisions.

Tom Newell amended the motion to approve the span agreement pending changes made by the Town Attorney. The motion failed for lack of a second.

Tom Newell made a motion to table this agenda item. Jack Nelson seconded the motion.

Discussion: None

Ayes: Nelson, Newell, Nowels

Nays: None

The motion passed unanimously.

5. Survey Results- Review the results of the citizen satisfaction survey. Provide staff direction.

Town Secretary Wendy Withers presented the results of the citizen satisfaction survey.

Rebecca Morgan 114 N. Garza Road stated that she had a problem with the survey due to the lack of instructions for the survey, due to the lack of instructions and she felt that the numbers were therefore inaccurate.

6. Discussion of Public Works Contracting

Council members discussed the public works contract. No action was taken at this time.

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.

1. 1) Consultation with Attorney (551.071 (1) (a) pending litigation to wit: Abatement of Dangerous Structures.

2. 2) Personnel Issues (551.071 (4) a) deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - discuss the duties of the Town Secretary Wendy Withers

Jack Nelson made a motion to adjourn to Executive Session. Tom Newell seconded the motion.

Discussion: None

3 TC 05.13.2019

Ayes: Nelson, Newell, Nowels

Nays: None

The motion passed unanimously, and the Council adjourned to Executive Session at 8:30 pm.

Jack Nelson made a motion to reconvene into Open Session. Tom Newell seconded the motion.

Discussion: None

Ayes: Nelson, Newell, Nowels

Nays: None

The motion passed unanimously, and the Council reconvened into open session at 9:04 p.m.

2. Action Regarding Executive Session- Consider and take appropriate action as a result of executive session.

There was no action taken as a result of Executive Session.

FUTURE AGENDA ITEMS AND STAFF DIRECTION

ADJOURN

Jack Nelson made a motion to adjourn. Tom Newell seconded the motion. The meeting was adjourned at 9:05 pm.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2019

APPROVED:

Cindy Aughinbaugh, Mayor

ATTEST:

Wendy Withers, Town Secretary

STATE OF TEXAS §

COUNTY OF DENTON §

INTERLOCAL AGREEMENT FOR SERVICES

THIS SERVICE AGREEMENT ("Agreement") is entered into by and between Shady Shores, Texas, acting by and through its duly authorized Town Mayor (hereinafter referred to as "TOWN") and SPAN, Inc., (hereinafter referred to as "SPAN"), a Texas non-profit corporation operating in Denton County, Texas as an organization described in Section 501(c)(3) of the Internal Revenue Code, acting by and through its duly authorized Executive Director.

WHEREAS, SPAN enables people to live as fully and independently as possible by providing nutrition, transportation and social services to older persons, persons with disabilities, veterans, and the general public; and

WHEREAS, the success of or failure of the SPAN's purposes and objectives has a direct impact on the health and welfare of the citizens of the TOWN; and

WHEREAS, the TOWN is charged with the responsibility of promoting and preserving the health, safety, peace, good government, and welfare of its citizens; and

WHEREAS, SPAN transportation services were developed to provide safe and efficient transportation to seniors, persons with special needs, veterans and as otherwise defined by agreements into which SPAN may enter from time to time; and

WHEREAS, The TOWN and SPAN desire to enter into this Agreement whereby SPAN will provide demand response transit service for TOWN residents that are seniors (age 60 or older), and people with documented disabilities (hereafter referred to collectively as "Riders"); and

WHEREAS, Riders in TOWN may be taken anywhere in SPAN's demand response transit service area in Denton County at a cost to the Riders of \$3.00 for seniors (age 60 and older) and people with documented disabilities for the limited purposes of medical treatments, doctor's and dentist's appointments and trips to get prescriptions filled; and

WHEREAS, Riders may call in at least one (1) day in advance, but no more than two (2) weeks in advance, to set up appointments for pick-up and drop off by calling SPAN'S Transportation Office at 940-382-1900 weekdays between the hours of 8:00 a.m. and 2:00 p.m.; and

WHEREAS, Demand response transit service is available between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday excluding major holidays and subject to capacity constraints.

NOW, THEREFORE, THE TOWN AND SPAN DO HEREBY COVENANT AND AGREE AS FOLLOWS:

1. Recitals

SPAN REPRESENTS the foregoing recitals are to be true and correct.

2. Scope of Transportation Services

SPAN shall provide door-to-door demand response transit services to TOWN citizens residing in Denton County who are Riders in accordance with this Agreement and SPAN's "Transportation Policies and Procedure" which is attached hereto as Exhibit "A" and incorporated herein by reference as though it were set out in its entirety ("Policy"). In the event of conflict between this Agreement and the Policy, this Agreement shall control. In performing services under this Agreement, the relationship between the TOWN and SPAN is that of an independent contractor. No term or provision of this Agreement or act of SPAN in the performance of this Agreement shall be construed as making SPAN the agent, servant, or employee of the TOWN.

3. SPAN Transportation Operations

- a. SPAN shall provide all equipment, facilities, qualified employees, training, and insurance necessary to establish a demand response transit service for the TOWN's Riders. SPAN shall further establish, operate, and maintain an accounting system for this program that will allow for a tracking of services provided to Riders and a review of the financial status of the program. SPAN shall also track and break down the information regarding the number of one-way trips it provides to Riders.
- b. The TOWN shall have the right to review the activities and financial records kept incident to the services provided to the TOWN's Riders by SPAN. In addition, SPAN shall provide monthly ridership information to the TOWN Manager or his/ her designee specifically identifying the number of Rider trips including rider origination, destination, and purpose.
- c. SPAN will be responsible for verifying and documenting the eligibility of Riders. SPAN reserves the right to determine on an individual basis whether SPAN has the capability to safely transport a passenger. In the event that safety is compromised, SPAN may decline transportation for this person and must document the reason why service was declined.
- d. SPAN will inform riders that their trips to the doctor or dentist's office, hospital, drug store or other location may qualify as a Medicaid eligible trip. SPAN will direct potential Medicaid eligible riders to call Texas Health and Human Services toll free at 1-877-633-8747 (TTY: 1-800 -735-2989) or 1-877-MED-TRIP on Monday through Friday between 8:00 a.m. and 5:00 p.m. at least two days before their appointment or trip to schedule free transportation through Medicaid.

4. Payment

- a. SPAN shall provide up to one hundred and fifty (150) one-way trips per month to the Town riders of Shady Shores, Hickory Creek, Lake Dallas and Corinth using 5310 grant funds. If fewer than one hundred and fifty (150) trips are used in any given month the unused one-way trips from that month will accrue and be available for use during subsequent months of this
- b. SPAN provides all the services described in this Agreement without payment of any kind or amount from Town. The town exercises no management or control over SPAN operations.

5⁵. Indemnification

SPAN assumes all liability and responsibility for and agrees to fully indemnify, hold harmless and defend the TOWN, and its officials, officers, agents, servants and employees from and against any and all claims, damages, losses and expenses, including but not limited to attorney's fees, for injury to or death of a person or damage to property, arising out of or in connection with, directly or indirectly, the performance, attempted performance or nonperformance of the services described hereunder or in any way resulting from or arising out of the management, supervision, and operation of the program and activities of SPAN. [In the event of joint and concurring responsibility of SPAN and the TOWN, responsibility and indemnity, if any, shall be apportioned comparatively in accordance with Texas Law, without waiving any defense of either party under Texas Law. The provisions of this paragraph are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.]

6. Insurance

SPAN shall obtain public liability insurance of the types and in the amounts set forth below from an insurance carrier or underwriter licensed to do business in the State of Texas and acceptable to the TOWN. SPAN shall furnish TOWN with certificates of insurance or copies of the policies, evidencing the required insurance on or before the beginning date of this Agreement. SPAN agrees to submit new certificates or policies to TOWN on before the expiration date of the previous certificates or policies. The insurance shall be the following types in amounts not less than indicated:

- a. Comprehensive General (Public) Liability Insurance or its equivalent including minimum coverage limits of \$1,000,000 per occurrence combined single limit for bodily injury and property damage.
- b. Automobile Liability Insurance including minimum coverage limits of \$1,000,000 per combined single limit for bodily injury and property damage.
- c. On all insurance required, **SPAN** shall require insurance providers to:

Name the TOWN, and its officials, officers and employees, as additional insured's and provide thirty (30) days written notice to TOWN of any material change to or cancellation of the

insurance .

7. Assignment and Delegation

Neither party shall assign or delegate the rights or obligations under this Agreement without the prior written consent of the other party .

8. Severability

In the event any Provision of this Agreement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the Agreement shall, to the extent reasonably possible, remain in full force and effect as to the balance of it s provisions and shall be construed as if such invalid provision were not a part hereof.

9. Mediation

In the event of any dispute regarding this Agreement or the terms contained herein, the parties hereto Agree that they shall submit to such dispute to non-binding mediation, **prior to any litigation being filed.**

10. Terms of Agreement

The term of this Agreement shall be from October 1, 2018 through September 30, 2019, subject to renewal by the parties. Either party may modify this Agreement by submitting, in writing, the proposed amendment to be considered and executed by both parties. This Agreement may be terminated with or without cause by either party by giving thirty {30} days written notice to the other party of their intent to terminate the Agreement.

11. Applicable Law Venue

This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Texas, and venue for any claim or cause of action shall lie exclusively in Denton County, Texas or the Federal courts having jurisdiction over claims arising in DentonCounty, Texas.

12. Attorney's Fees and Costs

In the event it becomes necessary to take legal action to enforce the terms of this Agreement, the prevailing party in such action shall be entitled to recover attorney's fees and costs of court from the non-prevailing party.

IN WITNESS WHEREOF the TOWN of Corinth and Span, Inc. have executed this Agreement on this the ____ day of _____, 2018.

SPAN, INC:

Michelle McMahon , Executive Director

TOWN of Shady Shores

_____,TOWN Mayor

ATTEST:

TOWN Secretary

**FIRST AMENDMENT
TO INTERLOCAL AGREEMENT FOR SERVICES
BETWEEN SPAN, INC. AND THE TOWN OF SHADY SHORES**

THIS FIRST AMENDMENT is made to the Inter Local Agreement dated the ____ day of _____, 2018, (the "Agreement"), executed between SPAN, INC. (herein after referred to as "SPAN"), and Shady Shores, Texas, (hereinafter referred to as "TOWN"), acting by and through its duly authorized Mayor.

WHEREAS, Riders in TOWN could be taken anywhere in SPAN's demand response transit service area in Denton County as provided in the Agreement; which is modified as set forth below;

NOW THEREFORE, in consideration of the mutual agreements contained herein, the agreement is hereby modified as follows:

The 6th WHEREAS clause on Page 1. of the Agreement, which commences "RIDERS in Town may be taken anywhere in SPAN's demand response transit service area...", is removed and replaced with the following:

“WHEREAS, Riders in Town may be taken anywhere in SPAN's demand response transit service area in Denton County at a cost to the Riders of \$3.00 for seniors (age 65 and older) and people with documented disabilities for the limited purposes of medical treatments, doctor's and dentist's appointments, trips to get prescriptions filled, shopping for necessities, travel to and from the Public Libraries within the Lake Cities, and participation in the TOWN'S Lake Cities Seniors Program”;

It is mutually understood and agreed by and between the undersigned contracting parties to amend that previously executed Agreement. All other terms and conditions that are not hereby amended are to remain in full force and effect.

IN WITNESS WHEREOF the TOWN of Shady Shores and Span, Inc. have executed this First Amendment to the Agreement on this the ____ day of _____, 2019.

SPAN, INC.

TOWN OF SHADY SHORES

Michelle McMahon, Executive Director

TOWN Mayor

ATTEST:

TOWN Secretary

RESOLUTION NO. _____
BANK SIGNATURE AUTHORIZATION

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, DENTON COUNTY, TEXAS AUTHORIZING OFFICIAL BANKING SIGNATURES.

WHEREAS, accounts have been established in the name of the Town of Shady Shores with Northstar Bank, Texas Republic, Green Bank and Access Bank, Tex-Pool, and Oakwood Bank wherein may be deposited any of the funds of the Town of Shady Shores whether represented by cash, checks, note, or other evidences of debt, and from which deposit withdrawals may be made in the name of the Town of Shady Shores by duly authorized officials of the city.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, DENTON COUNTY TEXAS, AS FOLLOWS:

SECTION 1. Powers Granted

The Town Council of the Town of Shady Shores grants the authorized officials named below to sign checks on the Town's account. Any two of the four officials named are required to sign each check. The bank documents are necessary to be signed to carry out the intent of this Resolution are approved, subject to the Mayor's approval.

SECTION 2. Appointment of Authorized Officials

The following persons are officials of the Town of Shady Shores and the signatures hereon are true signatures of such officials and persons.

NAME	TITILE	
Cindy Aughinbaugh	Mayor	_____
Tom Newell	Mayor Pro Tem	_____
Charles Grimes	Council Member	_____
Jack Nelson	Council Member	_____

DULY PASSED AND APPROVED BY the Town Council of the Town of Shady Shores, Denton County this the _____, day of _____, 2019.

APPROVED:

Cindy Aughinbaugh, Mayor

ATTEST:

Wendy Withers, Town Secretary

Town of Shady Shores
FY 19-20 Budget Planning Calendar

April - May	Mailing of "Notices of Appraised Value" by Chief Appraiser to residents
April 6 – July 6	Weekly emails to be received from Chief Appraiser regarding Preliminary Appraised Value totals
April 17	Appraisals scheduled to be mailed to property owners.
May 18	Deadline for property owners to file a protest
May 22	Appraisal Review Board (ARB) Hearings Begin
June 10	Council Budget Work Session 6 pm
June 20	Publish Notice of July 8 Public Hearing
July 8	Council Budget Work Session 6 pm/Conduct a Public Hearing during the Regular Town Council Meeting.
July 25	Deadline for ARB to approve Appraisal Records and Chief Appraiser to certify Appraisal Rolls to Town
July 25	Certification of anticipated collection rate by tax collector and Effective and rollback tax rates to be received from tax collector
August 11	Post 72-hour notice for Council meeting and Council workshop
August 11	Publication of Effective and Rollback Tax Rates, statement and schedules; submission governing body.
August 12	<i>File proposed Budget with Town Secretary,</i>
August 12	<u>Council meeting</u> - discuss tax rates; if proposed tax rate will exceed the Rollback Rate or the Effective Tax Rate (whichever is lowest), take record vote and schedule public hearing.
August 18	Notice of public hearing on tax increase sent to newspaper by NOON Notice of public hearing on the budget sent to the newspaper
August 21	Notice of public hearing on tax increase published in the newspaper
August 27	Notice of Vote on Tax Rate sent to newspaper by NOON
August 29	<i>Council Meeting- First Public Hearing on tax rate and budget</i>
September 5	<i>Council meeting - Second public hearing on tax rate* and Budget</i>
September 9	<u>Council meeting</u> – adopt tax rate – VOTE OF RECORD

1. Budget filed with municipal clerk. The proposed budget shall be filed with the municipal clerk not less than 30 days prior to the time the city council passes the tax levy ordinance for the current fiscal year. Tex Loc. Gov't Code §102.005.

2. Public hearing. The city council shall call a public hearing on the proposed budget on a date at least 15 days after the date of filing with the municipal clerk and prior to the date that the city council will pass the tax levy ordinance. Tex Loc. Gov't Code §102.006. This, if nothing else, is what makes the budget process so important. The budget must be passed before the tax levy ordinance can be passed. Any taxpayer may attend and participate in the meeting. Tex Loc. Gov't Code §102.006.

3. Public Hearing on a tax rate may not be held before the 7th day after the date the notice of The public hearing is given. The 2nd hearing may not be held earlier than the 3rd day after the Date of the 1st hearing. Each hearing must be on a weekday that is not a public holiday. Each hearing must be held inside the city limits in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access. At the hearings, the city council must afford adequate opportunity for proponents and opponents of the tax increase to present their views. Tex. Tax Code §26.06.

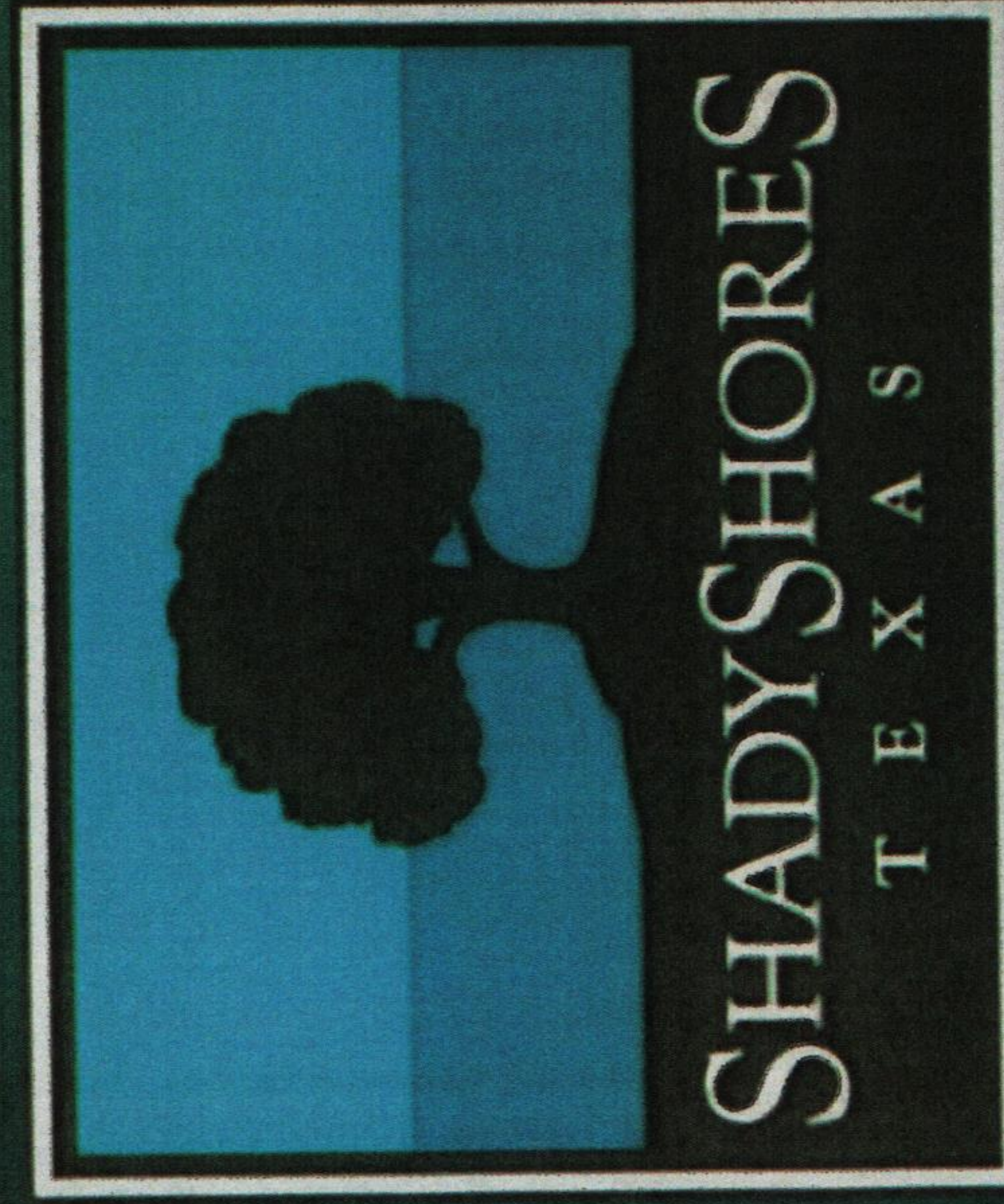
Town of Shady Shores
Road & Drainage Projects "Pay as You Go" Plan
Cost Summary

Year	Project	Total	Additive Total	Grand Total
1	S. Shady Shores Rd. Bridges Project	\$850,000		\$850,000
	Drainage Study - Shahan Addition	\$65,000		\$65,000
	Shady Lane at 6th Street Drainage Improvements	\$49,440	\$152,440	\$201,880
	322 W. Shady Shores Rd Drainage Improvements	\$58,000		\$58,000
	Total	\$1,022,440		\$1,174,880
2	324 Dobbs Road Drainage Improvements	\$43,000		\$43,000
	Total	\$43,000	\$0	\$43,000
3	Shahan Addition Drainage Improvements (includes Road Design)	\$506,450		\$506,450
	Total	\$506,450		\$506,450
4	Shahan Addition Road Improvements	\$320,100		\$320,100
	Shahan Lane Drainage Improvements	\$101,630		\$101,630
	Taylor Lane Drainage Improvements	\$13,120	\$52,460	\$65,580
	Total	\$434,850	\$52,460	\$487,310
5	Oberman Lane Paving & Drainage Improvements	\$455,840		\$455,840
	Lakeshore Rd - N End of FEMA Repair north to Oberman Lane	\$131,480		\$131,480
	Total	\$587,320		\$587,320
6	Oakwood Circle Drainage Improvements	\$162,300		\$162,300
	E. 6th Street Paving Improvements	\$56,810		\$56,810
	Eason Road Paving Improvements	\$249,250		\$249,250
	Total	\$468,360		\$468,360
7	Jay Street & Lara Street Paving & Drainage Improvements	\$526,580		\$526,580
	Total	\$526,580		\$526,580
8	Cogburn Court Pavement Repair	\$196,780		\$196,780
	Meadowlark Culvert Replacement	\$168,500		\$168,500
	Fritz Lane Culvert Replacement (set aside funds)	\$150,000		\$150,000
	Total	\$515,280		\$515,280
9	Fritz Lane Culvert Replacement (set aside funds)	\$500,000		\$500,000
	Total	\$500,000		\$500,000
10	Fritz Lane Culvert Replacement	\$459,060		\$459,060
	Total	\$459,060		\$459,060
	TOTAL	\$5,063,340	\$52,460	\$5,268,240

Notes:

- 1.) Costs include 3% compounded rate for construction costs after year 1
- 2.) Project costs based on recommended option
- 3.) Lakeshore Rd project has been added since November 12, 2018 presentation to Town Council

List of Potential Projects

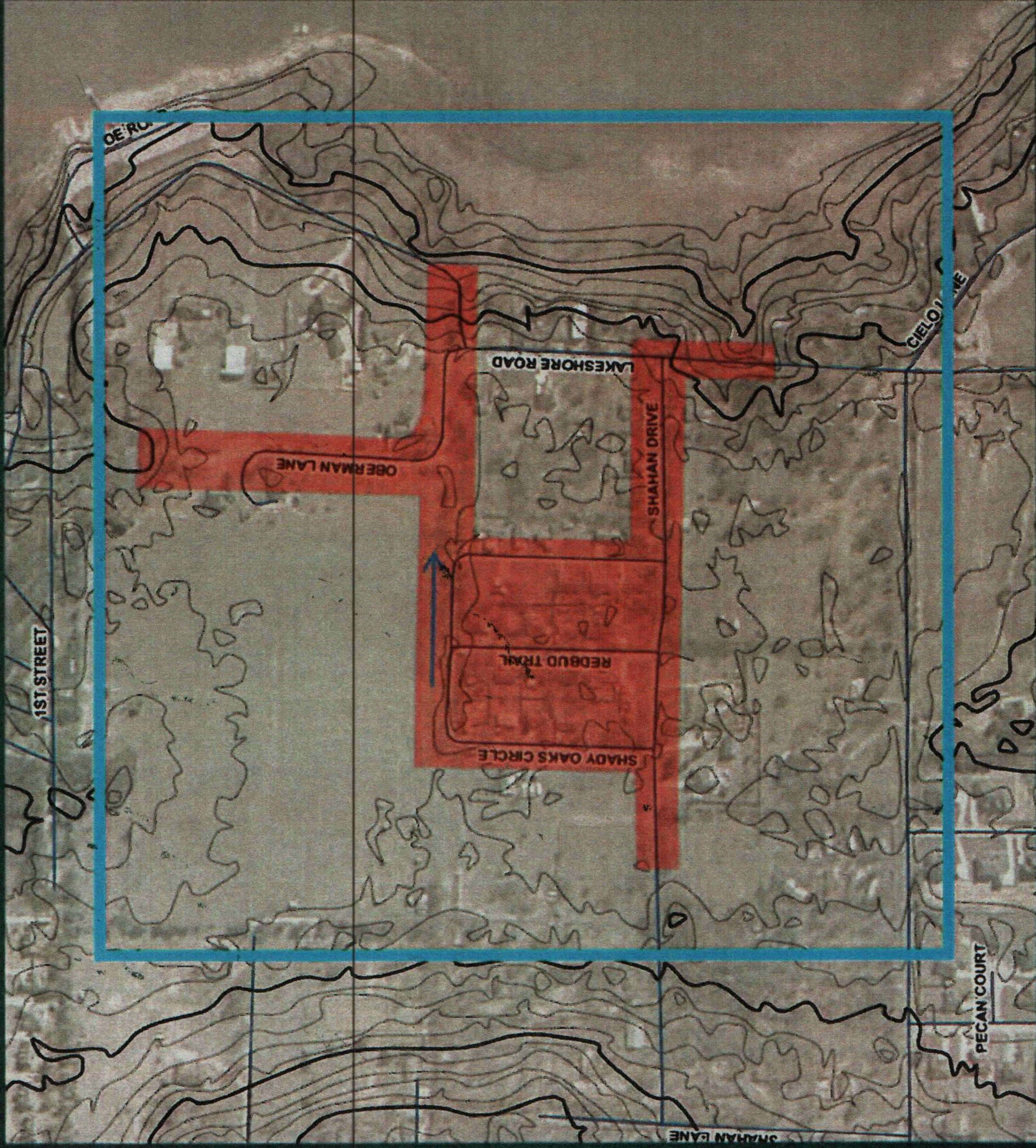


- ▶ S. Shady Shores Rd Bridges Project
- ▶ Drainage Study – Shahan Addition
 - ▶ Shahan Addition Road Reconstruction & Drainage Improvements
 - ▶ Oberman Lane Paving & Drainage Improvements
- ▶ Shahan Lane Drainage Improvements
- ▶ 324 Dobbs Road Drainage Improvements
- ▶ 322 W. Shady Shores Rd Drainage Improvements
- ▶ Taylor Lane Drainage Improvements
- ▶ Shady Lane at 6th Street Drainage Improvements
- ▶ Meadowlark Culvert Replacement
- ▶ Cogburn Court Paving & Drainage Improvements
- ▶ Jay Street & Laura Street Paving & Drainage Improvements
- ▶ Oakwood Circle Drainage Improvements – Phase 1
- ▶ E. 6th Street Paving Improvements
- ▶ Eason Road Paving Improvements
- ▶ Fritz Lane Culvert Replacement

S. Shady Shores Road Bridges Project

- ▶ Cost Estimate
 - ▶ Construction \$14 MM
 - ▶ Engineering \$1.4 MM
 - ▶ Water/Sewer Relocations \$2.8 MM
- ▶ Funding
 - ▶ Federal \$10 MM
 - ▶ Denton County \$4 MM
 - ▶ Town of Shady Shores \$700 K
 - ▶ Lake Dallas \$700 K
- ▶ Coordination
 - ▶ Denton County
 - ▶ Lake Dallas
 - ▶ FHWA/TxDOT
 - ▶ USACE
 - ▶ FEMA
 - ▶ LCMUA
 - ▶ Franchise Utility Companies
- ▶ Tentative Schedule
 - ▶ Dec 2018 - Inter Local Agreement
 - ▶ Jan 2019 - Request for Qualifications
 - ▶ Feb 2019 - Start PS&E
 - ▶ July 2020 - Environmental Clearance
 - ▶ Dec 2020 - Construction Procurement
 - ▶ Jan 2021 - Start Construction
 - ▶ Feb 2022 - Construction Complete

Drainage Study – Shahan Addition



- ▲ For use in developing solutions to drain level, low lying areas in and around the Shahan Addition
- ▲ For use in ensuring road and drainage improvements to Oberman Lane accommodate any potential solution

Drainage Study – Shahan Addition



- ▲ Ponding water after storm event at W Shady Oaks Circle
- ▲ Typical W Shady Oaks Circle, E Shady Oaks Circle, Redbud Trail and Shahan Drive

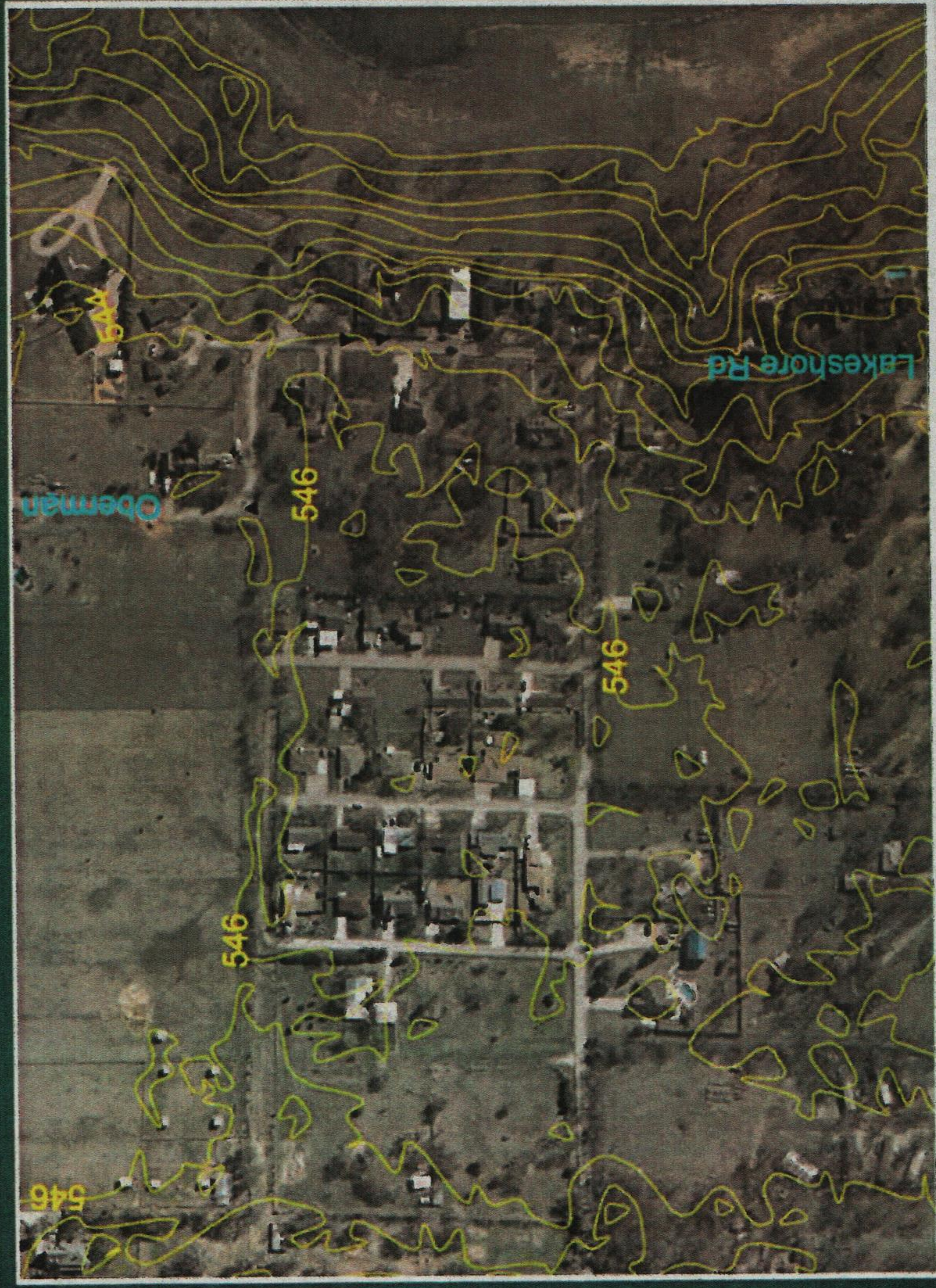
Drainage Study – Shahan Addition



- ▲ Ponding water after storm event at 205 Redbud Trail
- ▲ Water drains only after a certain water level in the ditch is achieved causing yards to flood and water to enter garage during storm events
- ▲ Water in backyard, including from adjacent properties, does not drain to ditch
- ▲ Homes in area appear to be below the road elevation

Estimate of Project Cost

\$65,000



- ▲ Survey area by conventional methods and/or aerial drone LiDAR
- ▲ Site investigation
- ▲ Development of drainage area maps
- ▲ Determine design flow rates
- ▲ Perform hydraulic modeling and/or calculations
- ▲ Recommend improvements

Shahan Addition Road Reconstruction & Drainage Improvements



- ▶ Shady Oaks Circle West, Redbud Trail and Shady Oaks Circle East
- ▶ Reconstruct Asphalt Roadway
- ▶ Drainage improvements – culverts and ditches

Shahan Addition Road Reconstruction & Drainage Improvements



- ▶ Include paving and drainage improvements along east-west portion of Shady Oaks Circle (currently grass and ponded ditch) to eliminate roadway dead end and convey drainage

Shahan Addition Road Reconstruction & Drainage Improvements

Estimate of Project Cost

\$771,000

Item	Quantity	Unit	Description	Unit Price	Total
Red Bud Trail					
1	1	LS	Mobilization (Max. 5% of Bid)	\$8,000.00	\$8,000.00
2	880	SY	2" HMAAC Overlay Type D	\$15.00	\$13,200.00
3	880	SY	4" HMAAC Overlay Type B	\$20.00	\$17,600.00
4	990	SY	6" Cement Stabilization @ 27 lbs./SY w/ 6" Removal	\$20.00	\$19,800.00
5	165	SY	Block Sodding	\$10.00	\$1,650.00
6	1	LS	Erosion Control	\$750.00	\$750.00
7	1	LS	Barricading & Traffic Control	\$750.00	\$750.00
8	1	LS	15% Contingency	\$9,263.00	\$9,263.00
SUBTOTAL					\$71,013.00
Shady Oaks Cir (W)					
1	1	LS	Mobilization (Max. 5% of Bid)	\$8,000.00	\$8,000.00
2	916	SY	2" HMAAC Overlay Type D	\$15.00	\$13,740.00
3	916	SY	4" HMAAC Overlay Type B	\$20.00	\$18,320.00
4	1,031	SY	6" Cement Stabilization @ 27 lbs./SY w/ 6" Removal	\$20.00	\$20,620.00
5	172	SY	Block Sodding	\$10.00	\$1,720.00
6	1	LS	Erosion Control	\$750.00	\$750.00
7	1	LS	Barricading & Traffic Control	\$750.00	\$750.00
8	1	LS	15% Contingency	\$9,585.00	\$9,585.00
SUBTOTAL					\$78,485.00
Shady Oaks Cir (E)					
1	1	LS	Mobilization (Max. 5% of Bid)	\$8,000.00	\$8,000.00
2	840	SY	2" HMAAC Overlay Type D	\$15.00	\$12,600.00
3	840	SY	4" HMAAC Overlay Type B	\$20.00	\$16,800.00
4	945	SY	6" Cement Stabilization @ 27 lbs./SY w/ 6" Removal	\$20.00	\$18,900.00
5	158	SY	Block Sodding	\$10.00	\$1,580.00
6	1	LS	Erosion Control	\$750.00	\$750.00
7	1	LS	Barricading & Traffic Control	\$750.00	\$750.00
8	1	LS	15% Contingency	\$8,907.00	\$8,907.00
SUBTOTAL					\$68,287.00
TOTAL CONSTRUCTION (BASE BID)					\$212,785.00

Additive: Alternate A (Pave East/West Portion of Shady Oaks Circle)					
A-1	1	LS	Mobilization (Max. 5% of Bid)	\$8,000.00	\$8,000.00
A-2	889	SY	2" HMAAC Overlay Type D	\$15.00	\$13,335.00
A-3	889	SY	4" HMAAC Overlay Type B	\$20.00	\$17,780.00
A-4	1,001	SY	6" Cement Stabilization @ 27 lbs./SY w/ 6" Removal	\$20.00	\$20,020.00
A-5	167	SY	Block Sodding	\$10.00	\$1,670.00
A-6	1	LS	Erosion Control	\$1,000.00	\$1,000.00
A-7	1	LS	Barricading & Traffic Control	\$500.00	\$500.00
A-8	1	LS	15% Contingency	\$9,346.00	\$9,346.00
TOTAL ADDITIVE ALTERNATE A					\$71,651.00
Additive: Alternate B (Drainage)					
B-1	38	EA	Remove & Replace Residential Concrete Driveway & Culvert	\$5,000.00	\$190,000.00
B-2	1,000	LF	Grade Ditch	\$15.00	\$15,000.00
B-3	2,900	LF	Re-Grade Ditch	\$15.00	\$43,500.00
B-4	225	CY	Fill Existing Ditch	\$25.00	\$5,625.00
B-5	1	LS	Clear Underbrush/Trees	\$5,000.00	\$5,000.00
B-6	4,475	SY	Block Sodding	\$10.00	\$44,750.00
B-7	210	LF	24" RCP (Roadway Culvert)	\$150.00	\$31,500.00
B-8	14	EA	Headwall	\$2,500.00	\$35,000.00
B-9	1,500	SF	Drainage Easement/ROW Acquisition	\$10.00	\$15,000.00
TOTAL ADDITIVE ALTERNATE B					\$385,375.00
TOTAL CONSTRUCTION (BASE BID + ADD ALT A + ADD ALT B)					\$669,811.00
Construction Management					
1	1	LS	Construction Management Services	\$11,000.00	\$11,000.00
SUBTOTAL					\$11,000.00
Project Management					
1	1	LS	Project Management Services	\$5,000.00	\$5,000.00
SUBTOTAL					\$5,000.00
Special Services					
1	1	LS	Surveying	\$8,000.00	\$8,000.00
1	1	LS	Easement Documents	\$5,000.00	\$5,000.00
1	1	LS	Geotechnical Investigation/Recommendation	\$5,000.00	\$5,000.00
SUBTOTAL					\$18,000.00
Engineering					
1	1	LS	Engineering	\$65,000.00	\$65,000.00
1	1	LS	Prints, Plots & Delivery	\$1,500.00	\$1,500.00
SUBTOTAL					\$66,500.00
TOTAL (Construction, Management, Testing & Engineering)					\$770,311.00

Note: Does not included improvements to private property (rear yards, side swales, etc.)

Shady Lane at 6th Street Drainage Improvements



- ▲ Existing 12" CMP culvert crossing under Shady Lane at W 6th St is damaged and is not carrying flow
- ▲ Culvert ends appear to be crossed and crushed by vehicles turning to/from Shady Lane
- ▲ Another 12" CMP culvert is buried parallel to and immediately south of newer culvert
- ▲ Upstream ditch along W. 6th St is silted in

Taylor Lane Drainage Ditch Improvements

Estimate of
Project Cost

Re-Grade
\$12,000

Item	Quantity	Unit	Description	Unit Price	Total
Taylor Lane Ditch Improvements					
1	1	LS	Trim Trees	\$1,500.00	\$1,500.00
2	300	LF	Re-Grade Ditch	\$15.00	\$4,500.00
3	1	LS	15% Contingency	\$900.00	\$900.00
TOTAL					\$6,900.00
Construction Management					
	1	LS	Construction Management Services	\$750.00	\$750.00
SUBTOTAL					\$750.00
Project Management					
	1	LS	Project Management Services	\$750.00	\$750.00
SUBTOTAL					\$750.00
Special Services					
	1	LS	Surveying	\$2,000.00	\$2,000.00
SUBTOTAL					\$2,000.00
Engineering					
	1	LS	Engineering	\$1,500.00	\$1,500.00
	1	LS	Prints, Plots & Delivery	\$100.00	\$100.00
SUBTOTAL					\$1,600.00
TOTAL (Construction, Management, Surveying & Engineering)					\$12,000.00

Add Alt
\$48,000

Item	Quantity	Unit	Description	Unit Price	Total
Taylor Lane Ditch Improvements - Additive Alternate					
A-1	1	LS	Mobilization (Max. 5% of Bid)	\$1,500.00	\$1,500.00
A-2	60	LF	Remove 21" RCP (2 locations)	\$25.00	\$1,500.00
A-3	60	LF	Install 24" RCP (2 locations)	\$150.00	\$9,000.00
A-4	3	EA	Headwall	\$2,000.00	\$6,000.00
A-5	1	EA	Connect to Ex. 36" Culvert	\$1,500.00	\$1,500.00
A-6	43	SY	Remove & Replace Asphalt Pavement	\$125.00	\$5,375.00
A-7	1	EA	Remove & Replace Conc. Driveway & Culvert	\$5,000.00	\$5,000.00
A-8	1	LS	15% Contingency	\$3,731.00	\$3,731.00
TOTAL					\$33,606.00
Construction Management					
	1	LS	Construction Management Services	\$1,000.00	\$1,000.00
SUBTOTAL					\$1,000.00
Project Management					
	1	LS	Project Management Services	\$1,000.00	\$1,000.00
SUBTOTAL					\$1,000.00
Special Services					
	1	LS	Surveying	\$4,000.00	\$4,000.00
SUBTOTAL					\$4,000.00
Engineering					
	1	LS	Engineering	\$8,000.00	\$8,000.00
	1	LS	Prints, Plots & Delivery	\$150.00	\$150.00
SUBTOTAL					\$8,150.00
TOTAL (Construction, Management, Surveying & Engineering)					\$47,756.00

Shady Lane at 6th Street Drainage Improvements



Upstream
(south) side



Downstream
(north) side

- ▲ Existing 72" (estimated) steel pipe culvert crossing under W. 6th St. west (downstream) of Shady Lane culvert
- ▲ Culvert is crushed and silted in
- ▲ Within FEMA 100-Year Floodplain

Shady Lane at 6th Street Drainage Improvements

Estimate of
Project Cost

Base

\$48,000

Add Alt

\$148,000

Item	Quantity	Unit	Description	Unit Price	Total
Shady Lane Drainage Improvements					
1	1	LS	Mobilization	\$1,500.00	\$1,500.00
2	200	LF	Re-Grade Ditch	\$15.00	\$3,000.00
3	30	LF	Remove Ex 12" CMP	\$25.00	\$750.00
4	1	EA	Remove & Reset Ex. Sign	\$500.00	\$500.00
5	2	EA	Remove Ex. Tree	\$1,000.00	\$2,000.00
6	76	LF	Install 18" RCP	\$125.00	\$9,500.00
7	6	EA	Install Headwalls	\$2,000.00	\$12,000.00
8	100	SY	Flexible Base (6") (for drive & street paving)	\$15.00	\$1,500.00
9	178	SY	Block Sodding	\$10.00	\$1,780.00
10	1	LS	15% Contingency	\$4,880.00	\$4,880.00
TOTAL					\$37,410.00
Construction Management					
1	1	LS	Construction Management Services	\$800.00	\$800.00
SUBTOTAL					\$800.00
Project Management					
1	1	LS	Project Management Services	\$800.00	\$800.00
SUBTOTAL					\$800.00
Special Services					
1	1	LS	Surveying	\$3,000.00	\$3,000.00
SUBTOTAL					\$3,000.00
Engineering					
1	1	LS	Engineering	\$5,000.00	\$5,000.00
1	1	LS	Prints, Plots & Delivery	\$100.00	\$100.00
SUBTOTAL					\$5,100.00
TOTAL (Construction, Management, Surveying & Engineering)					\$47,110.00

Item	Quantity	Unit	Description	Unit Price	Total
Shady Lane Drainage Improvements - Additive Alternate 1					
1	1	LS	Mobilization	\$4,500.00	\$4,500.00
2	100	LF	Re-Grade Ditch	\$15.00	\$1,500.00
3	35	LF	Remove Ex. 72" CMP	\$35.00	\$1,225.00
4	35	EA	Install 7' x 4' Conc. Box Culvert	\$400.00	\$14,000.00
5	2	EA	Install Wingwalls	\$10,000.00	\$20,000.00
6	139	LF	Remove & Replace Asphalt Paving	\$100.00	\$13,900.00
7	50	LF	Metal Beam Guard Fence	\$50.00	\$2,500.00
8	4	EA	Guard Rail End Treatment	\$2,500.00	\$10,000.00
9	112	SY	Flex Base for Shoulders (10")	\$30.00	\$3,360.00
10	1	LS	Traffic Control	\$3,000.00	\$3,000.00
11	1	LS	Erosion Control	\$3,000.00	\$3,000.00
12	25	SY	Concrete Rip Rap	\$100.00	\$2,500.00
13	1	LS	15% Contingency	\$11,923.00	\$11,923.00
TOTAL					\$91,408.00
Construction Management					
1	1	LS	Construction Management Services	\$2,200.00	\$2,200.00
SUBTOTAL					\$2,200.00
Project Management					
1	1	LS	Project Management Services	\$2,200.00	\$2,200.00
SUBTOTAL					\$2,200.00
Special Services					
1	1	LS	FEWA Study & Coordination	\$30,000.00	\$30,000.00
1	1	LS	Surveying	\$6,000.00	\$6,000.00
SUBTOTAL					\$36,000.00
Engineering					
1	1	LS	Engineering	\$15,000.00	\$15,000.00
1	1	LS	Prints, Plots & Delivery	\$200.00	\$200.00
SUBTOTAL					\$15,200.00
TOTAL (Construction, Management, Surveying & Engineering)					\$147,008.00

Fritz Lane Culvert Replacement

Estimate of
Project Cost

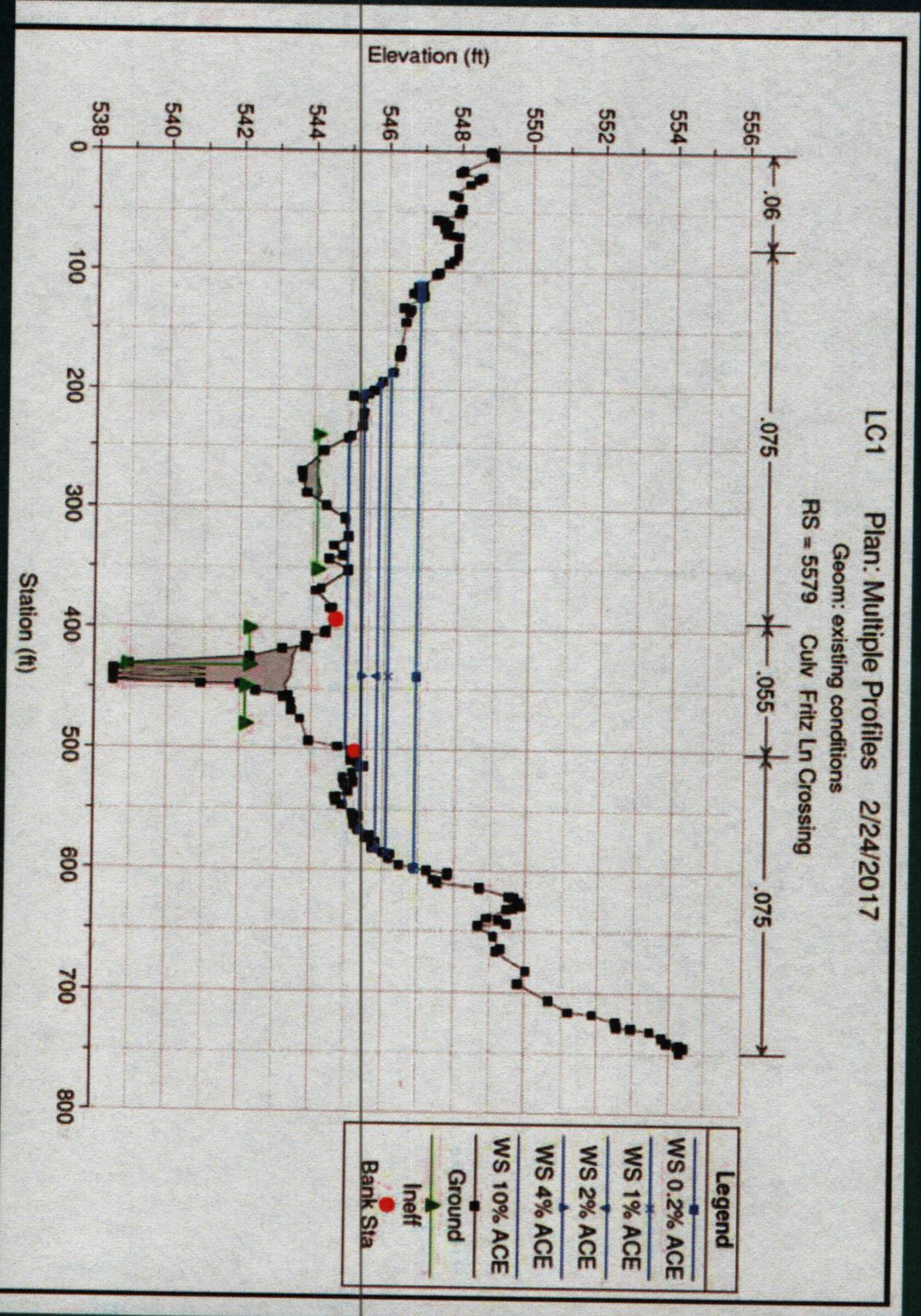
\$850,000



Sample 60-foot Long Single Span
Bridge in Collin County

- ▲ A 90-foot long three-span bridge is estimated to convey flow and provide 2 feet of freeboard
- ▲ Requires the roadway to be elevated
- ▲ Feasibility due to adjacent driveways and other limitations needs to be analyzed
- ▲ Drainage easements may be required

Fritz Lane Culvert Replacement



Existing Conditions

- ▶ 100-Year Flow Rate = 1710 CFS
- ▶ 100-Year WSEL = 546.23
- ▶ Top of road +/- 543.5

(Per Halft Associates - LC-1 Hydraulic Modeling Data from the Lynchburg Creek Flood Risk Identification Project dated 3-1-17)



AGENDA MEMORANDUM

DATE: June 10, 2019
TO: Town Council
FROM: Wendy Withers, Town Secretary
SUBJECT: Discussion of Public Works Contracting

BACKGROUND/INFORMATION:

Bill and Sharon Bounds have been performing various public works activities for the Town of Shady Shores. Sharon Bounds no longer wishes to provide this service and her assistant DJ Shaw has also indicated that he is not interested in the service.

Some of the services that were provided by the Bounds in the Public Works Department included:

- Mowing Town Right of Ways and Town Hall
- Culvert Cleaning
- Pothole Patching
- Various tree trimming (minor jobs)
- Maintenance of School Zone Signs
- Maintenance of Town signage
- Various physical activities in and around town
- Brush trimming and clearing
- Removal of road obstacles
- Various dirt work projects
- Others as assigned

FINANCIAL IMPLICATIONS:

The Town has a contract with Bill Bounds which was paid on a monthly basis based on the services performed.

RECOMMENDATION/ACTION DESIRED:

A worksession was conducted at the May 13, 2019 Town Council meeting. Town Staff was directed to develop a list of job tasks and skills and contact individuals for estimates on the mowing of town property.

In the interim an arrangement has been made with an individual to assist with some of the tasks around town.

Some possible alternatives:

The Town has an interlocal agreement with the City of Corinth to secure mowing services at a secured rate.

Create a job description and hire a part-time individual to complete various projects.

Seek bids for individuals to perform the services.

Contact other municipalities and determine if there is an interest for shared public works services.

ATTACHMENTS/SUPPORTING DOCUMENTATION:

1. Public Works Laborer

REVIEWED BY:

6/6/2019

Job Description: Public Works Laborer

Job Duties: The Town of Shady Shores is seeking an individual to handle minor public works functions within the town of shady shores. The successful candidate will have the ability to work with minimal supervision; organize and prioritize work orders as directed by town staff and council.

Responsibilities include but are not limited to:

- Placing barricades and road closure signs
- Pothole patching and minor street repairs
- Clear and repair damaged or blocked culverts
- Coordinate with 811 for the utility line locations when preparing a job site
- Maintain street sign inventory and coordinate with town staff to keep adequate supply on hand
- Report street light outages to town staff
- Maintain and program school warning signs
- Replace broken or lost street signs including installation and or repair
- Remove trash and debris as needed from Town streets and right of ways
- Trim trees and brush in right of ways or as otherwise directed
- Coordinate with the US Army Corps of Engineers to perform necessary work on COE property
- Perform set up and cleanup tasks at job site
- Perform general maintenance of town equipment and facilities (i.e. replace light bulbs at Town Hall; on the park grounds; occasionally assist town staff with assembly of furniture or products)

Skills Needed:

High School Diploma/GED preferred

Must be a US Citizen or eligible to work legally

Must possess a valid Texas Driver's License

Must have own transportation

Basic understanding of general maintenance principles and procedures

Prior experience in landscaping/parks and recreation maintenance or public works field preferred

Climb ladders and work with proper safety precautions

Able to lift up to 70 lbs

Ability to work in all weather situations

ORDINANCE NUMBER _____

***(Dangerous Structures and Building and Standards Commission
Amending Ord. No. 269-07-2014)***

AN ORDINANCE OF THE TOWN OF SHADY SHORES, TEXAS, AMENDING ORD. NO. 269-07-2014; PROVIDING REGULATIONS REGARDING DANGEROUS STRUCTURES AND ESTABLISHING A BUILDING AND STANDARDS COMMISSION; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALING CLAUSES; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$500 FOR EACH OFFENSE; PROVIDING CIVIL PENALTIES NOT TO EXCEED THE SUM OF \$1000 PER DAY; OR NOT TO EXCEED \$5000 PER DAY FOR WATER, STORM WATER, OR SANITARY SEWER VIOLATIONS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Shady Shores, Texas ("Town Council") has investigated and determined that it would be advantageous to provide regulations regarding dangerous structures;

WHEREAS, the Town Council has investigated and determined that it would be advantageous and beneficial to establish a Building and Standards Commission;

WHEREAS, the Town Council has concluded that this Ordinance should be adopted; amending and restating the provisions of Ordinance 269-07-2014 in its entirety;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, TEXAS, THAT:

Section 1. Recitals Incorporated and Scope of Ordinance

The above-referenced recitals are incorporated herein and are found to be true by the Town Council. The Commission established herein shall apply to:

(1) the preservation of public safety, relating to the materials or methods used to construct a building or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;

(2) relating to the fire safety of a building or improvement, including provisions relating to materials, types of construction or design, warning devices, sprinklers or other fire

suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

- (3) relating to dangerously damaged or deteriorated buildings or improvements;
- (4) relating to conditions caused by accumulations of refuse, vegetation, or other
- (5) relating to a building code or to the condition, use, or appearance of property in a municipality;
- (6) relating to animal care and control; or
- (7) relating to water conservation measures, including watering restrictions.”

Section 2. Dangerous Structures and Building and Standards Commission.

A. Reference to State Law

This ordinance is adopted pursuant to Texas Local Government Code Chapters 54, subchapter C., and Chapter 214, subchapter A, and the Town adopts by this ordinance the powers authorized by those statutes, and all provisions of this Ordinance should be interpreted and followed in compliance with those statutes.

B. Definitions

- 1 *Dangerous Structure* means a Structure that is in an unsafe condition that could injure, hurt, or harm individuals or property. The following conditions are evidence of a “Dangerous Structure”; and one that does not meet “Minimum Standards” of structures in Shady Shores. Additional Minimum Standards are set forth in Addendum A, attached to and a part of this Ordinance. A structure having one or more of the conditions listed in b) through d) 1)– 10) does not meet Minimum Standards.

A structure having such condition(s) is in violation of this ordinance.

Conditions include, and are not limited to, the following:

- (a) Regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited Persons as a place of harborage or could be entered or used by children; or
- (b) Is boarded up, fenced or otherwise secured in any manner if the Structure constitutes a danger to the public even though secured from entry or the means used to secure the Structure are inadequate to prevent unauthorized entry or use of the Structure; or

- (c) Is dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare, and which:
- (1) Contains one or more interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
 - (2) Exclusive of the foundation, shows 33% or more damage or deterioration to the supporting member or members or 50% or more damage or deterioration to the non-supporting enclosure or to outside walls or coverings;
 - (3) Has one or more improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;
 - (4) Has been damaged by fire, wind or other causes so as to have become dangerous to persons or property;
 - (5) Has become or is so dilapidated, decayed, unsafe or unsanitary or which utterly fails to provide amenities essential to decent living so that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health or welfare of those living therein;
 - (6) Has parts thereof which are attached in a manner that they may fall and injure persons or property;
 - (7) Has a foundation that is not so free of holes, cracks, buckling, crumbling and defects as to support adequately the Structure;
 - (8) Does not have a floor, exterior wall and roof that is so free of holes, cracks and loose, rotten, warped or protruding boards necessary to protect the Occupants of the Structure reasonably from weather elements and from danger of collapse;
 - (9) Does not have interior walls and ceilings that are so free of holes, cracks, loose plaster, loose and baggy wallpaper, defective materials and structural deterioration as to reasonably serve their purpose and as to protect the Occupants of the Structure from danger of collapse and of fire; or
 - (10) Exists in violation of any provision of any applicable building code(s) of the Town or any provision of the Town's fire code or other ordinances of the Town as such provisions relate to the minimum standards for buildings or Structures.

2. "Municipality" and "Town" shall mean Shady Shores, Denton County, Texas.

3. Occupant means any individual living or sleeping in a building or Structure or having possession of a space within a building or Structure.
4. Person means a human being, whether man, woman, or child.
5. Structure means that which is built or constructed or a portion thereof.

C. Declaration of Nuisance

All Structures that are found to be Dangerous Structures, after notice and hearing, as provided herein, are hereby declared to be public nuisances and shall be secured, repaired, vacated and/or demolished as provided herein.

D. Designation of Official

The Town Attorney, or that person's designee shall—with or without the assistance of other Town personnel, officials, or consultants—present all cases at hearings presided over by the Commission.

E. Building and Standards Commission

1. A Building and Standards Commission ("Commission") is hereby established, which shall be constituted by five members appointed by the Town Council for terms of two years, coinciding with the term of the Mayor. The Town Council may appoint up to eight alternate members, who serve for the same term as members. All appointees shall be residents of the Town of Shady Shores. Vacancies shall be filled for an unexpired term. The Town Council appoints the Chairperson of the Commission, and appoints all members and alternates. The Town Council may, at their discretion, appoint more than one panel of five members to serve as the Commission.
2. The purpose of the Commission is to hear cases under this ordinance. A majority of the regular members of the Commission must be present for a hearing. A majority of the entire regular Commission members shall adopt as necessary all rules for hearings and other Commission matters in accordance with this ordinance. The rules shall establish procedures for use in hearings, providing ample opportunity for presentation of evidence and testimony by respondents or persons opposing charges brought by the municipality or its building officials relating to alleged violations of ordinances. All meetings and hearings conducted by the Commission shall be open to the public and minutes shall be kept of all such meetings and hearings, recording the vote of each member. Said minutes shall be filed immediately in the offices of the Town as public records. A majority vote of the Commission members voting on a matter is necessary to take any action under this ordinance.

3. Meetings of the commission shall be held at the call of the chairman and at other times as determined by the commission. All meetings of the commission shall be open to the public. The chairman, or in the chairman's absence the acting chairman, may administer oaths and compel the attendance of witnesses.
4. The commission shall keep minutes of its proceedings showing the vote of each member on each question or the fact that a member is absent or fails to vote. The commission shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the office of the Town Secretary as public records.

F. Building and Standards Commission Powers and Duties

1. The building and standards commission has the authority to enforce the enumerated health and safety ordinances authorized by V.T.C.A., Local Government Code chapter 54, subchapter C, as amended. Specifically, the commission may:
 - a. order the repair, within a fixed period, of buildings found to be in violation of an ordinance;
 - b. declare a building substandard in accordance with the powers granted by this subchapter;
 - c. order, in an appropriate case, the immediate removal of persons or property found on private property, enter on private property to secure the removal if it is determined that conditions exist on the property that constitute a violation of an ordinance, and order action to be taken as necessary to remedy, alleviate, or remove any substandard building found to exist;
 - d. issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the municipality, to enforce and carry out the lawful orders or directives of the commission panel. determine the amount and duration of the civil penalty the municipality may recover, not to exceed \$1000 per day, except that a civil penalty under this section may not exceed \$5,000 a day for a violation of an ordinance relating to point source effluent limitations or the discharge of a pollutant, other than from a non-point source, into a sewer system, including a sanitary or storm water sewer system, owned or controlled by the municipality.
 - f. except that a civil penalty under this section may not exceed \$5,000 a day for a violation of an ordinance relating to point source effluent limitations or the discharge of a pollutant, other than from a non-point source, into a sewer

system, including a sanitary or storm water sewer system, owned or controlled by the municipality.

2. The Town, through its Building and Standards commission, or court of appropriate jurisdiction, has the authority to enforce the enumerated health and safety ordinances authorized by V.T.C.A., Local Government Code chapter 212, subchapter A, as amended. The Town does, by this ordinance, adopt the statutory authority to require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building that is:

- a. dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;
- b. regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
- c. boarded up, fenced, or otherwise secured in any manner if:
- d. the building constitutes a danger to the public even though secured from entry; or
- e. the means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by Subdivision (2. b).

3. To further clarify the actions which may be taken pursuant to the Local Government Code Chapters 54 and 214, the commission may take action:

- a. To require the reduction in occupancy load of an overcrowded structure or vacation of a structure that is reasonably dangerous to the health, safety or welfare of the occupants.
- b. To require, as an alternative to demolition of a structure found to be an urban nuisance, the repair of the structure by the owner or by the city.
- c. To require the demolition of a structure found to be an urban nuisance.
- d. To require the removal of personal property from a structure ordered vacated or demolished. Removal may be accomplished by use of city forces or a private transfer company if the owner of the personal property is not known, or the whereabouts of the owner cannot be ascertained, or the owner fails to remove the personal property. The commission may cause any personal property removed to be stored in the care and custody of a bonded warehouse facility. Cost of removal and storage are the responsibility of the owner of the personal property.

e To require a vacant structure or vacant portion of a structure constituting a dangerous condition or nuisance to be securely closed and made safe.

f To require or cause the correction of a dangerous condition on the land. Correction of a dangerous condition may be accomplished by city forces or private contract. Costs of correction are the responsibility of the owner.

g To assess a civil penalty, not to exceed \$1,000.00 a day, against a property owner for each day or part of a day that he fails to repair or demolish a structure in compliance with a commission order issued under this article.

h To cause an act to be brought in district court in accordance with V.T.C.A., Local Government Code § 214.003, as amended, for the appointment of a receiver for property found to be an urban nuisance.

i To require relocation of the occupants of a structure found to be an urban nuisance.

j To declare a building substandard in accordance with the powers granted by V.T.C.A., Local Government Code chapter 54, subchapter C [§ 54.031 et seq.], as amended.

k To issue orders or directives to any peace officer of the state, including a sheriff or constable or the chief of police of the city, to enforce and carry out the lawful orders or directives of the commission.

G. Notice and Order

1. A notice of a hearing sent to an owner, lienholder, or mortgagee under this section must include a statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

2. After the public hearing, if a building is found in violation of standards set out in the ordinance, the municipality may order that the building be vacated, secured, repaired, removed, or demolished by the owner within a reasonable time as provided by this section. The municipality also may order that the occupants be relocated within a reasonable time. If the owner does not take the ordered action within the allotted time, the municipality shall make a diligent effort to discover each mortgagee and lienholder having an interest in the building or in the property on which the building is located. The municipality shall personally deliver, send by certified mail with return receipt requested, or deliver by the United States Postal Service using signature confirmation service, to each identified mortgagee and lienholder a notice containing:

- a. an identification, which is not required to be a legal description, of the building and the property on which it is located;
- b. a description of the violation of municipal standards that is present at the building; and
- c. a statement that the municipality will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.

3. Filing of Pre-Hearing Notice Binds Subsequent Owners—

As an alternative to the procedure prescribed by Subsection G.5., the municipality may make a diligent effort to discover each mortgagee and lienholder before conducting the public hearing and may give them a notice of and an opportunity to comment at the hearing. In addition, the municipality may file notice of the hearing in the Official Public Records of Real Property in the county in which the property is located. The notice must contain the name and address of the owner of the affected property if that information can be determined, a legal description of the affected property, and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice. If the municipality operates under this subsection, the order issued by the municipality may specify a reasonable time as provided by this section for the building to be vacated, secured, repaired, removed, or demolished by the owner or for the occupants to be relocated by the owner and an additional reasonable time as provided by this section for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner. Under this subsection, the municipality is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order in the event the owner fails to timely take the ordered action.

4. Within 10 days after the date that the order is issued, the municipality shall:

- a. file a copy of the order in the office of the municipal secretary or clerk, if the municipality has a population of 1.9 million or less; and
- b. publish in a newspaper of general circulation in the municipality in which the building is located a notice containing:
 - i. the street address or legal description of the property;
 - ii. the date of the hearing;

- iii. a brief statement indicating the results of the order; and
- iv. instructions stating where a complete copy of the order may be obtained.

5. After the hearing, the municipality shall promptly mail by certified mail with return receipt requested, deliver by the United States Postal Service using signature confirmation service, or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. The municipality shall use its best efforts to determine the identity and address of any owner, lienholder, or mortgagee of the building.

6. Hearing and Order—

In conducting a hearing authorized under this section, the municipality shall require the owner, lienholder, or mortgagee of the building to within 30 days:

- a. secure the building from unauthorized entry; or
- b. repair, remove, or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.

7. If the municipality allows the owner, lienholder, or mortgagee more than 30 days to repair, remove, or demolish the building, the municipality shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the hearing official.

8. Order and Time for Compliance—

A municipality may not allow the owner, lienholder, or mortgagee more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:

- a. submits a detailed plan and time schedule for the work at the hearing; and
- b. establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.

9. Assurances of Compliance During the Extension Period--

If the municipality allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the municipality shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the municipality to demonstrate compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the hearing official or the hearing official's

designee to demonstrate compliance with the time schedules. If the owner, lienholder, or mortgagee owns property, including structures or improvements on property, within the municipal boundaries that exceeds \$100,000 in total value, the municipality may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building under this subsection. In lieu of a bond, the municipality may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the municipality. The bond must be posted, or the letter of credit or third party guaranty provided, not later than the 30th day after the date the municipality issues the order.

10. Burden of Proof—

In a public hearing to determine whether a building complies with the standards set out in an ordinance adopted under this section, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

11. Failure to Comply with Order—

If the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the municipality may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense. This subsection does not limit the ability of a municipality to collect on a bond or other financial guaranty that may be required by Subsection 10.

12. Expenses-

If a municipality incurs expenses under Subsection 12., the municipality may assess the expenses on, and the municipality has a lien against, (unless it is a homestead as protected by the Texas Constitution) the property on which the building was located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the municipality for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the municipality, and the balance due.

13. Privileged Lien---

If the notice is given and the opportunity to relocate the tenants of the building or to repair, remove, or demolish the building is afforded to each mortgagee and lienholder as

authorized by Subsection (d), (e), or (g), the lien is a privileged lien subordinate only to tax liens.

14. Civil Municipal Court-- A hearing under this section may be held by a civil municipal court.

15. Due Diligence to Determine Persons in Interest--

A municipality satisfies the requirements of this section to make a diligent effort, to use its best efforts, or to make a reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee if the municipality searches the following records:

- a. county real property records of the county in which the building is located;
- b. appraisal district records of the appraisal district in which the building is located;
- c. records of the secretary of state;
- d. assumed name records of the county in which the building is located;
- e. tax records of the municipality; and
- f. utility records of the municipality.

16. Notice Delivered--

When a municipality mails a notice in accordance with this section to a property owner, lienholder, mortgagee, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

18. Pursuant to Sec. 214.0011, Texas Local Government Code, entitled ADDITIONAL AUTHORITY TO SECURE SUBSTANDARD BUILDING. The Town by ordinance has established minimum standards for the use and occupancy of buildings in the municipality regardless of the date of their construction and may adopt other ordinances as necessary to carry out this section. The Town may, and does, adopt the following authority:

- a. The municipality may secure a building the municipality determines:
 - (1) violates the minimum standards; and
 - (2) is unoccupied or is occupied only by persons who do not have a right of possession to the building.
- b. Before the 11th day after the date the building is secured, the municipality shall give notice to the owner by:
 - (1) personally serving the owner with written notice;
 - (2) depositing the notice in the United States mail addressed to the owner at the owner's post office address;
 - (3) publishing the notice at least twice within a 10-day period in a newspaper of general circulation in the county in which the building is located if personal

service cannot be obtained and the owner's post office address is unknown;
or

- (4) posting the notice on or near the front door of the building if personal service cannot be obtained and the owner's post office address is unknown.

c. The notice must contain:

- (1) an identification, which is not required to be a legal description, of the building and the property on which it is located;
- (2) a description of the violation of the municipal standards that is present at the building;
- (3) a statement that the municipality will secure or has secured, as the case may be, the building; and
- (4) an explanation of the owner's entitlement to request a hearing about any matter relating to the municipality's securing of the building.

d. The municipality shall conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the municipality's securing of the building if, within 30 days after the date the municipality secures the building, the owner files with the municipality a written request for the hearing. The municipality shall conduct the hearing within 20 days after the date the request is filed.

e. A municipality has the same authority to assess expenses under this section as it has to assess expenses under Section [214.001\(n\)](#). A lien is created under this section in the same manner that a lien is created under Section [214.001\(n\)](#) and is subject to the same conditions as a lien created under that section.

f. The authority granted by this section is in addition to that granted by Section [214.001](#).

H. Expenses Related to Securing of a Structure

The Town has the same authority to assess expenses relating to the securing of a Structure as it has to assess expenses under subsection S. Remedies in Event of Noncompliance and a lien is created under this section in the same manner that a lien is created under subsection S. and is subject to the same conditions as a lien created under that subsection.

I. Seizure and Sale to Recover Expenses

The Town may foreclose a lien on property under this section:

1. In a proceeding relating to the property brought under Subsection E, Chapter 33, Tax Code (V.T.C.A., Tax Code §33.91 et seq.); or
2. In a judicial proceeding, if:
 - i. A Structure on the property has been demolished;
 - ii. A lien for the cost of the demolition of the Structure on the property has been created and that cost has not been paid more than 180 days after the date the lien was filed; and
 - iii. Ad valorem taxes are delinquent on all or part of the property.

J. Salvage Materials

When any structure has been ordered demolished and removed, the Town shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition, removal and sale, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, to the owner, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

K. Judicial Review

Any owner, lienholder, or mortgagee of record jointly or severally aggrieved by any decision of the Commission may present a petition to a district court in Denton County, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed with the district court within 30 days after the date a copy of the final decision of the Commission is personally delivered, mailed by first class mail with certified return receipt requested, or delivered by the United States Postal Service using signature confirmation service, to all persons to whom notice may be required to be sent under this ordinance. The procedures for any such judicial review shall be the same as set forth in Texas Local Government Code §54.039.

Section 3. Savings Clause.

All rights and remedies of the Town of Shady Shores, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting pets and/or animals which have been secured at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances the same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 4. Severability Clause.

Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of

this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinance as a whole.

Section 5. Repealing Clause.

All provisions of the ordinances of the Town of Shady Shores in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the Town of Shady Shores not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. Penalty Clause.

Any person, firm or corporation (collectively referred to as "Person") violating any of the provisions of this Ordinance, shall be subject to the penalty as provided herein, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred (\$500.00) Dollars for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense. Additional Civil Penalties not to exceed \$1,000 per day, or \$5,000 per day are authorized in accordance with V.T.C.A. Local Government Code, Chapter 54, sub. C.

Section 7. Publication of the Caption Hereof and Effective Date.

This ordinance shall be in full force and effective from and after its passage and upon the posting and/or publication, if required by law, of its caption and the Town Secretary is hereby directed to implement such posting and/or publication.

PASSED by the Town Council of the Town of Shady Shores, Texas, this _____ day of _____, 2019.

APPROVED:

Cindy Aughinbaugh, Mayor

ATTEST:

Wendy Withers, Town Secretary

APPROVED AS TO FORM:

James E. Shepherd, Town Attorney

First Name	Last Name	Address	Address2	Home Phon	Occupation	Email Addr	Voter	Length of R
Tom	Muehlenber	8 Dilago Park Place	Dri	972-740-44	Retired	Tomm36@j	Yes	5 years
Bill	Emsoff	37 Hidden Valley Airpar		9.403E+09	Retired	bill.emsoff@	Yes	21 years
Sammie	Sheild	Mustang Estates		214-538-19	real Estate	sammieshie	yes	
Frank	Graham	314 S. shady			retired	fgraham65@	yes	



AGENDA MEMORANDUM

DATE: May 13, 2019
TO: Town Council
FROM: Wendy Withers, Town Secretary
SUBJECT: 2) Personnel Issues (551.071 (4) a) deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee - discuss the duties of the Town Secretary Wendy Withers

BACKGROUND/INFORMATION:

FINANCIAL IMPLICATIONS:

RECOMMENDATION/ACTION DESIRED:

ATTACHMENTS/SUPPORTING DOCUMENTATION:

None

REVIEWED BY: