

**MINUTES OF A SPECIAL MEETING OF THE TOWN COUNCIL
7:00 P.M., MONDAY SEPTEMBER 24, 2007**

Town of Shady Shores

A Special Meeting of the Town Council was held at 7:00 PM, Monday, September 24, 2007 with a quorum of said Council present, to-wit:

Olive Stephens	Mayor
Nita Watkins	Mayor Pro Tem
Polly Carter	Council Member
Charles Grimes	Council Member
Sherry Starr	Council Member
Jerry Williams	Council Member

City staff present:

Angie Warner	Town Secretary
Jim Shepherd	Town Attorney
Mike Sanders	Town Engineer

1. CALL TO ORDER

The Town council of the Town of Shady Shores convened in a Special Meeting on September 24, 2007 at 7:00 p.m., Shady Shores Community Center, 101 South Shady Shores Road, Shady Shores, Texas. Notice of the meeting was posted as required by Title 5, Chapter 551 of the Government code.

2. PUBLIC MEETING – Consideration or any appropriate action on emergency road repairs to Berry Lane

A presentation was made by Town Attorney, Jim Shepherd, regarding Berry Lane.

ACTION TAKEN: Nita Watkins made a motion to move into executive session. As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the city attorney on any agenda item listed herein. Council convened into executive session at 7:15p.m.

Nita Watkins made a motion to reconvene into open session.

Second by Polly Carter.

The motion was approved with a vote of 5-0.

Council reconvened into open session at 7:45 p.m. to take action, if any, on matters discussed in executive session.

The council deliberated on the facts of the condition of Berry Lane, including written submissions from the public and the Texas Commission on Environmental Quality (“TCEQ”). The following bids were discussed:

Nova	----- Asphalt Overlay	\$24,946.00
Nova	----- 1 Thru 5 RCP Concrete Approach	\$8,273.00

Quality Excavation -----Asphalt Overlay \$26,053.00

Mike Saunders, Town Engineer made the following recommendations:

Nova ----- Asphalt Overlay \$24,946.00

Nova ----- Culvert (Dobbs) \$8,273.00

TOTAL \$33,221.00

The Town Attorney advised the council that if the council was of the opinion that an emergency existed in accordance with the applicable state law, and wished to act on this resolution the council should (1) choose one of the bids recommended by the Town Engineer, (2) attach that bid to the proposed resolution as Exhibit A, and then vote on the resolution.

The Town Engineer recommended the Nova contract as being the best solution to the repair. The engineer also identified additional specifications, and a maintenance bond.

Resolution No. 679

WHEREAS, the Town of Shady Shores has roadways which are subject to flooding if and when the reservoir known as Lake Lewisville is above its normal level; and

WHEREAS, the Town has one subdivision whose primary point of access on Shady Shores Road was flooded leaving the only access for residents, fire, police and EMS services by vehicle over Berry Lane; and

WHEREAS, the Town has carefully reviewed the facts and circumstances of the ingress and egress to the Oakwood subdivision as a result of such flooding of Shady Shores Road, and determined that the temporary repairs are inadequate, and more permanent repair is needed immediately;

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

1. The matters in the preamble above are true.
2. Berry Lane is in need of further repair, to reduce danger to the public health, safety and welfare of the citizens affected as a result of its need for additional repair.
3. The public health and safety of the residents using the roadway, and the condition of Berry Lane constitute an emergency within Shady Shores, and the Council does find an emergency exists.

4. Therefore, the bid attached to this Resolution as Exhibit A is approved as an expenditure authorized by Chapter 252 of the Texas Local Government Code as follows:

- “(1) a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality;
- (2) a procurement necessary to preserve or protect the public health or safety of the municipality's residents;
- (3) a procurement necessary because of unforeseen damage to public machinery, equipment, or other property;”

5. Funds expended for this bid are authorized and approved by the Council Pursuant to Chapter 102 of the Texas Local Government Code as an emergency expenditure, and/or for municipal purposes.

6. The Mayor and City Secretary are authorized to make and file such budget amendments as are specifically necessary to carry out the payment of the emergency road repair bid and contract attached hereto as Exhibit A.

7. Any change orders are to be returned to council for consideration and action.

RESOLVED AND APPROVED THIS _____ DAY OF _____, 2007,
BY THE TOWN COUNCIL OF THE TOWN OF SHADY SHORES, TEXAS.

Mayor Olive Stevens

Attest:

Angie Warner, City Secretary
Approved as to form:

James E. Shepherd, Municipal Attorney

ACTION TAKEN: Jerry Williams made the motion to adopt Resolution No. 679 regarding emergency repair to Berry Lane. Repairs will include asphalt overlay and repair to the drainage culverts as described in the Resolution. Exhibit A to the Resolution is the bid of Nova Construction, with the additional request of a maintenance bond and some additional specifications from the Town Engineer, for a total of \$33,221.00.

Second by Polly Carter.

The motion was approved with a vote of 5-0.

3. ADJOURN

ACTION TAKEN: Jerry Williams made a motion to adjourn the Special Meeting of September 24, 2007.

Second by Nita Watkins.

The motion was approved with a vote of 5-0.

Olive Stephens, Mayor

Attest:

Town Secretary