



CITY OF SUNRISE BEACH VILLAGE to

124 Sunrise Drive
Sunrise Beach Village, Texas 78643-9283

Telephone (325) 388-6438
Fax (325) 388-6973
Website :<http://cityofsunrisebeach.org>
e-mail: srbv@cityofsunrisebeach.org

Tommy Martin, Mayor
Fred Mayor Pro Tem Butler, Mayor Pro Tem
Hank Commissioner Gath, Council member
Dan Gower, Council member
Mike Byrd, Council member
Ruth Stanley, Council member

Stated Council Meeting Minutes

A stated meeting of the above-named council was held on December 20, 2018 at 2:30 p.m. at the Civic Center, 124 Sunrise Drive, Sunrise Beach Village, Texas 78643-9283.

1. Call to Order and Establishment of Quorum.

Mayor Pro Tem Butler called the meeting to order at 2:30 p.m. declaring that a quorum was present. Council members present were Mayor Pro Tem Fred Butler and Councilmembers Mike Byrd, Hank Gath, Dan Gower and Ruth Stanley. Mayor Tommy Martin was not in attendance; therefore, Mayor Pro Tem Butler presided over the meeting. There were seven (7) meeting attendees present. Also, in attendance was City Secretary Linda Wendling, Code Enforcement Officer Danyelle Morgan and Comptroller Sandy Peshorn. (There were additional attendees that appeared after calling the meeting to order.)

2. Citizens to be heard.

Commissioner Peter Jones provided an update to the meeting members and guests regarding the status of Llano County and the City of Sunrise Beach. Council and audience discussion ensued throughout the update and Commissioner Jones responded to every question as posed. The update consisted of:

> Update on flood; debris removal:

» Approximately one thousand (1,000) cubic yards of debris has been removed from Sunrise Beach Village via the Interlocal Agreement between the City and Llano County.

» The approximate bill for the City of Sunrise Beach is an estimated \$55,000.00; however, the final bill has not been received yet.

» The method of calculation for reimbursement has not been finalized and the Commissioners Court would like to be presented with any suggestions, comments, payment methods, etc. so they may be fully explored and then discussed at the Commissioners Court's upcoming meetings.

»The County is now complete in removing all of the household debris and construction materials; and by request of Code Enforcement Officer Danyelle Morgan, the debris company is no longer picking up vegetative debris. Commissioner Jones outlined that Officer Morgan proposed to remove the remaining vegetative debris via city staff in order to provide a significant savings to the City's financial budget which the County approved.

» Mayor Pro Tem Butler stated that there are still appliances remaining and he is currently communicating with the debris company in order to have those remaining items picked up. In addition, Mayor Pro Tem Butler confirmed that the vegetative debris pickup by the City has been successfully completed.

> Update on flood; FEMA:

» The official declaration of a 'Federal Disaster' has not yet been approved; the Governor has applied to the President and there is currently ongoing investigation through the National Weather Service to determine if this was a one-weather related event versus multiple-weather related events. An answer is not anticipated until January or February.

» Llano County incurred approximately one million dollars' worth of debris removal costs alone and the amount of damage to roads, bridges and low water crossing's estimate in the multi-million-dollar range, which is all funds that Llano County hope to be reimbursed if an official declaration of 'Federal Disaster' is declared.

» Information was relayed in relation to the Tax Cuts and Jobs Act which was passed in December of 2017 in which a proclamation of 'Federal Emergency' must be proclaimed in order to deduct

a property owner's losses, in addition to the potential reimbursement for each household's living area in the amounts of thirty-four to thirty-five thousand (\$34,000.00 to \$35,000.00) dollars, if qualified. Therefore, the declaration of the 'Federal Disaster' proclamation is important to all citizens, municipalities and counties involved and is under constant scrutiny and continually being worked on diligently.

> Update on TCEQ Hearings/Save Sandy Creek:

» Commissioner Jones stated that after attending the Air Quality Public Meeting hosted by the Texas Commission on Environmental Quality on November 13, 2018 [a copy of the notice saved within the minutes] he stated that the majority of attending individuals spoke in opposition to allowing the permit; however, this was an Air Quality Hearing and discussing traffic, noise, etc., is not beneficial to the result of the hearing.

» Other permits Collier Materials, Inc. will need to acquire are through Texas Parks and Wildlife (which has already been rejected twice due to insufficiency, so they are reapplying), and TxDOT, Army Corp of Engineers and Llano County.

> Additional Citizen Comments included:

» Councilmember Gower provided information in relation to a recent CAPCOG meeting he attended, outlining that the entire situation regarding rock crusher permitting was on the legislature's radar; including the permitting process, the vast magnitude of increased permits which started at 50 and currently are at approximately 1,000, how quickly they are continuing to 'pop-up', the piece meal process of permitting whereby 'Air Quality' is separate from 'Water Quality,' and efforts to make the permitting process more streamlined which requires involvement of every department.

» A resident requested for explanation into the rock crusher in which Commissioner Jones responded to its operation, location, Collier Material, Inc.' permitting process and procedures, stock piles of sand, the five (5) acres involved and potential sites that may also be utilized for the same purpose.

» Discussion ensued regarding air quality, effect on the water aquifers, noise pollution, traffic, property value, light pollution and again, Commissioner Jones responded to every question as posed.

» There was inquiry regarding how to dispose of hazardous waste; Option 1 being if it is paint there is a paint hardener that is for sale over the counter and once placed inside the cans the cans may be disposed of in the regular trash pickup, Option 2 being to attend the Hazardous Waste Event which is usually held in October of each year at the Llano County substation in Buchanan Dam [also known as Fuzzy's Corner].

» Additional inquiries regarding the lowering of the lakes, the progress of the 2900 bridge repair, the debris remaining in the lakebed and the related navigation hazards, and the retrieval efforts of the previous 2900 bridge which washed away in the flood; of which Commissioner Jones responded to every question as posed. Any and all updates may be obtained by viewing various web sites such as the LCRA, Llano County, City of Sunrise Beach, and local newspapers.

Mayor Pro Tem Butler asked if there were any additional questions and upon receiving none moved onto the next agenda item.

3. Consent Items:

a) Minutes of the Stated Meeting of November 15, 2018; and,

b) Financial Reports for the month of November 2018; and,

c) Ad Valorem Tax Collection Report for the month of November 2018.

(Attachment A - C) Mayor Pro Tem Butler introduced the consent items by providing review of each bulleted item. **a) Minutes** – Mayor Pro Tem Butler introduced the minutes and Councilmember Byrd mentioned one redline item on page five (5) that has already been presented and changed. There was no additional discussion on the minutes received. **b) Financial Reports** – Mayor Pro Tem Butler introduced the financial report by stating that Ms. Remore has reviewed the final transactions for the month of November and her report reflected that all documents are correct, accurate, and reflect the financial activity for November. **c) Ad Valorem Report** – Mayor Pro Tem Butler stated that the ad valorem tax collection report is moving right along. As anticipated we have collected approximately 15.14% with a remaining 84.86% remaining for a total of \$803,348.00 due for the year. The City expects by the end of December there will be many more taxes collected. Comptroller Peshorn confirmed the report totals.

Councilmember Byrd moved to approve the consent items as provided. Councilmember Gath seconded the motion. The motion was approved by unanimous vote of the councilmembers.

4. Discussion and/or possible action on LCRA operations during the Lake LBJ flood of October 16, 2018, and future flood management procedures.

Mayor Pro Tem Butler offered the floor to Councilmember Byrd in relation to this item. Councilmember Byrd addressed the meeting members and guests and provided an update of his communications and forward action requests. Council and audience discussion ensued throughout the update and Council and/or Commissioner Jones responded to every question as posed. The highlights of the update include:

» Councilmember Byrd outlined communications and emails between Commissioner Jones, Councilmember Byrd and General Manager Phil Wilson regarding the removal of dangerous debris from the water and continuing concerns related thereto.

» Councilmember Byrd outlined concerns that the flood operations may not have been conducted properly, reviewing the rainfall in the city of Junction and then Mason County and contiguous counties in which only one flood gate was opened throughout that time span, suggesting that if additional gates had been opened it may have thwarted some devastation. Additional information was provided in relation to previous floods and how the previous operations mitigated the volume of devastation, and the many concerned residents that are raising the same issue.

» Councilmember Byrd stated that his objective is for the City to contact the LCRA, Governor Abbot, and other appropriate individuals by creating a resolution and/or letter to them regarding the LCRA actions taken and that additional oversight be considered to ensure that this does not occur again. In addition, Councilmember Byrd outlined his intentions to personally express his opinions and apply pressure to the LCRA.

Upon that announcement many items were discussed; including,

- In previous floods the gates were opened earlier, and the damage was minimal; and,
- Inquiries of the flood gates not being opened due to the shutdown of the power plant and money issue; and,
- LCRA stated that their concerns are for infrastructure, dams, the Ferguson power plant and electrical plants and not so much for personal, water-front properties when viewing the vast map of responsibilities; and,
- The LCRA did provide one hundred thousand dollars to Burnet County and the same to Llano County to assist in the flood recovery efforts; and,
- Statements of the above funding being inadequate to provide relief to the seven communities and two cities that were affected.
- Upon request Commissioner Jones inquired into lake bed burning and was informed that the Water Code of Texas states it is prohibited; however, you may obtain a waiver from the LCRA, but they are generally not willing to grant waivers.
- Outlining that these discussions nor request to send a letter is to place blame, but to seek a modified process for future floods and/or the necessity for oversight which may be required by the Senate or House of Representatives since currently those decisions rely upon the Engineers alone.
- Councilmember Gower presented his suggestion that before an official letter is sent from the Council on behalf of the City that we have up-to-date and accurate data, including the impact of the surrounding affected areas, lakes, and rice farmers. The huge amount of debris moving down the river is a critical consideration so collective information must be obtained before determining if LCRA made a mistake as they bear responsibility for all those entities as well.

Upon lengthy discussion Mayor Pro Tem Butler inquired if there were any additional questions or comments from the Council. Further discussion by Mayor Pro Tem Butler and Commissioner Jones stated that perhaps a thoughtful resolution may be considered and perhaps seeking interest in sister cities' willingness to sign same, the possibility of including a future goal to ascertain the best interests for every citizen, community, and city involved. Councilmember Byrd took forward action to compose a resolution/letter for review and consideration.

Mayor Pro Tem Butler inquired if there were any additional questions and upon receiving none moved forward with the next agenda item.

5. Discussion and/or possible action on repair projects and costs related to the October 16, 2018 flood. (Attachment D) Mayor Pro Tem Butler offered the floor to Code Enforcement Officer Danyelle Morgan. Officer Morgan stated that herself and Councilmember Gath have been working on this item and provided an update to the meeting members and guests regarding the upcoming repair projects and estimated costs which included:

- Repairs at McNair Park are an estimated \$1,700.00; and,
- Repairs to East Lakeshore Park, due to the pier being taken out, is estimated at \$3,000.00; and,
- The inclusion of the boat ramp being taken out is an estimated \$5,000.00; and,
- GSLE park has two estimates – one is if replacing the small retaining wall at \$8,000.00 versus moving further along the larger retaining wall and considering boat ramp for \$25,500.00; and,
- Considerations of bathrooms including repair, paint and new toilets at an estimated \$500.00; and,
- Consideration of the Civic Center gutters for an estimated \$1,100.00; and,
- The Police boat house whereby the boat was rammed into the roof, replacement of pillars and roofing estimating \$1,000; and,
- In addition, there is the cost of C & D Haul off at an estimated cost of \$61,000.00 and a debris haul off of an estimated \$10,000.00.

Discussion ensued and Code Enforcement Officer Morgan responded to every question as posed. Code Enforcement Officer Morgan continued by providing review of the 51,000 cubic feet of haul off materials and discussed her proposal that the City staff work with the vegetative debris which saved an estimated \$28,000.00 to the City costs.

Discussion continued including:

- Lowering of the lake, pulling the debris out of the lake, and the liability always being the responsibility of the property owner; and,
- East Lakeshore Park is closed and at this moment the City may not announce a estimated date of reopening until the lake is down and the City has had the opportunity to view all of the damage incurred; and,
- Discussion on Cottonwood Park Lane, North Beach and South Beach being the hardest hit and road repair action and costs; and,
- Statements from residents regarding damage to roadway due to heavy trucks/equipment coming through the city and Code Enforcement Officer Morgan is handling same; and,
- Statements from Commissioner Jones and audience regarding photographs to present to FEMA and inquiring of that process and forward action; Code Enforcement Officer Morgan in connection with her staff and the County and Council are handling same and staying in constant contact with the County and Commissioner Jones in attempts to move forward in the City's best interests; and,
- Upcoming meetings to take place on January 7th with County Judge Cunningham who plans on meeting with all city leaders, FEMA, Commissioners, etc. in hopes of moving forward with FEMA.

Mayor Pro Tem Butler inquired if there were any additional questions. Additional discussion ensued regarding the City's reserve funds, the costs of the county debris removal and additional inquiries.

6. Discussion and/or possible action on retaining KC Engineering to serve as City Engineer for Island project.

Mayor Pro Tem Butler introduced this item by stating that meetings and negotiations have been taking place with KC Engineering; however, since the City's lawyers are still working on a proposed agreement to present to Council this item will be tabled until such agreement(s) are ready for presentation and consideration.

7. Announcements:

Mayor Pro Tem introduced Item 7, Announcements, by immediately providing the floor to Councilmember Gath.

- Councilmember Gath addressed the meeting members and guests by stating that he had the opportunity to attend a meeting at the Llano Community Center whereby he met Mr. Riley Mitchell, Director of Llano's Chamber of Commerce. This meeting's intention was to raise awareness of the flood victims and to raise funds to provide assistance. Councilmember Gath stated that there is an upcoming event which will take place on February 16th and 17th and the funds raised are given to the Long-Term Recovery Committee which is made up of State agencies to distribute funds to the flood affected

individuals that need assistance the most. There was discussion regarding the need for a high caliber musician, the events location, the arena size, the silent auction, and that it is anticipated to be an all-day event on Saturday and Sunday, food and drink will be available and estimated admission charges were discussed. Councilmember Gath stated that as more information is received, he would inform City Hall.

- Councilmember Byrd spoke out to state that he just received an email and the agenda for the January 9th meeting of the Sunset Advisory Commission regarding the LCRA is now available for review. Secretary Wendling requested that he provide additional information at the closure of the meeting. [Please visit <https://www.sunset.texas.gov/meetings> for additional information.]

Mayor Pro Tem continued with Announcements; highlighting,

- **Election Information: Update on the May 4th, 2019 Municipal Election**
 - › **The Notice for a Deadline to File Application for a Place on the Ballot is January 16th beginning at 8:30 a.m. until February 15, 2019 ending at 5:00 p.m.**
 - › **This Notice was posted by SOS requirements on the 17th day of December (30 calendar days before the 1st date to apply for a place on the ballot).**
 - › **Please check our website under the 'Elections Tab' for updates.**

Mayor Pro Tem announced the three (3) Council positions that were up for election and audience discussion ensued with Mayor Pro Tem and Secretary Wendling responding to each question as posed.

- **City Offices will be closed on December 24th & 25th in observance of the Christmas Holiday.**
- **City Offices will be closed on January 1st, Tuesday, in observance of New Year's Day.**
- **Ms. Gay Dippel is offering new classes in Sunrise Beach on Tuesdays and Thursdays at 9:00 a.m. at the Civic Center entitled, "Absolute Embodiment – a visible feeling". The first date of class, after the Holidays, will be January 8th, 2019. Additional information is located at City Hall.**

- Mayor Pro Tem stated that there is additional information located at the sign-in sheet that provides a list of 'frequently asked questions' about the lowering of the lake which was provided by the LCRA in addition to a summary provided by Commissioner Jones highlighting comments from the Precinct 1 Town Hall Meeting, that took place on December 13, 2018.

- Secretary Wendling stated that there is additional information regarding the upcoming May Council Elections which is located at the sign-in sheet and encouraged residents to visit the city's website for more election information. Secretary Wendling stated that more importantly, she would like to thank the Citizens of Sunrise Beach Village on behalf of herself and all the staff for their Christmas 'bonuses'. Ms. Wendling stated that the Citizens have been through so much the last few months and lost so many personal effects and things of value and for the Citizens to reach out to say thank you to the staff the way they did, it was simply remarkable.

- Mayor Pro Tem Butler stated that with the onset of the flood, the Mayor having to be temporarily unavailable and the many additional items that needed to take place during the last few months, that he wanted to thank the staff, stating that every staff member in every department stepped up and went above and beyond and stated a sincere thank you for doing a wonderful job.

- Resident Jeff Elder spoke in relation to a 'you tube' link regarding the LCRA and flooding and upon discussion Mr. Elder will forward that link to Councilmember Byrd. [The link is <https://www.youtube.com/watch?v=oJWmkbH-nOQ> and has since been forward to each councilmember for review by request of Councilmember Byrd, in addition has been placed in the December 20, 2018 official minutes for permanent retainage.]

- Councilmember Gower stated that there are three (3) Christmas Eve services that are announced on the City's 'blue board' which is the Federated Church services at 2:00 p.m., the Catholic Church Mass is at 4:00 p.m., and the Baptist Church services at 5:00 p.m.

Upon receiving no additional comments or announcement Mayor Pro Tem Butler called the meeting to a close.

8. Adjournment.

The meeting adjourned at 3:39 p.m.

/s/ Linda A. Wendling
Linda A. Wendling, City Secretary

12/20/2019
Date