



CITY OF SUNRISE BEACH VILLAGE

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Tommy Martin, Mayor
Fred Butler, Mayor pro tem
Hank Gath, Councilman
Dan Gower, Councilman
Mike Byrd, Councilman
Ruth Stanley, Councilman

STATED COUNCIL MEETING MINUTES

A stated meeting of the above-named council was held on February 21, 2019 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 Martin called the meeting to order at 2:30 p.m. declaring that a full quorum was present. Councilmembers present were Fred Butler, Hank Gath, Dan Gower, Mike Byrd and Ruth Stanley. There were six (6) audience attendees present. Also, in attendance was City Secretary Linda Wendling, Comptroller Sandy Peshorn, Code Enforcement Officer Danyelle Morgan and Police Chief Laurie Brock.

2. Citizens to be heard.

- Resident Charlie Trammel addressed the meeting members and guests by providing information in relation to the damages that resident Debbie West suffered via the October flood. [Item #6 on the agenda] Mr. Trammel stated that the entire lower level of her house in Sunrise Beach flooded and required demolition; now it is a vacant lot with a good boat dock remaining and therefore it is not compliant with City ordinances. In addition, she lost another house in one of our sister cities. Mr. Trammel represented Ms. West by stating that she is requesting a one-year extension to build a main structure so that the boat dock does not have to be removed. Mr. Trammel indicated that the boat dock is in good condition and the lot is currently under contract. Mayor Martin stated that this is Item 6 on the agenda; however, he could move the item forward for discussion and a vote. Councilmember Gower moved to provide an extension of one year in which to construct a main residence and bring the property into compliance. Councilmember Butler seconded the motion. The motion carried by unanimous vote.

3. Consent Items:

- Minutes of the Stated Meeting of January 17, 2019; and**
- Financial Reports for the month of January 2019; and**
- Ad Valorem Tax Collection report for the month of January 2019.**

(Attachment A – C) Mayor Martin introduced the consent items by providing review of each bulleted item. **a.) Minutes** - There were no additions or corrections voiced; however, Secretary Wendling highlighted three (3) typographical errors that were brought to her attention earlier by Councilmember Gower. **b.) Financial Report** – Mayor Martin stated that Ms. Remore has reviewed the financial transactions and certified that they accurately reflect the financial activity for the month of January. **c.) Ad Valorem Report** – Comptroller Peshorn briefly reviewed the Ad Valorem tax report and stated that the tax collections are on track with 87.26% being collected to date. Councilmember Byrd moved to approve the consent items as presented with the real time corrections to the minutes. Councilmember Gath seconded the motion. The motion carried by unanimous vote.

4. Discussion and possible action on replat request from property owner Marshall Bridges, to replat Lots 8 and 9, Timber Cove Unit, into one combined unit.

(Attachment D) Mayor Martin introduced this replat request by inquiring if the Council had any questions or concerns. Council discussion ensued and Councilmember Gower stated that he surveyed the area in question and perceived no problems in granting this request as everything is in accordance with the City's ordinances. Councilmember Gower moved to approve the replat request as submitted. Councilmember Butler seconded the motion. The motion carried by unanimous vote.

5. Discussion and/or possible action on request from property owner Paul Fredrickson to purchase property in the City's right of way to enable construction of a garage.

(Attachment E) Mayor Martin introduced this item by providing the property dimensions relative to this request and stated that historically the Council has made similar approvals, citing an example of the Remore residence. Council discussion ensued in relation to previous approvals that were approved by Council action. Council and audience discussion ensued including: the sales price has not been determined, the amount of square footage requested by the property owner, market price, closing costs and warranty deeds. Resident Trammel stated that determining fair market value will be difficult and would require an appraiser. Council and audience discussion ensued with Mayor Martin responding to every question as posed. Councilmember Butler moved to approve the property purchase as requested pending the determination of the reimbursement of costs to facilitate the sale and that the costs, both buyers and sellers, are reimbursed by the purchaser. Councilmember Byrd inquired if the sale of the property in question would affect the traffic dynamics of the turn located at this area. City Inspector Morgan responded that the City will still retain a large amount of property around that curve and therefore it will have no adverse effect on traffic. Upon no further discussion Councilmember Byrd seconded the motion. The motion carried by unanimous vote.

6. Discussion and/or possible action on request from property owner Debbie West, Unit 2A, Lot 161, requesting extension of one year for a building permit regarding existing boat dock and unimproved/flood damaged lot. (Attachment E)

This item was covered during the consent items. A one-year extension was approved by unanimous vote.

7. Discussion and/or possible action and ratification on Professional Services Agreement between the City of Sunrise Beach Village and Bleyl Engineering. (Attachment F)

Mayor Martin introduced this item by stating that these legal services are necessary due to the ongoing construction permit of the Island Tract in Sunrise Beach and the City's liability, if any, of offering water to that Island Tract. Mayor Martin stated that the Bleyl Engineering firm will advise the City of what actions must transpire and provide recommendations throughout the process. Mayor Martin indicated that due to necessity he has already signed the contract and wished to bring it before Council in order to review and remain open to the public. Council discussion ensued including the agreement price, scope of their coverage, evaluation of the drawings with feasibility aspects, a private water line versus a city water line and it was stated that at this time the firm is currently gathering all the facts in relation to same. Council discussion continued involving previous approvals the City has made and ramifications of those, the Island Tract has an old water application with no tap fees being paid and the request for a City Engineer to also review and advise the City. Upon conclusion of discussion, Councilmember Butler moved to ratify the agreement as presented. Councilmember Gath seconded the motion. Councilmember Byrd abstained from the vote. The motion carried by unanimous vote of the voting council members.

8. Discussion on Police Report from Police Chief Laurie Brock's racial profiling report.

(Attachment G) Mayor Martin introduced this item by providing the floor to Police Chief Brock and in her absence Code Compliance Officer Morgan addressed the meeting members and guests. Officer Morgan stated that due to the passage of the Sandra Bland Act the annual reporting requirements have changed from last year to this year. Upon inquiry, Officer Morgan stated that there is nothing unusual within this annual report, it just requires more information than previous reports. Councilmember Butler moved to approve the racial profiling report as provided. Councilmember Gath seconded the motion. The motion carried by unanimous vote.

9. Discussion and/or possible action on contract renewal of the Hill Country Humane Society Animal Shelter/Adoption Center annual agreement. (Attachment H)

Mayor Martin introduced this item by stating that this contract renewal has been on the agenda several times because it has been under negotiation for approximately six (6) months. Mayor Martin stated that the contract price has been reduced to \$1,500 per year and that the City is allotted six (6) animals per year, clarifying that it is similar to last year's agreement. Discussion ensued in relation to additional charges for exceeding our animal limit and every question was responded to as posed.

Councilmember Byrd moved to approve the contract renewal as presented. Councilmember Gower seconded the motion. The motion carried by unanimous vote.

10. Discussion and/or possible action on appointment of Planning & Zoning position replacement due to resignation of existing Board Member Jamie Bishop Emerson.

Mayor Martin introduced this item by stating that due to Ms. Emerson's resignation there is a vacant position on the Planning & Zoning Board. Mayor Martin stated that Ms. Jean Glass had previously volunteered to serve on that board and therefore Mayor Martin is appointing Ms. Glass to fill the unexpired term which will end in May of 2020. Mayor Martin stated that Resident Don Black has also volunteered to serve on this Board and would like to be considered in 2019. Councilmember Gower asked who has the authority to make those appointments with Mayor Martin responding that the Appointive Powers lie within the Mayors role and responsibility. Councilmember Gath moved to confirm the appointment of Ms. Jean Glass to the unexpired term. Councilmember Stanley seconded the motion. Councilmember Gower stated that he believes this appointment is not in-line with protocol; noting that in his opinion, simply because a Committee Chairman wishes to appoint an individual or states that an individual has been appointed does not make it happen. Mayor Martin stated that to remain transparent and concise, the Mayor position makes the appointments and brings same before Council for confirmation and with his recommendation of Ms. Jean Glass, the Council is following protocol. The motion carried by a vote of four (4) to one (1). Councilmembers Butler, Byrd, Gath and Stanley voting for the motion and Councilmember Gower voting against the motion.

11. Discussion and/or possible action on proposed letter to Governor Gregg Abbott and the Lower Colorado River Authority requesting thorough review of operations in relation to flood gate operations and timelines during the October 16, 2019 flooding event. (Attachment I)

Mayor Martin introduced this item by stating that Councilmember Byrd has requested this item be heard by the Council and provided him the floor. Councilmember Byrd addressed the meeting members and guests by stating that he has drafted a proposed letter to Governor Abbot which has been reviewed by Councilmember Butler. Councilmember Byrd stated that he has listed point lines for this discussion and provided information and statements regarding this item which includes, but is not limited to:

Statement that this inquiry is limited to water operations only, voiced concerns if the operation procedures were properly handled, the fact that he submitted an open records request which resulted with an offer to meet with LCRA representatives if he would withdraw the open records request, information in relation to the meeting that took place on Tuesday, February 19th with the LCRA representatives, highlights of the speakers and the information they provided, statements that Mr. Walker is the final authority of when the flood gates are opened on any of the dams, outlined the timeframe involved for opening the gates and unanswered inquiry related to same, discussion on Hydromat revisions, the lack of a contingency plan to avoid future flooding, determination of test measurement amounts and locations and a request that LCRA hire an independent engineer to examine their programs/operations. Councilmember Byrd stated that he would like for the Council to cosign a letter to Governor Abbot and other officials requesting that the LCRA fund an in-depth study and investigation of this October 2018 flood event.

Council discussion ensued in relation to: the LCRA's transparency or lack thereof, their heavy reliance on weather forecasting, Mayor Martin's statement that each individual Councilmember can draft their own letter but he does not agree that it should be brought forth on behalf of the City and in the City's name, Councilmember Gower's addition of grammar etiquette and cautioning that if the LCRA funds the investigation then they would control the evidence. Councilmember Gower stated that he would not sign the letter unless it was reworded, and the investigation not being funded by the LCRA but by the Governor and State. Council discussion ensued and Councilmember Byrd responded to every question as posed. Upon inquiry to Councilmember Stanley and Gath, Councilmember Stanley stated she does not feel comfortable signing the letter. Audience discussion ensued with Ms. Barbara Baruch stating that the Central Texas Water Coalition is the organization that advocates for the residents when the water is too low and perhaps, they should be addressed to see if they are making any efforts due to the water being too high.

At 3:20 p.m. Councilmember Butler had to excuse himself from the meeting but stated that he is willing to review it further. [A quorum of councilmembers is still established] Council and audience discussion continued, and Councilmember Gath stated that the letter should be sent to the Sunset Review Committee for review and he is offering his services and contacts in relation to same because even though the effort is admirable, it is being directed to incorrect parties. Upon additional discussion Councilmember Byrd requested that the item be tabled until the next meeting or upon working with Councilmember Gath for a rewrite.

12. Announcements.

- **2020 Census beginning, if you do not complete their form they will knock on your door. They are looking to hire part-time and full-time employees.**

Secretary Wendling stated that the 2020 Census is beginning and there are handouts and information at the sign-in desk. It is encouraged that everyone complete the survey to avoid the 'canvassing section' whereby census takers walk door-to-door collecting information regarding that household. This year you may complete the survey online by visiting <https://respond.census.gov/acs>.

- **The Planning & Zoning Commission will have their Annual Meeting on February 28, 2019 at 2:30 p.m. at the Civic Center.**
- **CCAA's Concert in the park will take place at McNair Park on March 10th from 2:00 p.m. until 4:00 p.m.; and in case of rain the Civic Center has been reserved that same day as a backup location.**
- **SRB Lake Debris Collection Program.** Mayor Martin stated that the City only received one (1) request for a pickup which totaled a half cubic yard of debris.

13. Adjournment.

The meeting adjourned at 3:38 p.m.

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

2/21/2019
Date