



CITY OF ROLLINGWOOD
403 NIXON DRIVE, ROLLINGWOOD, TEXAS 78746

CITY COUNCIL MEETING
Wednesday, February 17, 2016

MINUTES

The City Council of the City of Rollingwood, Texas met in the Regular City Council Meeting on Wednesday, February 17, 2016 in the City Council Chambers of the Rollingwood Municipal Building located at 403 Nixon Drive, Rollingwood, Texas. Mayor Thom Farrell called the meeting to order at 7:02 p.m. Present were:

Mayor Thom Farrell, Mayor Pro Tem Sara Hutson, Alderman Joe Basham,
Aldерwoman Roxanne McKee, Alderman Michael Dyson, Alderman Bobby Dillard,
City Administrator Charles Winfield, City Secretary Robyn Ryan,
Public Works Director Jackie Bob Wright,
Chief of Police Dayne Pryor and City Attorney Doug Young

2. CITIZEN COMMENTS

-Resident Jan Noonan talked about drainage problem areas in Rollingwood and asked if anyone else was concerned about drainage.

3. PRESENTATIONS, RECOGNITIONS, ROLLINGWOOD EVENTS, SPOTLIGHT ON ROLLINGWOOD BUSINESSES

SPOTLIGHT ON ROLLINGWOOD –

Collectic Home, 2785 Bee Caves Road, Suite 325, Rollingwood, Texas. Mayor Farrell said he appreciated the tax revenue from the business.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE ROLLINGWOOD WOMEN'S CLUB "LIFE IS GOOD IN THE WOOD" 5K FUN RUN; APPROVAL OF ROUTE, USE OF THE ROLLINGWOOD PARK, PARK PAVILION AND ALL RELATED ITEMS FOR THE EVENT, TO BE HELD ON FRIDAY, APRIL 22, 2016 - MARISSA MIREUR, RWC PRESIDENT

Marissa Mireur President of the Rollingwood Women's Club addressed the council and asked for approval of the 5K Fun Run event. She stated the event would be the same as previous years except the runners would run the race route in the opposite direction. Aldерwoman McKee moved to approve the 5K Fun Run as stated, Mayor Pro Tem Hutson seconded; the motion passed 5 to 0.

Mayor Thom Farrell performed a swearing in ceremony for returning reserve Police Officer Don Bowne.

Presentation and Discussion on Oak Wilt in the Region - Clay Bales of Texas A & M Forest Services

Mr. Clay Bales of Texas A & M Forest Service addressed the council. He said "Oak Wilt" was termed a public nuisance and it was a problem that affected property values. He described it as the living trees vascular system, the fungus is then spread tree to tree through the roots. Another form is red oaks; when the tree dies they can produce a fungus under the bark, then beetles get the fungus on their feet and infect the fungus into other trees. Fungal mats form between February 1st and June 30th. The only way to prevent oak wilt was to trench; which has a 75% success rate with this process. Historically oak wilt had been confirmed in 76 counties in 2015 and over the years has increased due to non-containment. Mr. Bales presented the 5 tips to stop oak wilt:

1. Don't prune live branches on oak trees February 1st – June 30th. <http://texasoakwilt.org/>
2. Use paint on all cuts or damage to oak trees.
3. Destroy all red oaks that are dead or dying near an Oak Wilt disease center.
4. Don't move any firewood until it is well-seasoned. <http://www.dontmovefirewood.org/>
5. Plant native, non-oak tree species. <http://texastreeplanting.tamu.edu/>

Mr. Bales suggested cleaning tools after each use with Lysol. Currently the cost to trench infected trees: at chest height measure the circumference of the tree; cost \$10 per square inch to treat with a fungicide injected into the root collar of the tree and if injected at the right time, on average loss would be 25% of the canopy of the 75% of the trees saved. He referred to the map included in the council packet; stating areas of the city that oak wilt had been present but contained; Peak Pickwick, Gentry Nixon. He said current active areas were areas north of Hatley Drive and an area near Randolph Place, which needed containment. The red oaks should be removed because they were a danger and the Stratford Drive oak wilt pocket, currently was not moving. Mr. Bales concluded by saying; education of the homeowners was paramount in helping the slowing of oak wilt, and residents needed to be vigilant in identifying the problem.

Agenda item 9.01 was brought forward in the meeting.

DISCUSSION AND POSSIBLE ACTION TO ADDRESS OAK WILT CONTAINMENT MEASURES IN THE CITY AND TO REQUIRE A CERTIFIED TREE ARBORIST TO CUT AND MAINTAIN TREES IN THE CITY AND ANY OTHER ACTIONS THAT MAY ADDRESS OAK WILT IN THE CITY, INCLUDING ACTION TO ADOPT AN INTERLOCAL AGREEMENT WITH NEIGHBORING CITIES TO COORDINATE EFFORTS TO HALT THE SPREAD OF OAK WILT

There was a discussion among the council, with comments from Mr. Bales. Mayor Farrell asked if there were "funds" available for the treatment; the answer was no.

Alderman Basham moved for the Mayor and/or the City Administrator to prepare a document to be posted on Next Door Rollingwood regarding the Oak Wilt issues, move back the prohibition on trimming, to initiate an interlocal agreement with other cities and to change the dates residents are not allowed to trim oaks to February 1 through June 30. Alderman Dillard seconded; the motion passed 5 to 0.

Agenda item 8.06 was brought forward in the meeting.

DISCUSSION AND POSSIBLE ACTION ON WESTERN HILLS GIRLS SOFTBALL REQUEST TO MODIFY THEIR PROPOSAL OF A "FIELD 4" PERMANENT BACKSTOP TO INSTEAD REPLACE THE EXISTING TEMPORARY BACKSTOP WITH A NEW TEMPORARY BACKSTOP AND HAVE THE COST COUNT TOWARD THEIR CAPITAL IMPROVEMENT BUDGET.

Mr. Bill Bishop of WHGS addressed the council regarding the agenda item. Alderman Basham moved to approve the request to modify the backstop as stated in the agenda item. Alderwoman McKee seconded; the motion passed 5 to 0.

DISCUSSION AND POSSIBLE ACTION TO ASK CITIZENS OF ROLLINGWOOD TO TURN OFF THEIR HOUSE LIGHTS ON SATURDAY, MARCH 19TH FROM 8:30 PM TO 9:30 PM, IN HONOR OF THE 10TH YEAR ANNIVERSARY OF EARTH HOUR

There was no discussion or action on the agenda item.

4. CONSENT AGENDA

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE MINUTES FROM THE REGULAR CITY COUNCIL MEETING OF JANUARY 20, 2016

Alderman Basham moved to approve the Consent Agenda, Alderman Dillard seconded; the motion passed 5 to 0.

5. PUBLIC HEARINGS - 1) 104 Riley Road and 2) 601 Ridgewood Road.

104 RILEY ROAD - Proposed Re-Plat: Riley Circle Subdivision. Owner of the following property is applying to re-subdivide his property into 2 platted lots in a platted subdivision. 104 Riley Road - Current Property Legal Description – Lot 3 Blk J & .440 Acre of Reserved Blk F & J Rollingwood Sec 1 (Total 0.9577 Acres), locally known as 104 Riley Road, in Travis County, in the City of Rollingwood, Texas. Michael O Scheinberg, Owner.

The Public Hearing was opened at 8:22 p.m.

-Bettina Butcher said she was representing her mother, Resident Mrs. Thelma Stevens 2501 Hatley Drive, next door to the lot in question. They had a serious concerns regarding drainage if the lot at 104 Riley were to be re-platted.

The Public Hearing was closed at 8:26 pm.

DISCUSSION AND POSSIBLE ACTION RESULTING FROM THE PUBLIC HEARING AND RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION

Alderwoman McKee made a motion to hold the Planning and Zoning Commission ruling to deny the preliminary plat as set out by the Commission on February 4, 2016, Mayor Pro Tem Hutson seconded; the motion passed 5 to 0.

601 RIDGEWOOD ROAD - Proposed Plat: Coltrane Subdivision. Owner is applying to convert the 0.361-acre tract into a platted lot in a platted subdivision for the purpose of obtaining a building permit for a single-family residential lot. 601 Ridgewood Road - Current Property Legal Description – ABS 14 SUR 21 HILL H P, locally known as 601 Ridgewood Road, in Travis County, in the City of Rollingwood, Texas. Emily Graham Doran, Owner.

The Public Hearing was opened at 8:34 p.m. – There being no one signed up to speak the Public Hearing was Closed at 8:35 pm.

DISCUSSION AND POSSIBLE ACTION RESULTING FROM THE PUBLIC HEARING AND RECOMMENDATION FROM THE PLANNING AND ZONING COMMISSION

Alderman Basham moved to approve the recommendation from the Planning and Zoning Commission, Alderwoman McKee seconded; the motion passed 5 to 0.

6. CITY ENGINEER REPORT

Marcus Naiser of LNV, Inc. presented the Engineering Report for January 2016; the report was included in the council packet.

7. REPORTS AND INFORMATION

The following reports are available to the public at the City's administrative offices and posted to the City's website. Discussion may occur as to any matter included in such reports.

Mayor's Report - January 2016. Mayor Farrell stated he would be out of the country February 25 thru March 10th.

City Administrator City Activity Report - January 2016. City Administrator Charles Winfield presented the January 2016 city activity report to the council; a copy was included in the council packet.

City Secretary Administrative Activity Report for January 2016; the report was included in the council packet.

Public Works Director Public Works Activity Report – Brief comments were made by Public Works Director Jackie Bob Wright; the January 2016 the report was in the council packet.

DISCUSSION AND POSSIBLE ACTION ADVISING THE CITY COUNCIL OF THE CALCULATIONS WHICH WILL BE BILLED TO ENDEAVOR FOR WATER AND WASTEWATER TAP FEES FOR THE ROLLINGWOOD TOWNE CENTRE PROJECT

The agenda item was informational; there was a short discussion, no action taken on the agenda item.

Chief of Police Activity and Service Calls Report for January 2016 – Chief Pryor presented the report; a copy was in the council packet.

Municipal Court Activity Report for January 2016 was included in the council packet.

-City Stats, City Financials, RCDC Financials and contractor invoices through January 2016: LNV Inc., City Engineer / Professional Design Group, Building Official / Scanlan, Buckle & Young, City Attorney / AWR Services, Inc., Water and Wastewater Services all were included in the council packet.

AWR Services, Inc. Report regarding water and wastewater for January 2016 and the report on the “Top Ten Water Users” in the City was included in the council packet.

City Building Official Report from Mike Alexander of Professional Design Group was included in the council packet.

Texas Gas Service letters/reports and Texas Central Appraisal District reports were included in the council packet.

8. BOARDS AND COMMISSIONS

DISCUSSION AND POSSIBLE ACTION TO MAKE APPOINTMENT(S) TO BOARDS AND COMMISSIONS

There were no applications for council review. There was no discussion or action taken.

UTILITY COMMISSION REPORT - Met on February 2, 2016

There was no report from the Utility Commission and the agenda item related to the Utility Commission was taken up later in the meeting.

PLANNING AND ZONING REPORT - Met on February 4, 2016

The report was presented earlier in the meeting by Planning and Zoning Chairperson Laura Hirschfeld.

PARK COMMISSION REPORT - Met on February 8, 2016

DISCUSSION AND POSSIBLE ACTION TO APPROVE A BUDGET NOT TO EXCEED \$500 TO PROVIDE MAILER COPIES, REFRESHMENTS AND PLANTS FOR THE COMMUNITY PARK SERVICE DAY, PREVIOUSLY APPROVED BY THE CITY COUNCIL.

Alderman Basham moved to approve the agenda item as stated, not to exceed \$500, Alderman Dyson seconded; the motion passed 5 to 0.

DISCUSSION AND POSSIBLE ACTION FOR THE CITY COUNCIL TO APPROVE TO COVERING OVERAGE COSTS UP TO \$400 FOR REPLACING ONE OF THE DAMAGED FREE-STANDING PIECES OF THE PLAYScape (DINOSAUR ROCKER).

Alderman Basham moved to approve as stated, not to exceed overage costs of \$400. Alderwoman McKee seconded; the motion passed 5 to 0.

DISCUSSION OF UPPER PARK USAGE FOR CITY STORAGE PURPOSES, THE EFFECTS OF THE DEED RESTRICTIONS ON THIS USE, AND WHETHER THIS IS INTENDED AS A TEMPORARY OR PERMANENT SOLUTION FOR THE CITY'S STORAGE NEEDS.

There was discussion and no action was taken on the agenda item.

ROLLINGWOOD COMMUNITY DEVELOPMENT CORPORATION REPORT

Meeting Scheduled on February 18, 2016

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE EDGE GROVE DRIVE BRIDGE PROJECT

Mayor Pro Tem Hutson moved to approve the Edgegrove Drive Bridge Project, Alderwoman McKee seconded. Resident Gavin Massingill asked to address the council regarding the project. Alderman Basham explained the project procedural process in place. Mr. Massingill asked for definition of the parameters of the project before the council approved the project.

After further discussion Alderman Basham made a motion to limit the definition of the Edgegrove Drive Bridge Project to the survey and Task Order No. 12 as previously approved by the City Council, Alderman Dillard seconded; the motion passed 5 to 0.

9. OLD BUSINESS

DISCUSSION AND POSSIBLE ACTION TO REVIEW AND APPROVE A LIST OF RESIDENTIAL CITY STREETS WHICH WILL BE INCLUDED IN THE CAMPO BIKE LANE GRANT

- Rollingwood Drive - All
- Hatley Drive - All
- Wallis Drive - Rollingwood to Hatley
- Ridgewood Drive
- Wallis Drive from Rollingwood Drive to Hatley
- Riley Road - All from Rollingwood Drive to Stratford
- Edgegrove Drive - All
- Nixon Drive - All
- Gentry Drive- Nixon to Rollingwood and Nixon to Ridgewood
- Vale Drive – All

Mayor Pro Tem Hutson moved to approve the list of streets as stated, Alderman Dillard seconded; the motion passed 5 to 0.

UPDATE ON ENDEAVOR'S PROGRESS WITH THE "CONDITIONS" AND DISCUSSION AND POSSIBLE ACTION TO REVIEW AND THEN CONSIDER AND ACT TO ADOPT AN AMENDMENT TO THE TOWN CENTER PUD AGREEMENT FOR INCREASE THE ALLOWED SIZE OF OFFICE BUILDINGS, TO PROVIDE GREATER ACCESS TO THE PARK, AND TO PROVIDE FOR CONDITIONS, INCLUDING MEASURES TO MITIGATE LIGHT POLLUTION FROM THE DEVELOPMENT.

The agenda item was **Tabled** until the March meeting.

10. NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION TO REVIEW AND TO ADOPT A POLICY ON THE OPEN CARRY AND CONCEALED GUN LAW FOR CITY HALL

The agenda item was **Tabled**.

DISCUSSION AND POSSIBLE ACTION TO ADOPT AN INTERLOCAL AGREEMENT WITH THE CITY OF AUSTIN DEPARTMENT OF ANIMAL CONTROL TO PICKUP ANIMALS OF QUESTIONABLE DEMISE

The council was briefed by Public Works Director Jackie Bob Wright on a recent finding of a dead fox in the lower park, which required a determination of cause of death of the animal and then appropriate disposal. Mr. Wright said he made many calls to engage someone who would take care of the animal and other animals in the future. It was determined the best process was to ask the City of Austin for assistance.

Alderman Basham moved to approve an inter-local agreement with the City of Austin for animal pick up services, Alderwoman McKee seconded; the motion passed 5 to 0.

DISCUSSION AND POSSIBLE ACTION TO ADOPT AN ORDINANCE PROVIDING FOR EXPEDITED UTILITY TAP SERVICES AND FEES THEREFOR.

After a council discussion, Alderman Basham moved to adopt an ordinance as stated for expedited utility tap service fees. Alderman Dillard seconded; the motion passed 5 to 0.

DISCUSSION AND POSSIBLE ACTION TO RECOGNIZE COUNCIL MEMBER JOE BASHAM AS THE APPOINTED CHAIRPERSON OF THE TML LEGISLATIVE POLICY COMMITTEE ON UTILITIES AND TRANSPORTATION

Alderwoman McKee moved to recognize Council Member Joe Basham as the Chairperson for the TML Legislative Policy Committee on Utilities and Transportation, Alderman Dyson seconded; the motion passed 5 to 0.

DISCUSSION AND POSSIBLE ACTION TO APPOINT A MEMBER OF THE ROLLINGWOOD CITY COUNCIL AS A REPRESENTATIVE AT THE TML ANNUAL CONFERENCE TO BE HELD IN DECEMBER 2016

The agenda item was **Tabled**.

DISCUSSION AND POSSIBLE ACTION ON THE AUTHORITY OF THE BUILDING OFFICIAL AND ENFORCEMENT OF CITY BUILDING ORDINANCES

After a brief discussion, the item was **Tabled** until the March meeting.

Update, And Discussion regarding the Technical Working Group

Mayor Farrell said Wendi Hundley, Amy Pattillo, David Smith and he had attended the group meeting and presented concerns regarding the MOPAC South Project from the City of Rollingwood. Mayor Farrell added there was still time to present issues and concerns the City may have on the project and concluded by saying there would be more updates to follow.

11. EXECUTIVE SESSIONS - Mayor Farrell called the meeting into Executive Session at 11:26 pm for the following items:

EXECUTIVE SESSION - PURSUANT TO THE TEXAS GOV'T CODE SECTION 551.071 TO OBTAIN ADVICE FROM THE CITY ATTORNEY REGARDING DRAINAGE REGULATIONS AND THE EFFECTS THEREOF INCLUDING AS IT PERTAINS TO PENDING CLAIMS ASSERTED AGAINST THE CITY BY OWEN AND SALLY BRAINARD

EXECUTIVE SESSION - PURSUANT TO GOV'T CODE SECTION 551.071 FOR CONSULTATION WITH THE CITY ATTORNEY REGARDING THE CITY'S AUTHORITY TO RESTRICT DEVELOPMENT DENSITY AND PROVIDE FOR RELIEF FROM SUCH RESTRICTION IN THE FORM OF DEVELOPMENT DENSITY BONUSES SIMILAR TO THOSE PROVIDED BY THE CITY OF AUSTIN.

EXECUTIVE SESSION - PURSUANT TO THE TEXAS GOV'T CODE SECTION 551.071 TO CONSULT WITH THE CITY ATTORNEY ON A RECOMMENDATION BY THE UTILITY COMMISSION REGARDING A TAP FEE APPEAL FOR 3215 PARK HILLS DRIVE

EXECUTIVE SESSION - CONSULTATION WITH CITY ATTORNEY PURSUANT TO TEX. GOV'T CODE SECTION 551.071 REGARDING CLAIMS ASSERTED BY SCOTT CAMPBELL.

EXECUTIVE SESSION - PURSUANT TO THE TEXAS GOV'T CODE SECTION 551.071 TO CONSULT WITH THE CITY ATTORNEY AND/OR ATTORNEYS ENGAGED BY THE CITY REGARDING A POTENTIAL APPEAL OF WHOLESALE WATER AND WASTEWATER RATES CHARGED TO THE CITY. There was no Executive Session on this item.

The Executive Sessions ended and regular meeting reconvened at 12:21 am.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE AN APPEAL OF WHOLESALE WATER AND WASTEWATER RATES CHARGED BY THE CITY OF AUSTIN

There was no discussion or action on the agenda item.

DISCUSSION AND POSSIBLE ACTION TO DIRECT THE CITY ATTORNEY TO PREPARE AN ORDINANCE ON DRAINAGE FEES

No action was taken on the agenda item.

UPDATE, DISCUSSION AND POSSIBLE ACTION TO APPROVE AN AGREEMENT WITH KIRWIN HORTICULTURAL SERVICES AND EXPENDITURE IN THE AMOUNT OF \$-----FOR CONSTRUCTION AND REPAIRS TO THE BLUFF WALL AT THE LOWER PARK

Basham moved to approve an agreement with Kirwin Horticultural Services \$85,000 for construction at the rock wall at the lower park, Mayor Pro Tem Hutson seconded. After council discussion Alderman Basham retracted his original motion and stated the following motion:

Alderman Basham moved to approve an agreement with Kirwin Horticultural Services for labor in the amount of \$49,999 and to authorize the mayor to spend an additional \$45,000 for related equipment, equipment rentals and any other related items or services for the wall project at the lower park. Alderman Dillard seconded. The motion passed 5 to 0.

DISCUSSION AND POSSIBLE ACTION TO REVIEW AND TO DETERMINE IF THE WATER LINE REPAIRS MADE AT 3206 PICKWICK LANE BY THE OWNER CAN BE REIMBURSED, THE REPAIRS ARE DUE TO THE INSTALLATION OF THE 2015 BACKYARD WATER LINE PROJECT

Alderman Basham moved to authorize the mayor to settle up with the home owner at 3206 Pickwick Lane and also with the contractor, up to \$800, Alderwoman McKee seconded; the motion passed 5 to 0.

DISCUSSION AND POSSIBLE ACTION TO APPROVE A SETTLEMENT AND RELEASE AGREEMENT WITH SCOTT CAMPBELL REGARDING AN ALLEGED DESTRUCTION OF TREES AND DISPUTED UTILITY TAP FEES.

Alderman Basham moved to draft and submit and ultimately enter into an agreement with Scott Campbell for utility tap fees and destruction of trees on private property; terms of which would reflect a \$5,000 credit against a \$12,000 tap fee and a complete and final release of all claims against the city. Mayor Pro Tem Hutson seconded; the motion passed 5 to 0.

DISCUSSION AND POSSIBLE ACTION TO REVIEW THE RECOMMENDATION BY THE UTILITY COMMISSION ON FEBRUARY 2, 2016 REGARDING A TAP FEE APPEAL FOR 3215 PARK HILLS DRIVE

This agenda item was completed with Agenda Item 10.10 above.

ADJOURNMENT

There was a motion and a second to adjourn; the meeting ended at 12:41 a.m. on February 18, 2016.

Adopted on the 16th day of March, 2016.

Thom Farrell, Mayor

ATTEST:

Robyn Ryan, City Secretary