



CITY OF ROLLINGWOOD  
403 NIXON DRIVE, ROLLINGWOOD, TEXAS 78746

CITY COUNCIL MEETING  
Wednesday, March 16, 2016

### MINUTES

The City Council of the City of Rollingwood, Texas met in the Regular City Council Meeting on Wednesday, March 16, 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 7:06 p.m. Present were:

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

Alderman Roxanne McKee notified the City Council she would be late to the meeting.  
Public Works Director Jackie Bob Wright was **not** present at the meeting.

**2. CITIZEN COMMENTS** - There were no public comments.

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

PRESENTATION OF THE 2015 FYE INDEPENDENT AUDIT - Janet Pitman Principal Auditor, Alonzo, Bacarisse, Irvine & Palmer, P.C. (ABIP).

Janet Pitman presented the completed FYE 2015 audit. Each council member received a copy of the audit. Ms. Pitman outlined the governmental accounting standards and principals and the auditor's opinion. Other areas of the audit were mentioned: Net Pension Asset and a healthy fund balance. Fund Statement: the General Fund was lower due to the City spending the bond money for Capital Projects. Notes to the Financials were required: Cash and procedures, it was noted the City was in full compliance with the investment policies set out by the state standards. Funds were fully collateralized during the year. There was a restatement of the Net Position from last year: 1) change required by the governmental accounting standards board to record the net pension liability or asset. The city had assets, so it increased the fund balance from 2014. 2) Test work on Capital Assets: too much appreciation was taken over the past year, so some were added back into the Fund Balance. No significant deficiencies with internal controls and compliances were found and no instances of noncompliance. Other comments noted: There was no procedure for reviewing the completed bank reconciliations and the ACH transfers were not reviewed prior to transfers taking place. She added there was no listing of capital assets, which were classified as; life over 1 year and at least \$5,000; building(s), land, bridges, water system and equipment. Ms. Pitman thanked the administrative staff by name for their assistance during the audit process and thanked the council for the opportunity to complete the audit.

DISCUSSION AND POSSIBLE ACTION TO ACCEPT THE 2015 FYE SEPTEMBER 30, 2015 INDEPENDENT AUDIT AS PRESENTED

Alderman Basham moved to accept the FYE 2015 Independent Audit as presented, Mayor Pro Tem Hutson seconded; the motion passed 4 to 0.

SPOTLIGHT ON ROLLINGWOOD - Dr. William Betts, Neurologist and Rollingwood Resident

Mayor Farrell wanted to show his appreciation to Dr. William Betts, an Austin Neurologist who had volunteered his time and skills to help veterans with brain and head injuries when they came back from Iraq.

**4. CONSENT AGENDA**

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE MINUTES FROM THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 17, 2016

Basham moved to approve the Consent Agenda, Alderman Dillard seconded. Mayor Pro Tem stated there was a duplication of one street (Wallis Drive) under the bike lane project and asked to remove the duplication from the list. The minutes were accepted with one stated correction. The motion passed 4 to 0.

Mayor Farrell stated that he would wait until Alderwoman McKee arrived to address the agenda items in Section 5.

**6. CITY ENGINEER REPORT - LNV, Inc., Report for February 2016**

Marcus Naiser of LNV, Inc. presented his report for the month of February 2016. A copy was included in the council packet. During the engineering report; Mr. Naiser said LNV, Inc. had been working with the Utility and Planning and Zoning Commissions on the Drainage Criteria Manual (draft ordinance). A copy of the ordinance had been sent out for comments to the commissions, no comments had been received. The next step was for the ordinance to go to city council for approval.

Alderman Basham asked to address the draft drainage ordinance; his current understanding was there were requirements imposed by the city engineer on the city, related to building permits, and there were concerns/questions from applicants about the process. There had been meetings to discuss the concerns. Mr. Basham wanted clarity and guidelines for citizens to follow through the process. His understanding was larger homes being built in the City; need to comply with TCEQ requirements and Edwards Aquifer recharge zone requirements; which would be to not discharge your water onto your neighbors' property. As a result of many different requirements, new-builds were required to put in underground drainage storage (costing \$50-60k), where the water was held for a period of time, and then discharged gradually. The many terms out there are; water retention, detention ponds, water storage, etc. Mr. Basham wanted to clarify what the city was trying to address. At one point the city considered a city wide drainage study, but it did not get off the ground. At the same time there was discussion about what the city could do to address some of the specific acute problems; that are **not** at every lot in the city. He questioned what the drainage ordinance would accomplish? People who turn in their building permit, and then what do they have to do to get a building permit to build a water storage for run off? Mr. Basham wanted to know the requirements; statewide, environmental quality or imposed by the city for other reasons? And if it was a citywide drainage problem, should it be addressed individually vs. citywide. He was trying to understand the big picture and all the issues.

Mr. Naiser said "drainage criteria" covered and focused on site development plans. If you want to expand or build a larger house which would require applying for a permit; part of the permit is a site development plan that the city engineer reviews and recommends approval to the building official before he authorizes the building permit. The site development plan is basically the drainage plan; how the site is going to drain. He said the current ordinance was basic, which states it is up to the city engineers discretion and best engineering practices on the drainage plan. This may be an issue with builders/owners who may not been

through the process. He wanted a drainage criteria manual and ordinance in place that could be followed and must be stamped and sealed by an engineer. Mr. Naiser said he wanted the engineer(s) to follow a certain criteria and submit all the calculations/methodology and reasoning behind a particular site development plan so the engineer can minimize the review time and in turn send it to the building official for approval. The “criteria” focuses on the quantity of water, and is the city’s responsibility; the State says you cannot put your water on your neighbor’s property. The only thing that can be done is to detain the water by building detention structures and meter the water out slowly – pre development. It is the goal with the drainage criteria to have an ordinance to fall back on for the review process. The State requirement is 20% of impervious cover, if you go over you must submit a water abatement plan. Or you can reduce the impervious cover if you capture rainwater then you can subtract that out of your impervious cover number, to get your number under 20%, which is a state rule/requirement. This had been tied to the ordinance. Another issue during construction is sediment; due to construction dirt and excavation taking place. There is supposed to be storm water prevention in place; silt fences and gabions to catch the sediment before it goes into the city’s stormwater permit (MS4). A public hearing/meeting was held 6 months ago; 30 residents attended to discuss individual drainage issues at their property. It was not a city wide discussion. The engineer had been tracking separately these address issues, if the city decided to fund and correct some of the issues.

Alderman Basham asked “if” there was a house on a lot and the owners wanted to build a larger house, where was the line drawn in determining when someone would have to install water storage on their property. Jay Campbell of LNV, Inc. said it was TCEQ regulated; which was set at 250 sq. ft. or higher of impervious cover would require hydrologic analysis and a plan to slow down the water.

Mr. Basham asked a second question- hypothetically, if there was a city wide stormwater system, would that eliminate the requirement to have individual home owners build the water storage receptacles?

Mr. Campbell answered yes, that would eliminate the need. Alderman Dillard clarified; if we had the city infrastructure then they would not have a need for these private receptacles. Mr. Campbell confirmed.

Mayor Pro Tem Hutson said we were limited for space to have a citywide detention system.

Mayor Farrell said the way the City was set up; the water flows in the direction of your neighbor, in the streets, and into Town Lake. Over the years the city had many opinions on the drainage issues, currently the streets are the city’s drainage system, and he did not want an underground drainage system. Containment was only a peak flow of the water that came into the city. Mayor Farrell wanted the item brought back at the City Council meeting in April and to possibly hold a public hearing in the future on the subject.

Alderman Dillard said there were problems with building underground tanks; things that cannot be seen underground, such as leaking, leaching, and deterioration of metals into the soil.

Basham wanted to make sure **what** the drainage criteria ordinance was intended to cover and that it was intended to address house issues vs. city wide issues and he wanted substantial time spent with Utility and Planning and Zoning Commissions to review the document so everyone was on the same page when it was time to finalize the document.

**For the Record of the meeting - Alderwoman McKee arrived at 8:10 pm.**

After the discussion on drainage, Marcus Naiser completed the Engineering Report.

**5. PUBLIC HEARINGS - 1) 3207 GENTRY DRIVE and 2) 3209 GENTRY DRIVE AND PLANNING AND ZONING REPORT AND RECOMMENDATIONS**

PLANNING AND ZONING REPORT - Met on March 3, 2016

Laura Hirschfeld addressed the council stating the Planning and Zoning Commission recommended approval of 3207 Gentry Drive and 3209 Gentry Drive. They worked through ordinances and recommended changes to the swimming pool fence ordinances and the ordinances on fences around construction sites. She added 2804 Rollingwood Drive was addressed at the meeting, where they discussed calling a special meeting to review.

The **Public Hearing** was opened at 8:21 p.m. for: 3207 Gentry Drive - Plat lot in platted subdivision for purpose of obtaining a building permit. Current Property Legal Description: ABS 14 SUR 21 Hill HP ACR. 396, locally known as 3207 Gentry Drive, Proposed Legal: Dopkins Addition Lot 1 Blk A, Eric and Tricia Dopkins, Owners.

There being no persons signed up to speak, the **Public Hearing** was closed and regular meeting reconvened at 8:21 pm.

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

Alderman McKee moved to accept the recommendation from the Planning and Zoning Commission and to approve the plat at **3207 Gentry Drive**, Alderman Dillard seconded; the motion passed 5 to 0.

The **Public Hearing** opened at 8:23 p.m. for: 3209 Gentry Drive - Plat lot in a platted subdivision for purpose of obtaining a building permit. Current Property Legal Description: ABS 14 SUR 21 HILL HP ACR.395, locally known as 3209 Gentry Drive. Proposed Legal: Rassier Subdivision Lot 1 Blk A, Christopher Louis and Mary R. Rassier, Owners.

There being no persons signed up to speak the **Public Hearing** was closed and regular meeting reconvened at 8:24 pm.

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

Alderman McKee moved to accept the recommendation from the Planning and Zoning Commission and to approve the plat at **3209 Gentry Drive**, Mayor Pro Tem Hutson seconded; the motion passed 5 to 0.

DISCUSSION AND POSSIBLE ACTION TO AMEND THE CITY CODE OF ORDINANCES 14.02.126 - SWIMMING POOLS AND TENNIS COURTS

Mayor Pro Tem Hutson moved and Alderman Basham seconded for discussion purposes. After a lengthy discussion and input from Chair of Planning and Zoning Laura Hirschfeld; a final motion was made by Mayor Pro Tem Hutson to amend the ordinance as follows:

~~-Delete 2<sup>nd</sup> sentence in section (h) The building official is responsible to assure that the swimming pool fence/barrier around all usable swimming pools in the city is kept in usable condition as required above.~~

The next underlined section:

~~-On an annual basis or by reasonable necessity, Delete: the Building Official~~

**Add: a city official** may require a visual inspection be conducted of any swimming pool in the city for which a certificate of occupancy has been issued. The inspection shall be conducted only after ~~written or verbal~~ **reasonable** notice has been issued to the owner of the residential property.

~~Delete: At least 48 hours prior to the inspection. On a monthly basis, the Building Official will require a visual inspection be conducted of each swimming pool in the city for which a certificate of Occupancy has been issued.~~

-Changes in the following sentence where building official appears change it to “**a city official**”.

Alderman Basham re-seconded the motion. The city attorney would draft a final ordinance and submit to council for final review and approval. The motion passed 5 to 0.

DISCUSSION AND POSSIBLE ACTION TO AMEND THE CITY CODE OF ORDINANCES 4.02.051 AND 14.02.125 - FENCES

Alderman Basham moved to amend the ordinances as discussed, Alderwoman McKee seconded. After a discussion it was decided to add to the ordinance changes to the document; add - line of sight on corner lots. The motion passed 5 to 0. A final draft would be submitted to council for final approval.

Mayor Farrell called the meeting into **Executive Session** at 8:51 p.m., Reading the following: *Pursuant to the Texas Gov't Code Section 551.071 to obtain advice from the City Attorney regarding the subdivision into two lots of the property located at 2804 Rollingwood Drive and for Approval of a plan for drainage in connection with such application.*

Mayor Farrell ended the **Executive Session** at 9:15 p.m. and reconvened the regular meeting. He stated no action was taken during the Executive Session.

DISCUSSION AND POSSIBLE ACTION ON AN APPLICATION FOR SUBDIVISION INTO TWO LOTS OF THE PROPERTY LOCATED AT 2804 ROLLINGWOOD DRIVE, AND FOR APPROVAL OF A PLAN FOR DRAINAGE IN CONNECTION WITH SUCH APPLICATION

Brad Walters, owner of the property at 2804 Rollingwood Drive was not present at the meeting.

*The following section contains detailed discussion and action regarding the agenda item.*

**Doug Young** – It appears that this issue was less than crystal clear. The submission of a drainage study with in the last month by the applicant was in satisfaction of the condition of the preliminary plat approval, and did not know if the applicant intended it to be a submission for consideration of the final plat. Probably so, but it had not been communicated as far as I know. The Planning and Zoning Commission was aware that was a final act before consideration of a final plat. I have confirmed with the Building Official that everything that was required to be submitted by the applicant for a final plat consideration and action has already been submitted, so it does appear that at this point the application is right for consideration by the council. The concern of the subdivision is there a deed approval after 30 days after an application is submitted and “that” 30 days applies to Planning and Zoning and a fresh 30 days for the city council.

It looks like the timing assuming this the last act for consideration of the final plat, so the City Council probably has to take the matter up now or schedule a special meeting soon in order to avoid the running of the 30 days. The most prudent thing seems to be to take it up as a final plat. The council had information from the city engineer and the building official what sense the application is and whether it complies with all the code requirements. Just as a reminder, with subdivision; if it is a fully compliant application, you have no discretion; you must approve.

**Mayor Farrell** - the issue is drainage on the lot and confirmed with Jay Campbell of LNV, Inc. that he had reviewed the drainage plan submitted. Mr. Campbell confirmed that he had reviewed. The Mayor said the intent of that was potentially before a building was placed on the lot, there would be a drainage plan in place that would prevent a drainage issue to other adjacent properties.

**Jay Campbell** – LNV, Inc. – correct, I looked at it as a feasibility analysis to make sure or to confirm or approve that a drainage plan could be provided.

**Mayor Farrell** - but, this was not a specific to that lot – it was just a feasibility of drainage, not a specific drainage plan that says this is what we are going to do.

**Jay Campbell** – LNV, Inc. - the drainage study definitely was specific to the lot, but it was a drainage plan for a hypothetical layout, if that answers the question.

**Mayor Farrell** – the finding of that was; it was possible to do drainage without adversely affecting the adjacent properties.

**Jay Campbell** – LNV, Inc. – I found there was proof it is possible, correct.

**Doug Young** – Jay, the possibility is of a fully compliant house or structure that would also comply with the drainage regulations of the city.

**Jay Campbell** – LNV, Inc. – I looked at it from the drainage prospective he did not look at it with a house entailed; just basically drainage was all I looked at.

**Doug Young** – in other words – you didn't say “well yes you could build a 100 square foot house” – you said that you could build facilities that would address a house that met the minimum size requirement and setbacks. It may cost more but it could be done.

**Jay Campbell** – LNV, Inc. – correct.

**Mayor Farrell** – our issue is in a nutshell is if we don't take action on this then the subdivision plat would be deemed approved regardless. Is that fair?

**Doug Young** – there is a strong likelihood.

**Mayor Farrell** – what would be the... it's all about date specific, right?

**Doug Young** – date specific and the murkiness of the fact that drainage study was submitted without a request for consideration of a final plat and apparently the confusion extended to the point that Planning and Zoning did not have on their agenda consideration of a final plat, but consideration of a drainage study. Clearly the City is uncertain about what was intended as a submission of a drainage study. And the applicant was also.

**Mayor Farrell** - always thought we had plats filed as preliminary plats that showed “preliminary plat” on it and then one that said “final plat” on it.

**Doug Young**- No that is not the case. The code only refers to one plat application, the most routine kind of plat is the one for a building permit for a single lot and those are fairly routinely filed as a final plat without a preliminary plat. And, there is a procedure for that, it has to be proactively determined by the Planning and Zoning Commission to go straight to the Planning and Zoning Commission, that was not done in this case, but I think that is why there is no distinct procedure between the preliminary and final; code does not provide for it and in very common case there is no preliminary and no final.

**Mayor Farrell** – so, how do we insure this from a legal standpoint, how do we insure from a legal standpoint, how do we insure that whatever gets built there or whatever happens there; the drainage is not going to adversely affect the neighbors.

**Doug Young** - you require compliance with the city's drainage regulations which are enforced at the building permit phase.

**Mayor Farrell** – we could put that in a plat note?

**Doug Young** – you could but, it wouldn't really add anything, because compliance is required anyway.

**Mayor Farrell** – any other questions of Jay?

**Roxanne McKee** – how did you get this drainage study?

**Jay Campbell** – LNV, Inc. – I do not recall the engineers name, sorry, – Brad Walters hired someone to perform the study, which was turned into PDG, and then given to me (LNV, Inc).

**Roxanne McKee** – do you remember when that was?

**Jay Campbell** – about four weeks ago, received the last copy.

**Laura Hirschfeld PZ Chair** – the date 2009 are on several pages on this. And, the date 2015 is also on it and then it says revised in 2013. We did not get all of our questions answered at the Planning and Zoning meeting and it was part of their overall questions; was this done before 2009 or have circumstances changed or is this as current lot that refers to best engineering practices. Those are some of the things discussed with the drainage criteria manual is that not what we want these things considered (something unintelligible).

**Roxanne McKee** – can you answer some of those questions Jay?

**Jay Campbell** - the most important aspect of this is that there was no increase, it was clear in that report they provided a solution for the hypothetical layout that would reduce flows and mitigate for the increase in impervious cover such that it wouldn't increase flows, peak flows.

**Sara Hutson** – the report said there would be a minimal increase.

**Roxanne McKee** – point 1 (.1)

**Jay Campbell** – that was the old report though, I commented on that.

**Sara Hutson** – that is the report in our packet.

**Jay Campbell** - there was a revised report then, that you don't have.

**Sara Hutson** – we have not seen that. Because the one I saw showed that there would be an increase even though it is very small.

**Jay Campbell** said he commented on that.

Roxanne McKee – so, what does the new reports say in that regard?

Jay Campbell – there is no increase on the new report.

**Roxanne McKee** – No increase, not even point 1 (.1) ?

**Jay Campbell** – No increase.

- Comment from audience member - which cannot be understood due to cross talk.

**Sara Hutson**- when did the new report come in?

**Roxanne McKee** – when did the revised or new report come in or was submitted?

**Jay Campbell** - came through PDG 3-4 weeks ago.

**Sara Hutson**- how come we don't have the new report?

**Jay Campbell** – I'm not sure why you not have that.

**Roxanne McKee** – how did you get hold of it?

**Jay Campbell** – it came through PDG.

**Roxanne McKee** – OK

**Doug Young** – the report submitted to the council calls for point 1 (.1) cfs.

**Jay Campbell** – that is definitely the first report. Then I provided comments. Then there is a 2<sup>nd</sup> report.

**Mayor Farrell** – if that is all we have, I don't see, how we can approve it based on that.

**Sara Hutson** – it shows an increase... it addresses containment for or detention for the run-off from the roof, but it doesn't address the flow from non-roof impervious cover – it doesn't show the direction of flow off the property, the volume of the containment is enough for a 2" rainfall if you have 4,000 square foot roof it would hold the run off from a 2" rainfall; and then it's full. Anything more than a 2" rainfall then there would be more run off than is there right now. Some other assumptions on this drainage plan has a 38% impervious cover which is low in comparison of the new construction going in right now. Does the existing house on the lot we are subdividing have a collection system now?

**Jay Campbell** –No. The 1<sup>st</sup> study used two hypothetical layouts and the 2<sup>nd</sup> round (study) they used the existing home kept it on the lot and used a hypothetical house on the 2<sup>nd</sup> lot.

**Sara Hutson** – the version we saw the existing house has a collection system there, but if they don't have it there and they don't need a building permit, how will the City require them to get a collection system in place if they don't have to come in for a building permit.

**Jay Campbell** – the Rollingwood standard; if you are dividing a lot and you are not posing any increase to impervious cover on a particular lot then ... they... you are right, I don't see why they would...

**Sara Hutson** – how can you allow control a lot that you are not changing? To cover the increase run off in a lot that you are creating?



**Doug Young** – I think the answer is if it is jointly owned as long as they, I mean....

**Jay Campbell** - are not jointly owned? I don't know, we are looking at these individual lots

- Cross talk from several people – not able to understand

**Doug Young** - if that happens another plan would need to be developed.

**Sara Hutson** – we keep having issues were we have lots that are jointly owned, and then we subdivide and then something happens and all of a sudden now the lots are not jointly owned anymore and then we get sued, we keep having issues (stated a particular residence) – until the lot is sold and then there are problems. We cannot assume it is okay as long as it is one person owns the lot.

**Mayor Farrell** – Jay from an engineering standpoint, all this said, in you-all's opinion that this is feasible. to do?

**Jay Campbell** – I believe that truth to the attention is feasible. But we did not get into the normal detail of that we would, because it's not... a hypothetical layout, and not site specific, and of course it is going to change when we have to review it later in the process when you are going through the permitting process for whatever changes they want to make in the future, but the report did show it is possible, it's feasible.

**Roxanne McKee** – can you help me with this... you've got the 1<sup>st</sup> report – then you had changes or questions you wanted to address, – then they revised that study and gave it back to you (Jay Campbell).

**Jay Campbell** – Correct

**Roxanne McKee** – when was it you got the revised report was submitted when?

**Jay Campbell** – 3-4 weeks ago.

**Roxanne McKee** – you have nothing more specific on the date?

**Jay Campbell** – I do not know the exact date right now. I would have to look through emails to get the information. I could get back to you on that, I do not know the exact date.

**Roxanne McKee** – the reason for the revised report was because you have your own questions answered.

**Jay Campbell** – correct.

**Sara Hutson** – I have real concerns approving something or assuming its approved based on the fact that we don't have a valid copy of the report provided to the council, we don't know what the date was, we are unclear on whether or not this was intended to be approval for a final plat or not, Planning and Zoning had questions that did not get answered. We are worried that this is going to be approved by default because of some time clock going that if we don't take action, then I would move that we deny the plat, Planning and Zoning has already scheduled a special meeting next week to try and go over the information and get their questions answered. I want to see the final drainage study that was submitted, because obviously if we don't have the version of that and then it doesn't go into effect by default because of a time frame issue, then we have taken action on it. There were way too many questions in my mind for us to approve.

**Joe Basham** – let me see if I can answer some of those questions for you. I was looking at some engineer calculations dated January 15, 2016. Was there revisions to the January 15, 2016 report?

**Jay Campbell** – I think I received it about 4 weeks ago. I'd have to check my emails, I got it from PDG. From the top of my head, I guess it was about 3-4 weeks ago.

\*\* RR – two documents sent for PZ. One in January and one in February; 2.24.16.

**Mayor Farrell** – I have one legal question to ask Doug. If we deny this, then what; if there is some litigation? What do they get? Basically the approval.

**Doug Young** – I think if it was a fully compliant plan; now there is a question, maybe there is a question. A most obvious claim would be a suite for mandamus; which is a court order telling you, you did not have discretion, you have to approve it. Can I say that no other claim would be made, I can't. With any other claim it would be likely (word not clear) maritwanious. I would say no, but...

**Mayor Farrell** – I wanted to look at this from a mechanical stand point. I do not like leaving PZ out of this discussion. If we do deny this and send it to Planning and Zoning and then take it up again in April, would be faster than any court could move, regardless.

**Doug Young** – I am not sure that was true – if you deny then it's done, nothing for PZ to take up.

**Roxanne McKee** – we would need to start over.

**Doug Young**- if you don't act and there is still time...

**Bobby Dillard**- it seems to me that, because it is a hypothetical report anyway, it doesn't matter what you tell him to do, he could come back with another hypothetical plan. Pretty much that captures the water. Right? Within reason or close to this, he is going to find another plan. The hypothetical plan anyway.

**Jay Campbell** – true, but I have to say that I'm held to a different standard – we go through a lot of scrutiny and requirements with actual site plan; a lot of deliverables have to be to scale, and a lot of detail. There is no set standard for feasibility or drainage studies.

**Bobby Dillard**- I agree, my point is when he (Walters) came up her, and I remember him saying, look, "I don't have to do a drainage study until I get to a building permit" or whatever. We (council said, well, yes, but, we are really worried about your run off, so, he said "ok fine", I will do it", but I thing that is, where he was coming from and at the end of the day – you are going to have to, it's going to be implemented regardless of what you do. Whait it comes back for a building permit, it's going to be back in here, and if it's not captured you are not going to do it. If you deny it, I think there is going to be quite a bit of cross currents that you are going to deal with anyway. It could take everybody's time.

**Sara Hutson** – what we have in our packet right now, that was dated February 24, 2016, is a letter from Jay Campbell, a letter from Mike, (PDG) with Jay's letter attached to it dated February 23, 2016 with the drainage report January 14, 2016. We do not have the latest version on the drainage report.

**Joe Basham**- he signed and sealed the first document. My question to Doug; if an applicant turns something into a city official and then gets comments back, and then re-submits it, just because city council doesn't have it, doesn't mean necessarily it wasn't submitted to the city.

**Doug Young** - that is true – then the question is when is the submission final for a final plat consideration? I would say not before the study that met Jay’s approval.

**Joe Basham** - right. If Brad sent that study to Mike or to Jay, 30 days ago, whether we have it or not is immaterial.

**Doug Young** – I agree.

**Mayor Farrell** – only difference is if Jay made comments to it, wouldn’t the date start from when he made his comments?

**Doug Young** – I think the date would start from the day the revised plan was submitted that Jay approved. Can I ask, on the 23<sup>rd</sup>, you wrote to Mike saying that this establishes feasibility? Do you remember approximately how much sooner before the day you wrote to Mike and how many days you took to review it, the revised one?

**Jay Campbell:** I imagine, 5 business days.

**Doug Young** – so, roughly, about February 18<sup>th</sup>.

**Mayor Farrell** – so, we have to deal with it tonight.

**Doug Young** – Planning and Zoning has to deal with it within 30 days of whatever date that was, let say roughly February 18<sup>th</sup> or sooner, don’t know how many business days that was - it may be too late for Planning and Zoning to take it up.

**Bobby Dillard** – what did you ask them to do differently to get it approved at this point? My question, let say for one second; we were to deny it, what are you to say; now you have to do this other thing? Is there anything he can do that would fix it?

**Mayor Farrell**- not really. The only thing is hypothetically, is this a buildable lot? The only legal issue we have to deal with, when he does a building plan then we have to deal with how the water affects the neighbors.

**Bobby Dillard** – right.

**Mayor Farrell** – and he has to make sure it happens at that time, if we have drainage issues today, as is. I don’t know what the city could do about that per se on that, doing the subdivision process on that. Doug is there anything we can do on that?

**Doug Young** – you can only enforce the code. Drainage is the more fluid standard to be met again the precise drainage review is at the building permit phase; otherwise you are looking at setbacks and other routine things.

**Joe Basham** – we asked him (Walters) to do something and he did it, two times. The City Engineer approved it, and it is on the knife edge of being deemed approved anyway.

**Sara Hutson** – I thought “being approved” was a strong characterization of what the City Engineer did.

**Joe Basham** – in the auditors words... there were no substantial deviations that cause great concerns. So, we can approve automatically.

**Mayor Farrell** – I think that would be the worst situation we could get into.

**Bobby Dillard** – he is upset and we did not make it happen anyway.

**Roxanne McKee** – I don't think there is a way to do this without somebody getting upset. So we have to look at it; what legally has to be done?

**Bobby Dillard** – what can you do different to fix the problem? That is the real question.

**Joe Basham** – I don't think the city has very many options including the mandamus action and to do what we have to do anyway. The question I've got is the 2<sup>nd</sup> part of the agenda item; approval of a plan in connection with a drainage application. I don't know what that is. At this stage in the game we are not approving drainage for an unpermitted hypothetical building.

**Doug Young**- at the time the agenda was prepared no one knew what was happening, so this would allow what action was appropriate. Should not be approving the drainage plan, it's a feasibility plan.

**Sara Hutson** – is this item posted in such a way that we can actually take action on the final plat.

**Doug Young** – Yes.

**Joe Basham** – moved to approve the application with the conditions presented in the report.

**Sara Hutson** – but we have not seen the report.

**Joe Basham** – restated his motion: to approve the plat as submitted.

**Bobby Dillard** – seconded the motion.

**Sara Hutson** – we don't have the information in front of us.

**Mayor Farrell** – we have the plat.

**Doug Young** – that is the big document you sign as mayor.

**Roxanne McKee** – asked Jay Campbell, if houses are built, if this is subdivided and houses are built on each that comply with our minimum square footage, you are confident that drainage facilities can be put in place that would take care of the run off.

**Jay Campbell** – yes, with confidence for a hypothetical home. The applicant will have to go through this for a building permit (this was feasibility), they will still have to go through a process when they are going to build.

**Sara Hutson** – we don't have any requirements in place about run off during construction process?

**Jay Campbell** – a letter is sent to the contractor about run off – but clearly it is not in the ordinance.

**Sara Hutson** – but during construction.

**Jay Campbell** – we send out a letter that handles that during construction, but again, it is not clear in the ordinance. But we do issue a letter.

**Mayor Farrell**- called for a vote on the motion.

**Michael Dyson** – Sara did we determine if the plat was in front of us?

**Sara Hutson** – yes, it is on the last page of this report.

The motion passed with 4 voting yes to the motion and 1 abstention by Mayor Pro Tem Hutson.

## **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 for February 2016

Mayor Farrell stated there was a scheduled meeting with TxDot and the City of West Lake Hills regarding the MoPac Project and the traffic that may be coming into the area due to the construction; the meeting was cancelled, and would be rescheduled. Amy Pattillo and Wendi Hundley designated City representatives had been going to the Technical Working Group meetings. He asked Wendi Hundley to address the council. Ms. Hundley said the group discussed water quality, and the CTRMA Board was working on preferred alternatives, where the engineers would be preparing a matrix of all of the evaluation criteria, and then TxDot, the engineers, federal highway administrators and HNTB would get together for a one day workshop where they would select the preferred alternatives. She added that Amy Pattillo had discussed the intersection at Bee Caves Road and MoPac. The current plan could not accommodate the current traffic, if elevated lanes were constructed over 2244 which has a "limited right-of-way", the city would be locked into what they have currently on the plan. Adding, it would be problematic due to the special event traffic that comes thorough this area several times a year. They asked CTRMA to look long and hard at the intersection before they selected a preferred alternative.

City Activity Report for February 2016 - City Administrator Charles Winfield presented the report; a copy was included in the council packet.

Administrative Activity Report for February 2016 was presented by City Secretary Robyn Ryan; a copy was included in the council packet.

The Public Works Activity Report for February 2016 was in included in the council packet.

### **DISCUSSION AND POSSIBLE ACTION TO APPROVE CHARGING THE ROLLINGWOOD COMMUNITY EDUCATION GARDEN AND THE FOOD FOREST PROJECT A WHOLESALE RATE ON THEIR WATER USAGE**

After a brief discussion, it was determined the item would be sent to the Utility Commission for consideration.

Police Department Activity and Service Calls Report for February 2016 was presented by Chief Pryor and he also presented the Tier-1 Partial Exemption Racial Profiling Report for 2015. Both reports were included in the council packet. There was a reminder of Police Appreciation Day on April 9, 2016.

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

City Stats, City Financials and RCDC Financials for February 2016 FY 2015-2016 were included in the council packet. There were no comments.

Invoices through February 2016: LNV Inc., City Engineer / Professional Design Group, Building Official / Scanlan, Buckle & Young, City Attorney / AWR Services, Inc., Water and Wastewater Services, were included in the council packet. There were no comments.

AWR Services, Inc. - Water and Wastewater Report for February 2016 was included in the council packet. The update on the Top Ten Water Users in the City was also included in the packet. There were no comments.

Professional Design Group – City Building Official report from Mike Alexander was included in the council packet. There were no comments.

Texas Gas Service and Texas Central Appraisal District reports were included in the council packet. There were no comments.

## **8. BOARDS AND COMMISSIONS**

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

Alderman Basham moved and Alderwoman McKee seconded to confirm the appointment made by Mayor Farrell of Board of Adjustment Alternate Brad O'Donnell; the motion passed 5 to 0.

Alderwoman McKee moved and Alderman Basham seconded to appoint Thomas Yemington to the Park Commission; the motion passed 5 to 0.

PARK COMMISSION REPORT - Met on March 7, 2016 – Park Commission member Wendi Hundley; briefed the council on the four agenda items to be discussed.

### **PARK COMMISSION ITEM -DISCUSSION AND POSSIBLE ACTION TO APPROVE A BUDGET UP TO \$4,000 FOR THE PARK COMMISSION'S ONE-TIME SPRING CLEANUP OF UPPER AND LOWER PARK AREAS**

Alderman Basham moved to approve the one-time Park clean up in the amount of \$4,000 as stated, Alderman Dyson seconded; the motion passed 5 to 0.

### **PARK COMMISSION ITEM -DISCUSSION AND POSSIBLE ACTION TO APPROVE THE REPLACEMENT AND RELOCATION OF THE ALEX HUTSON MEMORIAL TREE, THE COST TO BE BORNE BY THE ROLLINGWOOD WOMEN'S CLUB.**

Alderwoman McKee moved to approve the agenda item as stated, Alderman Basham seconded; the motion passed with 4 voting yes to the motion with 1 abstention by Mayor Pro Tem Hutson.

### **PARK COMMISSION ITEM -DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE PUBLIC WORKS TO CONSTRUCT A PROTECTIVE STONE WALL AROUND THE LIVE OAK TREE LOCATED BETWEEN THE BALL FIELDS AND THE POOL USING EXISTING STONE AND MATERIALS.**

It was noted that Public Works Director Jackie Bob Wright informed the Park Commission at their March meeting, the Public Works staff could do the small project with existing materials. There was discussion and no action taken on the agenda item.

### **PARK COMMISSION ITEM -DISCUSSION AND POSSIBLE ACTION TO DIRECT THE PARK COMMISSION ON UPDATING THE MASTER PLAN.**

There was a brief discussion. No action was taken on the agenda item.

UTILITY COMMISSION REPORT - There was no March Meeting.

ROLLINGWOOD COMMUNITY DEVELOPMENT CORPORATION REPORT- No March Meeting.

## **9. OLD BUSINESS**

### **UPDATE, DISCUSSION AND POSSIBLE ACTION REGARDING THE REPAIRS TO THE WALL AT THE LOWER ROLLINGWOOD PARK**

Update: Kirwin Horticultural could not fulfill the obligations as contractor on the project. Other options were on the table, and would be presented at the next meeting. No action was taken on the agenda item.

### **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 TO 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.**

There was a brief update by Mayor Farrell. The item would be brought back to the next meeting.

### **DISCUSSION AND POSSIBLE ACTION TO ADOPT THE AMENDMENTS TO THE CURRENT OAK WILT ORDINANCE**

Alderman Basham moved to approve the amendments to the oak wilt ordinance, Alderman Dyson seconded; the motion passed 5 to 0.

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

Alderwoman McKee moved to approve the three resolutions included in the council packet, Mayor Pro Tem Hutson seconded; the motion passed with 4 voting yes to the motion with 1 abstention by Alderman Basham.

### **DISCUSSION AND POSSIBLE ACTION REGARDING CITY OF AUSTIN WATER UTILITY**

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

## **10. NEW BUSINESS**

### **DISCUSSION AND POSSIBLE ACTION TO DECLARE THE ITEMS AS SURPLUS PROPERTY AND TO APPROVE AN AUCTION AND/OR OTHER METHOD TO SELL THE ITEMS**

Alderman Basham moved to approve the Surplus Property List included in the packet, Alderman Dyson seconded; the motion passed 5 to 0. The list included 90 street signs, 48 stop signs, 25 miscellaneous signs and 3 regulation fire hydrants.

### **DISCUSSION AND POSSIBLE ACTION TO REAPPOINT MAYOR THOM FARRELL AS THE CITY'S EMERGENCY MANAGEMENT COORDINATOR.**

Alderman Basham moved to reappoint Mayor Farrell as the City's Emergency Management Coordinator, Alderwoman McKee seconded; motion passed 5 to 0.

Mayor Farrell called the meeting into **Executive Session** at 10:45 p.m. for agenda item 11.01

**EXECUTIVE SESSION** - Pursuant to the Texas Gov't Code Section 551.071 to Obtain Advice from the City Attorney Regarding the Water Tap Fee for the Endeavor Rollingwood Towne Centre Buildings.

The **Executive Session** ended and regular meeting reconvened at 11:09 p.m. Mayor Farrell stated there was no action taken during the Executive Session.

DISCUSSION AND POSSIBLE ACTION TO ADJUST WATER AND WASTEWATER TAP FEES OWING IN CONNECTION WITH THE TOWNE CENTER PUD, AND TO DIRECT THE CITY ATTORNEY AND THE UTILITY COMMISSION TO REVIEW TAP FEES PAYABLE IN CONNECTION WITH COMMERCIAL DEVELOPMENT.

This item was tabled.

ADJOURNMENT

There was a motion and a second to adjourn; the meeting ended at 11:10 p.m.

Minutes adopted on the 20<sup>th</sup> day of April, 2016.

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Thom Farrell, Mayor

ATTEST:

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Robyn Ryan, City Secretary