

**CITY OF ROLLINGWOOD, TEXAS**

**RESOLUTION NO. 2012-01-18**

**A RESOLUTION OF THE CITY OF ROLLINGWOOD, TEXAS, CORRECTING THE CITY'S RECORDS TO CONFIRM THE CORRECT MINUTES FOR THE JUNE 17, 2009 CITY COUNCIL MEETING AS DULY ADOPTED BY THE CITY COUNCIL, AND PRESERVING A RECORD OF INCORRECT MINUTES FOR SUCH MEETING ERRONEOUSLY EXECUTED AND INCLUDED AMONG THE CITY'S RECORDS**

WHEREAS, the Minutes of the City Council meeting held on June 17, 2009 were duly adopted by the City Council on July 15, 2009;

WHEREAS, a document which was not a true copy of the Minutes adopted by the City Council but which purported to be the Minutes of the June 17, 2009 City Council meeting was signed by Mayor Dale Dingley and included among the official records of the City;

WHEREAS, a review of proposed Minutes of the June 17, 2009 City Council meeting that was included in City Council packet for the July 15, 2009 meeting, a review of the tape of the July 15, 2009 meeting, and recollections of aldermen voting at the July 15, 2009 meeting demonstrate that the document signed by Mayor Dale Dingley (attached hereto as Exhibit A) is incorrect in that it is not a true and correct copy of the Minutes adopted by the City Council, and that the attached Exhibit B is a true and correct copy of the Minutes actually adopted by the City Council at the July 15, 2009 meeting;

WHEREAS, it is desired that the City's records accurately reflect the Minutes of the June 17, 2009 meeting that were duly adopted by the City Council;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROLLINGWOOD, TEXAS:**

**Section 1.** The document signed by Mayor Dale Dingley and attached hereto as Exhibit A, which incorrectly purports to be the Minutes of the June 17, 2009 City Council meeting adopted by the City Council on July 15, 2009, is hereby determined to be an incorrect record of the Minutes for such meeting as adopted by the City Council on July 15, 2009.

**Section 2.** A true and correct copy of the Minutes of June 17, 2009 meeting that were actually duly adopted by the City Council on July 15, 2009 is attached hereto as Exhibit B and shall constitute the official record of the Minutes of the June 17, 2009 City Council meeting.

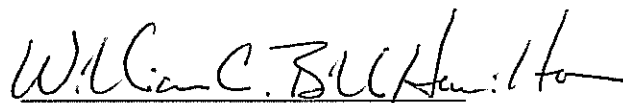
**Section 3.** The Minutes attached as Exhibit B shall be maintained in the City's records, as the official Minutes of the June 17, 2009 meeting. The City Council concludes that the attached Exhibit A is not now and never has been the duly adopted Minutes of the City Council meeting

of June 17, 2009. Exhibit A shall be retained in the City's records with a copy of this Resolution attached.

**Section 4.** This Resolution shall be effective immediately upon adoption

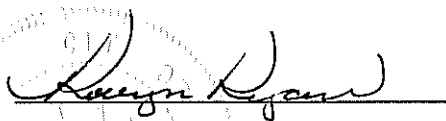
PASSED AND APPROVED BY THE CITY COUNCIL OF ROLLINGWOOD, TEXAS, on the

18<sup>th</sup> day of January, 2012



William C. (Bill) Hamilton, Mayor

ATTEST:



Robyn Ryan, City Secretary

MINUTES  
ROLLINGWOOD CITY COUNCIL  
CITY OF ROLLINGWOOD, TEXAS  
JUNE 17, 2009

Present:	Dale Dingley	Mayor
	Bill Hamilton	
	John Hinton	Alderman
	Shanthi Jayakumar	Alderwoman
	Roxanne McKee	Alderwoman
	Brian Nalle	Alderman
	Vicky Rudy	City Administrator
	Kelly Heikkila	City Secretary
	Monte Akers	City Attorney
	Kenny Watkins	City Engineer

Mayor Dale Dingley declared a quorum and called the meeting to order at 7:03 p.m. Mayor Dingley also noted that agenda items 5B and 5C were pulled because of incomplete submittal of a subdivision plat.

**PUBLIC COMMENTS** – Thom Farrell commented on the election of the three new Council members and how they ran on change priorities on spending. He said all were committed to doing a great job for the City. He noted that he found the June 1, 2009 Special Called Meeting “troubling.” He said Council needed to start from the top down because he stated that they needed to know if we don’t have faith in the City Administrator or staff and that we need to know sooner than later. Bill Hamilton reported he was once again grand marshal of the Fourth of July Parade and that they needed more antique cars.

**PRESENTATIONS**

**PRESENTATION OF EMPLOYEE ANNIVERSARIES** – Mayor Dale Dingley reported that Dayne Pryor was celebrating four years as Chief of Police, Vicky Rudy was celebrating her two year anniversary, Jasper Lawrence one year, and Johnny Manning one year.

**ROBERT’S RULES OF ORDER AND RULES OF ORDER PURSUANT TO SECTION 1.04.046, CITY OF ROLLINGWOOD CODE OF ORDINANCES, AS THEY RELATE TO PUBLIC MEETINGS OF THE CITY COUNCIL, INCLUDING PARLIMENTARY PROCEDURES, MEETING PROTOCOLS, AND RULES OF DECORUM** - Bill Hamilton said he requested the item because Council needed to be reminded of what the rules of order are so as not to have mob rule. City Attorney Monte Akers provided a handout on Robert’s Rules of Order and gave an overview saying most cities don’t strictly follow and he doesn’t encourage applying them strictly. John Hinton asked how it related to public comments to Council and if it was appropriate to attack a member’s motives or attack the member personally. Monte Akers reminded Council that

the public had no right to comment, but it was allowed in most cities and it was up to the presiding officer to keep it in control. He said the Council was not allowed to debate public comments, only to address direct questions. He stated that Texas was the most stringent state in enforcing criminal penalties for violation of open meetings act issues.

**MONTHLY SALES TAX REVENUE REPORT** – Mayor Dingley reported June 2009 sales taxes were at \$37,765 compared to \$40,483 in June 2008. He reported that 2009 year to date sales taxes were at \$398,354 compared to \$411,338 in June 2008.

**CONSENT AGENDA** – John Hinton moved approval of the minutes from the regular City Council meeting of May 20, 2009, with the incorporation of the tape of the meeting as an approved part of the minutes. Brian Nalle seconded. There was a discussion about incorporation of the recordings as a part of the minutes in general. Mayor Dingley stated that this could be discussed at the Council workshop on June 24<sup>th</sup>. The motion passed unanimously. John Hinton moved approval of the minutes from the special called City Council meeting of June 1, 2009, with the incorporation of the tape of the meeting as an approved part of the minutes. Shanti Jayakumar seconded. The motion passed unanimously. John Hinton moved that receipt of the May 2009 financial report from the City Administrator is acknowledged and that future agendas replace the “approval” of financial reports with the “presentation” of the financial report by the City Administrator. Shanthi Jayakumar seconded. Mr. Hinton indicated there typically was no approval of unaudited interim financial statements. The motion passed unanimously.

#### **COUNCIL PERSONNEL ITEMS**

**NAMING OF MAYOR PRO TEM** – Mayor Dingley discussed the role of Mayor Pro Tem and indicated that Brian Nalle and Bill Hamilton had contacted him with their interest in serving. John Hinton nominated Bill Hamilton as Mayor Pro Tem. Shanthi Jayakumar seconded. The motion passed with Bill Hamilton, John Hinton and Shanthi Jayakumar voting for the motion and Brian Nalle and Roxanne McKee voting against the motion.

**NAMING COUNCIL LIASIONS** – Mayor Dingley recommended the following for Council liaisons.

1. Police and Courts – Roxanne McKee
2. Utilities – John Hinton
3. Streets and Roadways – Shanthi Jayakumar
4. Park and Planning – Bill Hamilton
5. Personnel – Brian Nalle
6. Budget – Dale Dingley

Bill Hamilton made the motion to approve. Brian Nalle seconded. The motion passed unanimously.

#### **PARK COMMISSION**

Kelli Carlton reported on status of the grant from the Texas Department of Transportation for bike lanes and walking trails, stating that the situation had changed since the application was made and it seemed apparent to the Park Commission that it would be

more costly than the original \$125,000 grant to get the project done considering the increase in cost since the time of the original grant application, the changed requirement for wider paths, the striping of bike lines, environmental studies and other considerations. She said it was the recommendation of the Park Commission to use the existing RCDC funds for the walking trails only and release the grant. She indicated a desire to use the \$25,000 funds from the Rolling Stones concert restricted to park projects for any additional cost. Bill Hamilton made the motion to authorize proceeding with planning of the trail as proposed but with one more visit with CAMPO before releasing the grant. Shanthi Jayakumar seconded. The motion passed unanimously.

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#### **UTILITIES COMMISSION**

Susan Bryant reported on the activities of the Utilities Commission concerning prioritizing neighborhood water projects. She also gave an overview of a recommended project to install a six inch water line along Pickwick between Inwood Road and Riley Road. She reported that the Commission held a public hearing for residents along in that segment of the water system, and detailed the pressure problems experienced by those residents.

**RESOLUTION DESIGNATING PRIORITY FACTORS FOR NEIGHBORHOOD WATER PROJECTS** – John Hinton reported that the Utility Commission had taken up the draft of priority factors for prioritizing projects and submitted them for Council review. John Hinton made the motion that the resolution adopted by the Utility Commission regarding priority factors for neighborhood water projects be adopted as the policy of the City. Shanthi Jayakumar seconded. Brian Nalle asked that the utility Commission review the resolution to add access to fire hydrants. This was accepted and the motion passed unanimously.

**PROPOSED PROJECT TO INSTALL A 6" WATER LINE ALONG PICKWICK BETWEEN INWOOD ROAD AND RILEY ROAD** – John Hinton made the motion that the recommendation of the Utility Commission be accepted regarding the water line project along Pickwick between Inwood and Riley, and that a special committee composed of Bill Hamilton, Sue Bryant, and John Hinton be formed an authorized to attempt to negotiate a design agreement with Bleyl & Associates in lieu of the City issuing a Request for Qualifications. Brian Nalle offered a friendly amendment to include the Mayor in the committee. The amendment was accepted. Brian Nalle seconded. The motion passed unanimously.

CITIZEN SURVEY CONCERNING ISSUES WITH DELIVERY OF WATER SERVICES – Roxanne McKee suggested a survey of citizens to identify what kind of problems they were actually experiencing in the water system. John Hinton said he supported the idea but suggested giving the Utilities Commission the first take on it. There was discussion of doing two surveys, before and after installation of the Edgegrove line and Pickwick line. Roxanne McKee made the motion to ask the Utility Commission to put together a two part survey of citizens, before and after the Edgegrove installation. Brian Nalle seconded. The motion passed unanimously.

DISCUSSION AND POSSIBLE ACTION REGARDING THE OBLIGATION OF THE CITY TO PROVIDE WATER SERVICE TO A CUSTOMER – John Hinton distributed a handout from the Texas Administrative Code concerning service connections, pointing out that property owners were responsible for all water lines from the meter to their homes. He then made the motion that the policy of the City Council is hereby clarified that the City undertakes to deliver water only to the point of connection with each customer's meter, that meter placement must be approved by the City Council and must be in close proximity to City water distribution mains, and that the City assumes no obligation whatsoever with regard to water lines on the customer side of the meter. He stated that he wanted to clarify that the City will not pay for lines between the meter and the home. He said he was against forcing homeowners to front yard lines from back yard lines. There was discussion about abandoning back yard lines when front yard lines were available for access. Monte Akers stated that the City currently had no obligation for service beyond the meter under state law. There was discussion about Council approving all meter placements. Vicky Rudy suggested this was cumbersome because of the routine nature of meter placements and Council only meeting once a month. There was discussion about getting Council approval in extreme circumstances. John Hinton agreed to remove the clause that meter placement be approved by the City Council. Brian Nalle stated that he wanted to sit on it and think on it. Bill Hamilton offered a substitute motion to refer the issue to the Utilities Commission for a recommendation. Shanthi Jayakumar seconded. The motion passed unanimously.

#### CITY HALL REMODEL

REPORT FROM CITY ATTORNEY ON AMERICANS WITH DISABILITIES ACT AND TEXAS ACCESSIBILITY STANDARDS REQUIREMENTS REGARDING ROLLINGWOOD CITY HALL REMODEL – Monte Akers reported that the Americans with Disabilities Act and the Texas Access Standards require political subdivisions that are modifying existing facilities to bring those facilities into compliance with the act. He said there were exceptions for projects under \$50,000 if it was not technically feasible or if it affected the integrity of the structure, or other broad factors made it impractical. He stated that these exceptions had to be approved.

AWARD A CONTRACT FOR CITY HALL REMODELING AND REDESIGN OF CITY HALL REMODELING BUILDING PLANS TO INCORPORATE ADA RESTROOMS – Vicky Rudy reported that there was a bid opening on June 9, 2009 at 11 a.m. There was an apparent low bidder at \$49,393.73 for the garage build out and \$7,620 for the restroom project. Both were within the budget for the project. Vicky Rudy

presented a rough sketch of an amended design to make the restrooms ADA compliant. She said there were several choices; to accept the existing low bid and accommodate the restrooms through change orders; rebid the project; and/or reject the current bids and start over. Brian Nalle suggested rebidding with more detailed drawings with ADA compliance. John Hinton said he supported ADA restrooms but had budget questions regarding capital expenditures and capital improvements plans. He stated that building out the restrooms and the garage had operating budget implications. There was discussion about having the building official in house or contracted out, billing operations in house or contracted out and record storage in house. Brian Nalle stated that Council should not make the ADA an excuse not to make the renovations. He made the motion to approve the lowest bid and made the ADA changes through change order. There was no second. He made a new motion to reject the bids and restart the process. Bill Hamilton seconded. The motion passed unanimously. The City Administrator was directed to add the item to the Council workshop agenda.

**SHADE STRUCTURE FOR CITY VEHICLES** – John Hinton made the motion that the City Administrator be directed to proceed with the construction of a shade structure for City vehicles. Shanthi Jayakumar seconded. The motion passed unanimously.

**ON-SITE SEWAGE FACILITIES** – Vicky Rudy gave an overview of the history of the on-site sewer facilities ordinance, stating that after holding public hearings and approving the ordinance early in 2009, the Texas Commission on Environmental Quality had requested that certain language regarding justifications that were in the ordinance be removed. She reported that nothing had changed in the ordinance requirements themselves. She stated the public hearing was posted in the newspaper, at City Hall and on the website.

**CONVENE INTO PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CITY OF ROLLINGWOOD ON-SITE SEWAGE FACILITY ORDINANCE** – Mayor Dingley convened into a public hearing at 10:45 p.m. There were no public comments. He reconvened into the regular session at 10:46 p.m.

**PROPOSED AMENDMENTS TO THE CITY OF ROLLINGWOOD ON-SITE SEWAGE FACILITY ORDINANCE** – Bill Hamilton made the motion to approve the amendments to the onsite sewage facility ordinance as presented. Brian Nalle seconded. The motion passed unanimously.

**DISCUSSION AND POSSIBLE ACTION ON TEXAS GAS SERVICE PROPOSED RATE CHANGE** – Consultants for the City of Austin, Marilyn Fox and Paul Smolen, gave a report on their review of the Texas Gas Service (TGS) rate filing. Attorney Alfred Herrera, with Herrera & Boyle, gave a legal report. The consultants indicated that their issues with the rate filing had to do with Cost of Service (COSA) provisions. They reported that the City of Austin had negotiated with TGS and TGS had withdrawn the COSA. There was also discussion of inclusion of all cities in the service area participating in the rebate and audit programs of TGS. There is a June 25 deadline to make a decision on whether to approve the negotiate rate structure as approved by the

City of Austin. There was discussion about the process of denying the rate filing and the cost of probable litigation if denied. Brian Nalle made the motion to approve ordinance #2009-06-17-2 approving the rate filing as presented. Roxanne McKee seconded. The motion passed unanimously.

**REQUEST FOR A VARIANCE TO THE REQUIREMENTS FOR THE NUMBER AND SIZE OF BUILDING MOUNTED SIGNS FOR THE SPROUTS STORE AT 2805 BEE CAVES ROAD** – Dan Wheat with Barshops & Oles, manager of Mira Vista Shopping Center made a presentation on the challenges of doing business at Mira Vista and the expectations they had for the addition of Sprouts to the Center. He reported on progress to date and said Sprouts had accepted the property and were beginning interior work. He requested a variance on behalf of Sprouts for three mounted signs for a total of 179 sq. ft. Building Official Mike Alexander reported that the ordinance allows two signs at 80 square feet. He said the signs meet all other requirements of the code. Bill Hamilton made the motion to approve the variance as presented. Shanthi Jayakumar seconded. The motion carried unanimously.

#### **COUNCIL REPORT**

**ESTABLISHING OPERATING RESERVE GOALS FOR THE GENERAL FUND, WASTEWATER FUND, AND WATER FUND** – John Hinton distributed a handout on financial management. There was no discussion or action taken.

**CITY CODE MEMBERSHIP REQUIREMENTS FOR CITY COUNCIL ESTABLISHED BOARDS, COMMISSIONS, AND COMMITTEES** – There was discussion about allowing the requirements for boards and commissions being more restrictive than for Council members. John Hinton stated his goal to make them the same. He made the motion that Section 1.06.001 of the City Code be amended, effective immediately, to delete all existing language and replace it with the following:

*"The qualifications to serve on all City Council appointed boards, commission, and committees are the same as the qualification to hold the position of Alderman in the City of Rollingwood; and any person, but only persons who are qualified to hold the position of Alderman in the City of Rollingwood, may be appointed by the City Council to serve on City boards, commission, and committees."*

Shanthi Jayakumar seconded. There was discussion about the items eliminated by the change including felonies, class A and B misdemeanors, adversary parties to litigation against the city, and claims against the city. There was discussion of the effects of the change on membership to RCDC's non-resident status, and if the changes passed, would it affect the current board immediately or as terms expired. Monte Akers reported that it would require a change in the RCDC bylaws and would require a process. Brian Nalle stated his surprise by the broad sweep of the proposed changes. Roxanne McKee suggested that public hearings were needed to make such changes. There was discussion about the City's common practice of holding public hearings for these types of changes. Brian Nalle appealed to the Mayor Pro Tem to extend deliberation on this until public comment was taken. John Hinton stated he was willing to delay a vote for public hearing and pulled his motion. Brian Nalle suggested meeting with John Hinton to work on the



language. John Hinton declined. Mayor Dingley asked Bill Hamilton to meet with him to craft language and he agreed. A public hearing was set for the July meeting.

### STAFF REPORTS

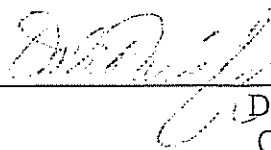
**CITY ADMINISTRATOR** – Vicky Rudy reported that the Council workshop would be June 24, 2009 at 7 p.m. She also distributed an updated schedule of Council budget workshops, reporting that the first workshop would be held on July 8, 2009 at 7 p.m. She gave an overview of the schedule and the process.

**POLICE** - Chief Dayne Pryor reported on service calls and reported on police training. He said he was using recently publicized incidents of tazing and other police actions to talk to his officers and instruct them on how not to get in those positions. He also commented on his fourth year as police chief stating that he had reached most of his goals. Shanthi Jayakumar thanked officers for their service and applauded them for visiting with her about the keying and spray painting incidents. She addressed the Mayor's letter regarding the keying incident and lack of a letter regarding anonymous letters against Bill Hamilton during the campaign and Roxanne McKee's emails regarding the vandalism. She said the incidents and the investigation and resulting speculation and suspicion made some afraid to come to City Hall. The Chief said he could not discuss the investigation in a public forum but it was natural to finger point after incidents of this nature.

**PUBLIC WORKS** – Frank Miller reported that installation of the fire hydrants had begun and two hydrants would be installed the next day. He reported that water consumption was up, with 760,000 gallons one day as the high usage day so far. He also asked Council to approve a summer clean up date of July 18 and July 19. Bill Hamilton made the motion to approve. Brian Nalle seconded. The motion passed unanimously.


**REPORT FROM THE CITY ENGINEER** – Kenny Watkins reported that the design was nearing completion for the Edgegrove project. He said it would be delivered to the City on Friday or Monday. He stated that the next step would be preparation of bid packets, advertising for bids and development of a contract. Bill Hamilton asked about a timeline. Kenny said he guessed the design could be approved by Council in July, ready for bid in September, with completion in 60 to 75 days, with the line in service by December 1. John Hinton asked if the Pickwick Lane project could be designed quickly enough to include in bidding with the Edgegrove project. Kenny Watkins stated that it likely could be. Kenny Watkins brought the Council up to date on the Texas Water Development applications and stated that he had been working with the City on a potential replat of the Groves subdivision.

Brian Nalle made the motion to adjourn. Council adjourned at 12:20 a.m. on June 18, 2009.



Dale Dingley, Mayor  
City of Rollingwood

ATTEST:

  
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Kelly Heikkila, City Secretary

**MINUTES  
ROLLINGWOOD CITY COUNCIL  
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#### CITY HALL REMODEL

REPORT FROM CITY ATTORNEY ON AMERICANS WITH DISABILITIES ACT AND TEXAS ACCESSIBILITY STANDARDS REQUIREMENTS REGARDING ROLLINGWOOD CITY HALL REMODEL – Monte Akers reported that the Americans with Disabilities Act and the Texas Access Standards require political subdivisions that are modifying existing facilities to bring those facilities into compliance with the act. He said there were exceptions for projects under \$50,000 if it was not technically feasible or if it affected the integrity of the structure, or other broad factors made it impractical. He stated that these exceptions had to be approved.

AWARD A CONTRACT FOR CITY HALL REMODELING AND REDESIGN OF CITY HALL REMODELING BUILDING PLANS TO INCORPORATE ADA RESTROOMS – Vicky Rudy reported that there was a bid opening on June 9, 2009 at 11 a.m. There was an apparent low bidder at \$49,393.73 for the garage build out and \$7,620 for the restroom project. Both were within the budget for the project. Vicky Rudy

presented a rough sketch of an amended design to make the restrooms ADA compliant. She said there were several choices; to accept the existing low bid and accommodate the restrooms through change orders; rebid the project; and/or reject the current bids and start over. Brian Nalle suggested rebidding with more detailed drawings with ADA compliance. John Hinton said he supported ADA restrooms but had budget questions regarding capital expenditures and capital improvements plans. He stated that building out the restrooms and the garage had operating budget implications. There was discussion about having the building official in house or contracted out, billing operations in house or contracted out and record storage in house. Brian Nalle stated that Council should not make the ADA an excuse not to make the renovations. He made the motion to approve the lowest bid and made the ADA changes through change order. There was no second. He made a new motion to reject the bids and restart the process. Bill Hamilton seconded. The motion passed unanimously. The City Administrator was directed to add the item to the Council workshop agenda.

**SHADE STRUCTURE FOR CITY VEHICLES** – John Hinton made the motion that the City Administrator be directed to proceed with the construction of a shade structure for City vehicles. Shanthi Jayakumar seconded. The motion passed unanimously.

**ON-SITE SEWAGE FACILITIES** - Vicky Rudy gave an overview of the history of the on-site sewer facilities ordinance, stating that after holding public hearings and approving the ordinance early in 2009, the Texas Commission on Environmental Quality had requested that certain language regarding justifications that were in the ordinance be removed. She reported that nothing had changed in the ordinance requirements themselves. She stated the public hearing was posted in the newspaper, at City Hall and on the website.

**CONVENE INTO PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CITY OF ROLLINGWOOD ON-SITE SEWAGE FACILITY ORDINANCE** – Mayor Dingley convened into a public hearing at 10:45 p.m. There were no public comments. He reconvened into the regular session at 10:46 p.m.

**PROPOSED AMENDMENTS TO THE CITY OF ROLLINGWOOD ON-SITE SEWAGE FACILITY ORDINANCE** – Bill Hamilton made the motion to approve the amendments to the onsite sewage facility ordinance as presented. Brian Nalle seconded. The motion passed unanimously.

**DISCUSSION AND POSSIBLE ACTION ON TEXAS GAS SERVICE PROPOSED RATE CHANGE** – Consultants for the City of Austin, Marilyn Fox and Paul Smolen, gave a report on their review of the Texas Gas Service (TGS) rate filing. Attorney Alfred Herrera, with Herrera & Boyle, gave a legal report. The consultants indicated that their issues with the rate filing had to do with Cost of Service (COSA) provisions. They reported that the City of Austin had negotiated with TGS and TGS had withdrawn the COSA. There was also discussion of inclusion of all cities in the service area participating in the rebate and audit programs of TGS. There is a June 25 deadline to make a decision on whether to approve the negotiated rate structure as approved by the

City of Austin. There was discussion about the process of denying the rate filing and the cost of probable litigation if denied. Brian Nalle made the motion to approve ordinance #2009-06-17-2 approving the rate filing as presented. Roxanne McKee seconded. The motion passed unanimously.

**REQUEST FOR A VARIANCE TO THE REQUIREMENTS FOR THE NUMBER AND SIZE OF BUILDING MOUNTED SIGNS FOR THE SPROUTS STORE AT 2805 BEE CAVES ROAD**

– Dan Wheat with Barshops & Oles, manager of Mira Vista Shopping Center made a presentation on the challenges of doing business at Mira Vista and the expectations they had for the addition of Sprouts to the Center. He reported on progress to date and said Sprouts had accepted the property and were beginning interior work. He requested a variance on behalf of Sprouts for three mounted signs for a total of 179 sq. ft. Building Official Mike Alexander reported that the ordinance allows two signs at 80 square feet. He said the signs meet all other requirements of the code. Bill Hamilton made the motion to approve the variance as presented. Shanthi Jayakumar seconded. The motion carried unanimously.

**COUNCIL REPORT**

**ESTABLISHING OPERATING RESERVE GOALS FOR THE GENERAL FUND, WASTEWATER FUND, AND WATER FUND** – John Hinton distributed a handout on financial management. There was no discussion or action taken.

**CITY CODE MEMBERSHIP REQUIREMENTS FOR CITY COUNCIL**

**ESTABLISHED BOARDS, COMMISSIONS, AND COMMITTEES** – There was discussion about allowing the requirements for boards and commissions being more restrictive than for Council members. John Hinton stated his goal to make them the same. He made the motion that Section 1.06.001 of the City Code be amended, effective immediately, to delete all existing language and replace it with the following:

*"The qualifications to serve on all City Council appointed boards, commission, and committees are the same as the qualification to hold the position of Alderman in the City of Rollingwood; and any person, but only persons who are qualified to hold the position of Alderman in the City of Rollingwood, may be appointed by the City Council to serve on City boards, commission, and committees."*

Shanthi Jayakumar seconded. There was discussion about the items eliminated by the change including felonies, class A and B misdemeanors, adversary parties to litigation against the city, and claims against the city. There was discussion of the effects of the change on membership to RCDC's non-resident status, and if the changes passed, would it affect the current board immediately or as terms expired. Monte Akers reported that it would require a change in the RCDC bylaws and would require a process. Brian Nalle stated his surprise by the broad sweep of the proposed changes. Roxanne McKee suggested that public hearings were needed to make such changes. There was discussion about the City's common practice of holding public hearings for these types of changes. Brian Nalle appealed to the Mayor Pro Tem to extend deliberation on this until public comment was taken. John Hinton stated he was willing to delay a vote for public hearing and pulled his motion. Brian Nalle suggested meeting with John Hinton to work on the



language. John Hinton declined. Mayor Dingley asked Bill Hamilton to meet with him to craft language and he agreed. A public hearing was set for the July meeting.

## STAFF REPORTS

**CITY ADMINISTRATOR** – Vicky Rudy reported that the Council workshop would be June 24, 2009 at 7 p.m. She also distributed an updated schedule of Council budget workshops, reporting that the first workshop would be held on July 8, 2009 at 7 p.m. She gave an overview of the schedule and the process.

**POLICE** - Chief Dayne Pryor reported on service calls and reported on police training. He said he was using recently publicized incidents of tazing and other police actions to talk to his officers and instruct them on how not to get in those positions. He also commented on his fourth year as police chief stating that he had reached most of his goals.

Alderwoman Shanthi Jayakumar then addressed Chief Pryor saying, "Thank you and officer Donaldson for visiting with me last week (June 9<sup>th</sup>) to discuss the recent incidents of keying of cars and the spraying of obscenities on your car. Such events are extremely disturbing and the repeat instances serve to create more suspicion and fear in the community. I want you to know that I am fully confident that you and your team will succeed in apprehending the culprit(s) and bringing them to justice. On April 15<sup>th</sup> at the City Council meeting, the City Administrator's car was keyed. On April 20<sup>th</sup>, Mayor Dingley mailed a letter to all residents stating, 'Someone intentionally and maliciously damaged our city administrator's vehicle while it was parked in the city hall parking lot.' Mayor Dingley also stated that this act is a felony. Mayor Dingley's letter ended by saying, 'On behalf of the responsible residents of Rollingwood, I extend our deepest apologies to our City Administrator.' As a Mayor, indicating that there are 'irresponsible' residents and categorically stating that someone (acted) 'intentionally' and 'maliciously' without any proof is extremely troubling to me. Move forward to April 28<sup>th</sup> when an anonymous flyer was received by many in the community accusing Bill Hamilton, a candidate for public office, of loathsome and unsubstantiated acts calculated to derail his candidacy. I e-mailed mayor Dingley requesting that he inform citizens that Rollingwood would not tolerate this libelous act and that the perpetrators should be brought to justice. Mayor Dingley responded with a statement 'While I might prefer to think that the claims are false, I can officially neither confirm nor deny them. It is up to Bill to take care of it.' Fast forward to May 20<sup>th</sup> City Council meeting when once again acts of vandalism were (allegedly) perpetrated on both the City Administrator's and Mayor's cars as well as the obscenities on the Chief's car. On May 26<sup>th</sup> I received the first intimation of this not from the Mayor but from Alderwoman McKee's e-mail that was forwarded to me by a friend. I met with the chief that afternoon and gave him my full support in the investigation of these acts of vandalism and expressed my disbelief at these horrible acts. The very first 'official' report of this (incident) appeared in the Picayune on June 4<sup>th</sup>. As of this moment, Mayor Dingley has not informed the collective members of this body, of this incident. Alderwoman Mc Kee has sent her e-mail to a select group of several hundred residents, but I did not get her e-mail. Fast forward again to June and we learn that Alderman Hinton's car had been keyed while parked on his

driveway. What next? Is there a pattern to these acts of vandalism? Is it politically motivated? We have many questions and only highly speculative answers to the possible reasons for these crimes. While a lot of finger pointing is going on in the community, I urge all citizens to allow our police department to conduct their investigation and refrain from unfounded accusations. Chief Pryor, you have indicated that the police would move to getting higher law enforcement entities to aid in your investigation. I fully support that and assure you, Chief, that I am totally in favor of having this issue lawfully and expeditiously investigated. My concern chief is that there are many people in the community who I call my friends and they are afraid now to come to City Hall because they feel that they have been speculatively charged without having done anything (wrong). The next thing I know they are going to say that one of my friends did it. You were supposed to have met with each of the Council members, including those who are no longer on the council. I hope that that is in your plan."

The Chief said he could not discuss the investigation in a public forum but it was natural to finger point after incidents of this nature.

**PUBLIC WORKS** – Frank Miller reported that installation of the fire hydrants had begun and two hydrants would be installed the next day. He reported that water consumption was up, with 760,000 gallons one day as the high usage day so far. He also asked Council to approve a summer clean up date of July 18 and July 19. Bill Hamilton made the motion to approve. Brian Nalle seconded. The motion passed unanimously.

**REPORT FROM THE CITY ENGINEER** – Kenny Watkins reported that the design was nearing completion for the Edgegrove project. He said it would be delivered to the City on Friday or Monday. He stated that the next step would be preparation of bid packets, advertising for bids and development of a contract. Bill Hamilton asked about a timeline. Kenny said he guessed the design could be approved by Council in July, ready for bid in September, with completion in 60 to 75 days, with the line in service by December 1. John Hinton asked if the Pickwick Lane project could be designed quickly enough to include in bidding with the Edgegrove project. Kenny Watkins stated that it likely could be. Kenny Watkins brought the Council up to date on the Texas Water Development applications and stated that he had been working with the City on a potential replat of the Groves subdivision.

Brian Nalle made the motion to adjourn. Council adjourned at 12:20 a.m. on June 18, 2009.

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Dale Dingley, Mayor  
City of Rollingwood

ATTEST:

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Kelly Heikkila, City Secretary