



## **CITY OF ROLLINGWOOD CITY COUNCIL MEETING MINUTES**

**Wednesday, February 24, 2021**

On Wednesday, February 24, 2021 at 6:30 p.m., the City Council of the City of Rollingwood, Texas held a regular meeting, open to the public, via video conference and telephone in accordance with an order of the Office of the Governor issued March 16, 2020. The public was able to watch this meeting live and had the opportunity to comment via audio devices with the following meeting login information:

**Link:** <https://us02web.zoom.us/j/89011732449?pwd=L2h1a0FiMFV3ckpmYlJSQ3djT3plQT09>

**Toll-Free Numbers:** (833) 548-0276 or (833) 548-0282

**Meeting ID:** 890 1173 2449

**Passcode:** 2021

The public was permitted to offer public comments via their audio devices when logged in to the meeting or telephonically by calling in as provided by the agenda and as permitted by the presiding officer during the meeting. A video recording of the meeting was made and posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request. The following items were discussed:

### **CALL REGULAR CITY COUNCIL MEETING TO ORDER**

1. Roll Call

**Mayor Michael Dyson called the meeting to order at 6:33 p.m.**

**Present Members:** Mayor Michael Dyson, Councilmember Wendi Hundley, Councilmember Amy Pattillo, and Councilmember Sara Hutson.

*Mayor Pro Tem Gavin Massingill joined the meeting at 6:43 p.m.*

**Also Present:** City Administrator Amber Lewis, City Attorney Charles Zech, Finance Director Abel Campos, Police Chief Jason Brady, Development Services Director Carrie Caylor, and Assistant City Administrator Ashley Wayman.

### **PUBLIC COMMENTS**

2. Public Comments

The following individuals spoke during public comments:

- Mayor Michael Dyson discussed the events of the last week and thanked everyone who made themselves available and helped during the winter storm.

### **PRESENTATIONS**

3. Presentation of the Fiscal Year 2019-2020 Audit by ABIP, PC.

Janet Pittman, with ABIP, PC. thanked the City of Rollingwood staff for their assistance during this mostly remotely performed audit. She explained that the city received an unmodified opinion, the best opinion that the city can receive and presented the Fiscal Year 2019-2020 financial audit.

*Mayor Pro Tem Gavin Massingill joined the meeting during this item.*

### **CONSENT AGENDA**

All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

4. Discussion and possible action on the minutes from the January 20, 2021 City Council Meeting.
5. Discussion and possible action on a Budget Adjustment in the amount of \$15,500 to fund the Easement Location and Identification project by WSB Engineering.
6. Discussion and possible action to approve Colleen Preheim's resignation from the Park Commission.

**Mayor Pro Tem Gavin Massingill motioned to approve the consent agenda.  
Councilmember Wendi Hundley seconded the motion.**

**Mayor Michael Dyson called for a roll call vote.**

- **Mayor Pro Tem Gavin Massingill - Yes**
- **Councilmember Amy Pattillo – Yes**
- **Councilmember Sara Hutson – Yes**
- **Councilmember Wendi Hundley – Yes**

**The motion passed 4-0.**

### **REGULAR AGENDA**

7. Discussion and possible action to enter into a collection contract with Linebarger Goggan Blair & Sampson, LLP to collect delinquent Municipal Court Fines and Fees pursuant to Article 103.0031 Texas Code of Criminal Procedure and to approve Resolution No. 2021-02-24-07 finding there is a substantial need for the contract.

### **WRITTEN NOTICE OF CONTINGENCY AGREEMENT PURSUANT TO TGC 2254.1036**

The City is pursuing an engagement of Linebarger Goggan Blair & Sampson, LLP (the “Law Firm”) for purposes of collecting debts and accounts receivable such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid by the City’s municipal court. Founded in 1976, Linebarger has serves over 2,500 government entities in 26 states, and have the ability to recover receivables from defendants in every state in the nation. The firm has over 44 years of experience in collecting delinquent accounts receivable for government clients with over 1,300 employees, including more than 130 attorneys, over 330 call center personnel and 160 IT professionals. They have a local Austin presence, customized collection programs that address the unique needs of the City and experience in filing thousands of lawsuits, mailing millions of demand letters, and making tens of thousands of collection calls. The City had no previous relationship with the Law Firm and its relationship moving forward will be contractual in nature. The City Attorney does not have the infrastructure or background to perform these services. These legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the collection fee authorized by Tex. Code of Criminal Procedure Art. 103.0031 and because the City does not have the funds to pay the estimated amounts required under a contract only for the payment of hourly fees. There is a substantial need for the legal services to be provided as the City has current unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid by the City’s municipal and the collection of those funds are in the best interest of the citizens as collection of delinquent court fees and fines aides in the efficient operation of the Municipal Court as well as the City and helps to ensure the maximum return on the work and effort put forth by the Rollingwood Municipal Court.

**Councilmember Wendi Hundley motioned to enter into a collection contract with Linebarger Goggan Blair & Sampson, LLP to collect delinquent Municipal Court Fines and Fees pursuant to Article 103.0031 Texas Code of Criminal Procedure and to approve Resolution No. 2021-02-24-07 finding there is a substantial need for the contract. Mayor Pro Tem Gavin Massingill seconded the motion.**

**Mayor Michael Dyson called for a roll call vote.**

- **Mayor Pro Tem Gavin Massingill - Yes**
- **Councilmember Amy Pattillo – Yes**
- **Councilmember Sara Hutson – Yes**
- **Councilmember Wendi Hundley – Yes**

**The motion passed 4-0.**

8. Discussion and possible action to adopt Resolution No. 2021-02-24-08 to add a collection fee pursuant to Article 103.0031 Texas Code of Criminal Procedure.

**Councilmember Wendi Hundley motioned to adopt Resolution No. 2021-02-24-08 to add a collection fee pursuant to Article 103.0031 Texas Code of Criminal Procedure. Mayor Pro Tem Gavin Massingill seconded the motion.**

Councilmember Sara Hutson asked a question regarding the 30% add on fee and Sam Turner, with Linebarger Goggan Blair & Sampson, LLP, explained that the 30% add on fee is passed on to the debtor.

Councilmember Amy Pattillo asked if this resolution was required by law and City Attorney Charles Zech stated that it was.

**Mayor Michael Dyson called for a roll call vote.**

- **Mayor Pro Tem Gavin Massingill - Yes**
- **Councilmember Amy Pattillo – Yes**
- **Councilmember Sara Hutson – Yes**
- **Councilmember Wendi Hundley – Yes**

**The motion passed 4-0.**

9. Discussion and possible action on an ordinance extending a declaration of local disaster in the City of Rollingwood and adopting any rules and regulations deemed necessary to protect the health and safety of the Citizens of Rollingwood in light of severe freezing and weather and power outages during the February 2021 winter weather event.

Mayor Michael Dyson discussed the need to extend the disaster declaration.

**Councilmember Amy Pattillo motioned to approve Ordinance No. 2021-02-24-09 extending the disaster declaration. Councilmember Wendi Hundley seconded the motion.**

Councilmember Amy Pattillo thanked the Mayor for his actions and help during this winter weather event.

The City Council discussed debriefing the weather event and the city's emergency response, as well as that the staff is planning to document the events of the week to prepare for future events. They also discussed the compliments they heard from the community during this emergency and thanked many members of the city staff for what they did during this time.

**Mayor Michael Dyson called for a roll call vote.**

- **Mayor Pro Tem Gavin Massingill - Yes**
- **Councilmember Amy Pattillo – Yes**
- **Councilmember Sara Hutson – Yes**
- **Councilmember Wendi Hundley – Yes**

**The motion passed 4-0.**

10. Discussion and possible action on a utility bill relief program due to the February 2021 winter weather event.

Assistant City Administrator Ashley Wayman discussed the intent of this utility bill relief program.

Hal Lanham stated that the proposed program would be an issue and would require additional programming. He explained that other customers of AWR are doing similar programs where they are charging everyone in the lowest tier of their billing structure.

The City Council discussed this proposed program and potential ways to proceed with a bill relief program.

**Councilmember Wendi Hundley motioned to send the utility bill relief program to the Utility Commission for consideration to bring back to City Council at a special meeting before the next regular meeting. Councilmember Amy Pattillo seconded the motion.**

**Mayor Michael Dyson called for a roll call vote.**

- **Mayor Pro Tem Gavin Massingill - Yes**
- **Councilmember Amy Pattillo – Yes**
- **Councilmember Sara Hutson – Yes**
- **Councilmember Wendi Hundley – Yes**

**The motion passed 4-0.**

11. Discussion and possible action related to AWR's service performance during February 2021.

Hal Lanham, with AWR Services, presented the events of the February 2021 winter weather event from AWR's perspective.

The City Council asked questions regarding AWR's preparedness and actions during this weather event and discussed the city's lift stations.

Amy Pattillo read an email from AWR to the City on Monday, February 15.

Hal Lanham and the City Council further discussed the events of the previous week, including the difficult situation that the city was put in, the alerts that the lift stations issue when they are in distress, the generator requirement at lift stations, how to be better prepared for a situation like this, and emergency training of AWR staff.

Amy Pattillo stated that she would like to go into Executive Session to discuss this item with City Attorney Charles Zech

***The City Council adjourned to executive session at 8:27 p.m. to consult with legal counsel pursuant to section 551.071 of the Texas Local Government Code.***

***The City Council reconvened in open session at 8:56 p.m.***

Mayor Michael Dyson stated that no action was taken during closed session.

12. Discussion and possible action regarding bonuses for employees for who responded during the February 2021 winter weather event.

Mayor Michael Dyson stated that Councilmember Buck Shapiro added this item but was not able to be present at this meeting, and that this item could be placed on the next meeting.

The City Council discussed bringing back a plan that has been fully vetted and is appropriate under applicable laws.

City Administrator Amber Lewis stated that a policy for on call pay for Public Works employees would be brought back to the March City Council meeting.

13. Discussion and possible action to review applications and make appointments to the Park Commission, Utility Commission, RCDC, Planning and Zoning Commission and the Board of Adjustment.

Mayor Michael Dyson stated that there is currently one vacancy on the Planning and Zoning Commission and one vacancy on the Park Commission.

Council Member Sara Hutson expressed frustration that the applications were not placed in the packet.

**Councilmember Wendi Hundley moved to appoint Greg Demas to the Park Commission. Councilmember Amy Pattillo seconded the motion.**

The City Council further discussed the applicants.

**Mayor Michael Dyson called for a roll call vote.**

- **Mayor Pro Tem Gavin Massingill - Yes**
- **Councilmember Amy Pattillo – Yes**
- **Councilmember Sara Hutson – Yes**
- **Councilmember Wendi Hundley – Yes**

**The motion passed 4-0.**

**Mayor Pro Tem Gavin Massingill moved to appoint Dave Bench to the Planning and Zoning Commission. Councilmember Amy Pattillo seconded the motion.**

The City Council discussed what constitutes residency in the City of Rollingwood.

Mayor Michael Dyson moved on to the next item with intent to return later in the meeting.

**Mayor Pro Tem Gavin Massingill withdrew his motion. Councilmember Amy Pattillo withdrew her second.**

14. Discussion and possible action to appoint a Planning and Zoning Commission representative to the Comprehensive Plan Strike Force.

Mayor Michael Dyson stated that they would move on from this item and return if necessary.

15. Discussion and possible action to appoint a Utility Commission representative to the Comprehensive Plan Strike Force.

Mayor Michael Dyson discussed that Phil Dixon is no longer able to serve on the Comprehensive Plan Strike Force.

**Councilmember Amy Pattillo motioned to appoint Ronald Hasso as the Utility Commission representative to the Comprehensive Plan Strike Force. Councilmember Wendi Hundley seconded the motion.**

**Mayor Michael Dyson called for a roll call vote.**

- **Mayor Pro Tem Gavin Massingill - Yes**
- **Councilmember Amy Pattillo – Yes**
- **Councilmember Sara Hutson – Yes**
- **Councilmember Wendi Hundley – Yes**

**The motion passed 4-0.**

16. Discussion and possible action to direct the Planning and Zoning Commission to review the plat approval process to allow the administrative approval of plats.

Development Director Carrie Caylor discussed the plat approval process.

**Mayor Pro Tem Gavin Massingill motioned to direct the Planning and Zoning Commission to review the plat approval process to allow the administrative approval of plats. Councilmember Wendi Hundley seconded the motion.**

The City Council discussed the code as it pertains to plats.

**Mayor Michael Dyson called for a roll call vote.**

- **Mayor Pro Tem Gavin Massingill - Yes**
- **Councilmember Amy Pattillo – Yes**
- **Councilmember Sara Hutson – Yes**
- **Councilmember Wendi Hundley – Yes**

**The motion passed 4-0.**

17. Discussion and possible action to schedule the 2021 Spring Clean-Up event.

City Administrator Amber Lewis discussed the annual spring clean-up event and that staff recommends scheduling it for a Monday in March and that it be curbside pick-up.

The City Council discussed why the pick-up will be curbside and if an additional yearly pick-up should be scheduled.

**Councilmember Amy Pattillo motioned to schedule the annual spring clean-up event on a date to be determined with Waste Connections. Councilmember Wendi Hundley seconded the motion.**

**Mayor Michael Dyson called for a roll call vote.**

- **Mayor Pro Tem Gavin Massingill - Yes**
- **Councilmember Amy Pattillo – Yes**
- **Councilmember Sara Hutson – Yes**

- **Councilmember Wendi Hundley – Yes**

**The motion passed 4-0.**

18. Discussion and possible action regarding oak wilt reporting and remediation and to direct the City Attorney to draft the related ordinance.

Councilmember Wendi Hundley discussed this item and that other cities have similar ordinances.

The City Council discussed enforcement of this ordinance.

Councilmember Wendi Hundley asked City Attorney Charles Zech to draft the ordinance so that residents have a duty report oak wilt to the city and to include that those who get permits from the city would also have a responsibility to report it to the city.

The City Council further discussed messaging regarding oak wilt, particularly because of the winter weather event and the tree damage that was incurred.

Kevin Schell stated that he knows of a second property that has active oak wilt within the trenched area, and that he wants to raise awareness.

19. Discussion and possible action regarding an inventory of attachments to poles within the City of Rollingwood and a tree trimming plan.

Councilmember Amy Pattillo discussed the projects being undertaken by the Utility Commission regarding utilities and discussed that telecommunications in the city are also an issue that need to be addressed.

The City Council discussed utility issues in the city including cell phone service, needed tree trimming, the city requesting an inventory of the city's utilities, requesting an audit of the power grid in the city, and how to best get information from Austin Energy.

**Councilmember Amy Pattillo motioned to direct the City Administrator to request information from Austin Energy regarding any system wide inventory of our jurisdiction's utility poles and to provide Rollingwood with the results of this inventory, to also work with Austin Energy to confirm the locations and ages of critical infrastructure in the City of Rollingwood, and the electrical grid information provided therewith, to request any information about any tract information about repairs within the jurisdiction, to request information from Austin Energy regarding the amount of revenue generated from pole attachment fees in our jurisdiction, and the cost of serving these poles on an annual basis, and to work with Austin Energy to schedule tree trimming by its licensees during the next window for trimming oak trees following oak wilt season. Councilmember Wendi Hundley seconded the motion.**

Councilmember Amy Pattillo suggested starting this conversation with the city's Austin Energy representative.

**Mayor Michael Dyson called for a roll call vote.**

- **Mayor Pro Tem Gavin Massingill - Yes**

- **Councilmember Amy Pattillo – Yes**
- **Councilmember Sara Hutson – Yes**
- **Councilmember Wendi Hundley – Yes**

**The motion passed 4-0.**

20. Standing agenda item ----- update, discussion and possible action to pass a resolution, request a meeting with, to provide information or a statement of position of the City to, and/or to request information or analyses from relevant state and local officials in connection with the proposed South Mopac expansion.

Councilmember Amy Pattillo gave a brief update regarding this project, stating that the review process has been started.

21. Standing agenda item ----- update, discussion and possible action regarding the Bee Cave Improvement Project TXDOT has committed to co-sponsoring with the City of Rollingwood that will address the low water crossing flooding issues, expand to 5-lanes with shoulders and sidewalks throughout Rollingwood’s portion of Bee Cave Road.

Councilmember Amy Pattillo gave an update regarding this project stating that the city had met with the new team assigned to the project and that they are aiming to restart the design of this project later this year. She also discussed the new design being created, the funding of the project, and signage to keep the roadway safe.

**REPORTS**

All reports are posted to inform the public. No discussion or action will take place on items not on the regular or consent agenda.

- 22. City Administrator's Report
- 23. Municipal Court Report
- 24. Chief of Police Report
- 25. City Engineer Report - K. Friese & Associates
- 26. City Stats for January 2021
- 27. Contract invoices through January 2021 - AWR Services, Inc., Water and Wastewater Services, K. Friese & Associates - IIP & MS4, K. Friese & Associates, City Engineer.
- 28. City Financials for January 2021 - Fiscal Year 2020-2021
- 29. RCDC Financials for January 2021 - FY 2020-2021
- 30. Texas Central Appraisal District and Tax Assessor - Notices, Letters and Documents.
- 31. Texas Gas Service - Notices, Letters and Documents
- 32. AWR Services, INC., Report on Water and Wastewater for January 2021

**ADJOURNMENT OF MEETING**

The meeting was adjourned at 10:35 p.m.

Minutes Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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**Michael R. Dyson, Mayor**

**ATTEST:**

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**Ashley Wayman, City Secretary**