



CITY OF ROLLINGWOOD CITY COUNCIL MEETING MINUTES

Wednesday, October 20, 2021

Notice is hereby given that the City Council of the City of Rollingwood, Texas held a regular meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on October 20, 2021 at 7:00 PM, where the following items were discussed:

CALL REGULAR CITY COUNCIL MEETING TO ORDER

1. Roll Call

Mayor Pro Tem Gavin Massingill called the meeting to order at 7:00 p.m.

Present Members: Mayor Pro Tem Gavin Massingill, and Councilmember Sara Hutson, and Councilmember Amy Pattillo. *Councilmember Buck Shapiro joined the meeting at 7:37 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

There were no public comments.

PRESENTATIONS

2. Presentation from Chief Wilson regarding the Travis County ESD No. 9 needs assessment and discussion regarding enhanced presence of EMS and fire services in Rollingwood

Travis County ESD No. 9 Chief David Wilson discussed the ESD No. 9 Fire Department and their strategic planning initiatives for the City of Rollingwood, explaining that one initiative they are looking to undertake is locating a unit in Rollingwood.

Chief Wilson and the City Council discussed the ESD's strategic planning initiatives, the logistics and requirements of the department presence in the City of Rollingwood, the time frame in which this would be implemented, what the next steps are for this dialogue, what the spatial needs are for the department, and how there could be a joint effort to also meet the city's spatial needs.

The City Council expressed interest in further discussions between the City Council and ESD No. 9, discussing that there are mutual needs between the city and the ESD.

3. Presentation and discussion on the Quarterly Investment Report for the 4th Quarter

Finance Director Abel Campos presented the Quarterly Investment Report for the 4th Quarter.

4. Presentation and discussion on the Budget Review for the 4th Quarter

Finance Director Abel Campos presented the Budget Review for the 4th Quarter. He answered questions from the City Council regarding Telecom Taxes and Electric Utility Franchise Fees.

PUBLIC HEARING

5. Public hearing, discussion and possible action to approve an ordinance to require silt fencing for any residential landscaping work that could result in silt discharge, including but not limited to sod installation and turf installation

Mayor Pro Tem Gavin Massingill opened the public hearing at 7:29 p.m.

The following individuals spoke during the public hearing:

- Development Services Director Carrie Caylor discussed that the ordinances coming to the City Council today have gone through the Planning and Zoning Commission. She discussed this ordinance regarding the requirement of silt fencing for residential landscaping work that could result in silt discharge and discussed that currently there is no such requirement.

Mayor Pro Tem Gavin Massingill closed the public hearing at 7:32 p.m.

**Councilmember Amy Pattillo motioned to approve Ordinance 2021-10-20-05.
Councilmember Sara Hutson seconded the motion.**

Councilmember Sara Hutson discussed revisions she would like made to the ordinance including removing the statement that the city receives water from the Edwards Aquifer in the fourth “WHEREAS,” clearing up a statement at the top of page two of the ordinance, and removing a reference to the City of Bee Cave in section 4.

Councilmember Amy Pattillo stated that she agrees with the changes regarding the Edwards Aquifer and the City of Bee Cave.

Mayor Pro Tem Gavin Massingill amended the motion to strike “and receives water from the Edwards Aquifer” in the fourth WHEREAS and to substitute the word “Rollingwood” for the words “Bee Cave” in section 4. Councilmember Amy Pattillo seconded the amendment.

Mayor Pro Tem Gavin Massingill called for a vote on the amended motion.

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

The motion passed 3-0.

6. Public hearing, discussion and possible action to approve an ordinance to add a definition for retaining walls to specify any fence or wall built or designed to retain or restrain lateral forces of soil or other materials, said materials being similar in height to the height of the wall

Councilmember Buck Shapiro joined the meeting during this item.

Mayor Pro Tem Gavin Massingill opened the public hearing at 7:37 p.m.

The following individuals spoke during the public hearing:

- Development Services Director Carrie Caylor discussed the reason for adding in the definition of a retaining wall in this ordinance. She also answered questions from the City Council regarding the ordinance and instances where it would apply.

Mayor Pro Tem Gavin Massingill closed the public hearing at 7:39 p.m.

**Councilmember Amy Pattillo motioned to approve Ordinance 2021-10-20-06.
Councilmember Sara Hutson seconded the motion.**

Councilmember Sara Hutson discussed that the definition of retaining wall is very non-specific and could be difficult to enforce.

Development Services Director Carrie Caylor stated that there is supposed to be flexibility built in to the definition and that this definition came from the Planner's Dictionary.

The City Council discussed the ordinance language and enforcement.

Mayor Pro Tem Gavin Massingill called for a vote.

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

The motion passed 4-0.

7. Public hearing, discussion and possible action to approve an ordinance for driveways that limits residential lots to not more than 3 total curb cuts, and not more than 2 on a single street frontage, and limits the total combined width of aprons to not exceed a total of 45 feet

Mayor Pro Tem Gavin Massingill opened the public hearing at 7:43 p.m.

The following individuals spoke during the public hearing:

- Development Services Director Carrie Caylor discussed that this was directed to the Planning and Zoning Commission last spring, and that the code is very specific regarding circular driveways and other aspects, but not relating to the number of driveways that a single property can have. She also discussed what this ordinance would allow. She answered questions from the City Council regarding how our code defines an "apron."

Mayor Pro Tem Gavin Massingill closed the public hearing at 7:49 p.m.

**Councilmember Amy Pattillo motioned to approve Ordinance 2021-10-20-07.
Councilmember Sara Hutson seconded the motion.**

Councilmember Sara Hutson discussed that there are curb cuts in the city that are not associated with a home or driveway and asked how or if this ordinance would apply if it limits the number of curb cuts.

Development Services Director Carrie Caylor discussed that this is in the driveway section of the code and that she believes that this would not apply to those curb cuts.

The City Council discussed adding “for driveways” to the language to make it clear where it applies.

Councilmember Amy Pattillo amended her motion to add “for driveways” after the first phrase in section 5, so that it would read “each residential lot shall maintain not more than three (3) total curb cuts for driveways.”

City Attorney Charles Zech discussed that based on the section of the code this language is in, it is very clear that this section deals with driveways and that it can’t hurt to add this language but that it is not necessary.

Councilmember Sara Hutson seconded the amendment.

Mayor Pro Tem Gavin Massingill called for a vote on the amended motion.

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

The motion passed 4-0.

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.

8. Discussion and possible action on the minutes from the August 25, 2021 City Council meeting
9. Discussion and possible action on the minutes from the September 15, 2021 City Council Meeting
10. Discussion and possible action to approve Jamil Alam's resignation from the Planning and Zoning Commission

Councilmember Sara Hutson motioned to approve the consent agenda. Councilmember Buck Shapiro seconded the motion.

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

The motion passed 4-0.

REGULAR AGENDA

11. Discussion and possible action on improvements to the water lines around and near Vale Street

Mayor Pro Tem Gavin Massingill stated that he requested this item be added to the agenda.

City Administrator Amber Lewis discussed the state of the water line in the Vale/Vance area, the frequency of boil water notices issued when the city's water lines, and this line in particular, requires repair. She also discussed the quality of the exiting line.

Dale Murphy and Greg Blackburn with K. Friese and Associates discussed the shallow depths and poor bedding of this water line and the need for repair of this line on Vale, and Bettis, extending down to Timberline. They answered questions from the City Council regarding why there have been so many more issues with this line recently, and what could be causing the breaks. They also discussed the pressure reducing valves currently in the system.

The City Council and engineers discussed the accuracy of the line maps.

Mayor Pro Tem Gavin Massingill motioned to authorize the Mayor to work with Crossroads and instruct them to analyze, repair or replace any pressure reducing valves in or around the area of Vale Street to ensure proper functionality. Councilmember Sara Hutson seconded the motion.

Councilmember Sara Hutson discussed that the pressure reducing valves are not in the Vale Street area.

Mayor Pro Tem Gavin Massingill amended his motion to remove the location requirement for the pressure reducing valves.

Councilmember Amy Pattillo discussed that the CIP results should be available soon and that she agreed that this is a good action to take as a solution to a problem.

The City Council and engineers further discussed line and valve issues in this area.

Mayor Pro Tem Gavin Massingill called for a vote on the amended motion.

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

The motion passed 4-0.

City Administrator Amber Lewis asked the City Council to direct staff to bring back a work authorization and task order to work on design and construction documents for the construction of the Vance, Vale, continuing to Timberline, and then the Bettis line.

The engineers discussed that a rough estimate for the cost of this is around \$800,000 to \$1 million at this time.

City Administrator Amber Lewis discussed that it would be helpful to if the Council directed K. Friese and Associates to work with the City Administrator to identify different funding sources available.

The City Council and engineers further discussed and clarified the lines that are in need of repair.

Councilmember Amy Pattillo motioned to authorize K. Friese and Associates to bring back a work order to design a replacement water line for Vale down Rollingwood to Timberline, Vance, and Bettis, and to work with the City Administrator on identifying the different funding sources available and providing a recommendation to the Council. Councilmember Buck Shapiro seconded the motion.

The City Council and the engineers discussed what is being authorized now and what is already being worked on.

The City Council discussed whether the line on Vale was replaced with a new one in the street during the repaving project. The engineers discussed that they would investigate this before beginning the design.

Councilmember Amy Pattillo amended her motion to authorize K. Friese to evaluate the location of the line placed on Vale in 2014 and, in view of the placement of that line, to bring a work order to either reconnect that line or to design a replacement line for Vale down Rollingwood to Timberline, Vance and Bettis and to work with the City Administrator on identifying the different funding sources available and providing a recommendation to Council. Councilmember Buck Shapiro seconded the motion.

Councilmember Sara Hutson discussed that she isn't sure whether there was a project before 2014.

The City Council and the engineers discussed what would happen if a line was found previously installed there.

Councilmember Amy Pattillo further amended her motion to authorize K. Friese to evaluate the location of any water lines placed under the street on Vale and connecting roads, bring a work order to design a decommissioned or replacement line for Vale, down Rollingwood to Timberline, Vance and Bettis, and work with the City Administrator on identifying the different funding sources available and providing a recommendation to Council. Councilmember Buck Shapiro seconded the motion. Mayor Pro Tem Gavin Massingill seconded the motion.

Mayor Pro Tem Gavin Massingill called for a vote on the motion.

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

- **Councilmember Sara Hutson – Yes**
- **Councilmember Amy Pattillo – Yes**
- **Councilmember Buck Shapiro – Yes**

The motion passed 4-0.

12. Discussion and possible action to request a recommendation from the Utility Commission regarding water system upgrades

Councilmember Amy Pattillo discussed that at the October Utility Commission meeting Chair Jonathan Miller asked how the Utility Commission could be participating in addressing the water system issues and she wanted to gauge the Council to see if there was a specific request for them to begin evaluating.

The City Council discussed whether waiting until the CIP was complete would be best to help them prioritize what needs to be evaluated.

Councilmember Amy Pattillo suggested that the City Council wait until next month to see if there is anything specific they want them to review after the CIP is ready.

Councilmember Amy Pattillo motioned table this agenda item to the next regular City Council meeting. Councilmember Sara Hutson seconded the motion.

Mayor Pro Tem Gavin Massingill called for a vote on the motion.

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

The motion passed 4-0.

13. Discussion and possible action approve a quote from Austex Tree Services for tree trimming services in the City of Rollingwood and to direct staff to bring back a budget amendment for the service

City Administrator Amber Lewis discussed that the trees along city streets are in need of trimming and that it is in the best interest of the public health and to prevent the spread of Oak Wilt to trim the trees up to 16 feet above the roadway. She discussed the process of getting quotes and stated that staff is requesting that the city go with Austex.

Councilmember Sara Hutson asked why the city would trim to 16 feet as opposed to 14 feet like it is in the City of Austin. She also discussed that the first attempt should be to have property owners trim their own trees because it is their responsibility, not the city's.

City Administrator Amber Lewis discussed that though she agrees that this should be a property owner's responsibility, there is a public health and safety issue. She also discussed that the administrative burden to go through this process may be too much for the current staff and that she felt that might be a good way to reinvest the street sales tax money in the community.

The City Council and City Administrator Amber Lewis discussed the complaints that this would cause and whose legal responsibility it is to trim the trees over the street.

City Attorney Charles Zech discussed that the city has the right to prohibit encroachments in the city's right-of-ways, including tree limbs.

The City Council discussed identifying the hotspots, and giving the homeowners the opportunity to trim the trees and if they don't, the city could come in and take care of the issues.

City Administrator Amber Lewis stated that the city could issue letters citywide, evaluate for compliance, and bring it back if it is still necessary.

The City Council and City Administrator Amber Lewis discussed whether the whole city needed to be noticed or just the hot spots, and how the notice would be sent out.

David Bench, 1 Randolph Place, discussed that he has made every attempt to keep his tree on Rollingwood Drive trimmed up to 14 feet, and recommended that the city establish the height requirement before anything else is done.

Kevin Schell, 300 Pleasant Drive, discussed that he is an offender about this right now and that historically the city sent out letters and that he would be unhappy if the city trimmed his trees. He also stated that there was active Oak Wilt on a neighboring property and that a third party trimming all the trees may increase the risk of oak wilt spread.

City Administrator Amber Lewis stated that staff would send out a letter addressing tree trimming and come back at the next meeting with a report regarding action.

The City Council discussed the timeline for getting this done, as well as whether there needed to be a separate bid to get the city's trees done. City Administrator Amber Lewis stated that she would talk to public works about this.

14. Discussion and possible action on a resolution approving a budget for the Rollingwood Community Development Corporation, Rollingwood, Texas, for the fiscal year beginning October 1, 2021, and ending September 30, 2022

City Administrator Amber Lewis discussed the action that the RCDC took to pass a budget inconsistent with the Management Services Agreement with the city, and that at the last meeting City Council rejected the resolution and asked them to amend their budget consistent with the Administrative Services Agreement, and this is that amendment. She also discussed that they are interested in scheduling a joint meeting or workshop with the City Council to open up the Administrative Services Agreement as well as to see how RCDC can be helpful in the execution of the Comprehensive Plan as it relates to the Commercial Corridor.

Mayor Pro Tem Gavin Massingill motioned to approve a resolution approving a budget for the Rollingwood Community Development Corporation, Rollingwood, Texas, for the fiscal year beginning October 1, 2021, and ending September 30, 2022. Councilmember Amy Pattillo seconded the motion.

Mayor Pro Tem Gavin Massingill stated that this is reflective of the budget approved for the city and that he is good with moving forward with this and that he is open to a joint meeting to discuss the Administrative Services Agreement.

Mayor Pro Tem Gavin Massingill called for a vote on the motion.

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

The motion passed 4-0.

15. Discussion and possible action on a resolution of the City of Rollingwood to join with the State of Texas and political subdivision of the state as a party in the Texas Opioid Settlement Agreement secured by the Office of the Attorney General

City Attorney Charles Zech discussed that the Attorney General negotiated an opioid settlement and they have allocated funds to cities based on the opioid problems in those communities. He stated that the city is guaranteed to receive a little over \$4,000 and that he recommends that the city approve this resolution and sign on to this settlement agreement now as opposed to later when there is a grant allocation process.

Mayor Pro Tem Gavin Massingill called for a vote on the motion.

Council Member Amy Pattillo motioned to approve a resolution of the City of Rollingwood to join with the State of Texas and political subdivisions of the state as a party in the Texas Opioid Settlement Agreement secured by the Office of the Attorney General. Councilmember Sara Hutson seconded the motion.

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

The motion passed 4-0.

16. Discussion and possible action regarding a policy for guiding joint meetings of the City Council, City Boards and City Commissions

Councilmember Amy Pattillo discussed that this item was on the August agenda but was postponed, and explained that she has received questions recently about how the city's boards and commissions interact with each other and with the Council. She also discussed that she envisions the City attorney and staff to provide some guidance regarding a policy and discussed the questions she has that arose from recent situations.

City Attorney Charles Zech discussed state law regarding the city's boards and commissions and compliance with the Texas Open Meetings Act.

The City Council and City Attorney Charles Zech discussed holding an Open Meetings Act training for the City Council and the city's boards and commissions.

Councilmember Amy Pattillo discussed whether there was a need for a policy for how joint meetings are called. She also discussed that the City Council and boards and commissions would get much more out of a training by the City Attorney's office as opposed to just watching the required video.

Councilmember Amy Pattillo encouraged the next governing body to look at some of these questions and set some precedent for how boards and commissions should collaborate.

17. Discussion and possible action regarding the Riley/Paige/Stratford transportation infrastructure updates

City Administrator Amber Lewis explained the history of Council action regarding this intersection and gave an update regarding the intersection, explaining that the city worked with the City of Austin on a temporary design. She also explained that the City of Austin was already planning to make that intersection a three way stop and that it will now include a no left turn onto Paige. She also explained that this would be installed soon now that ACL is over.

The City Council discussed the design shown in the packet.

Councilmember Amy Pattillo thanked City Administrator Amber Lewis and Police Chief Jason Brady for their work on this project and for helping to come up with a solution that was mutually beneficial for both Rollingwood and Austin and that alleviated a stressful situation.

Kevin Schell asked if there was going to be a control in place to make sure this solution didn't just move the problem to Ashworth or Ridgewood.

City Administrator Amber Lewis stated that the city collected traffic count data before so this could be analyzed once the temporary design is complete.

The City Council discussed this concern and the potential for the re-routing of traffic, the speed of traffic coming through this area, and other solutions that the City of Austin is looking at to alleviate traffic issues in this area.

Councilmember Sara Hutson asked if they still intended to put the center stripe down Paige and City Administrator Amber Lewis stated that she would find out.

18. Discussion and possible action regarding the Zilker Park Vision Plan updates

Councilmember Amy Pattillo discussed the Zilker Vision Plan process and how it will potentially affect the City of Rollingwood. She suggested that the city spend some money to have the city engineers watch the part of the presentation regarding transportation and for Bickerstaff to review this and provide responses where needed. She also suggested having someone on the Park Commission following this because changes in Zilker Park may cause others to come to Rollingwood Park instead.

The City Council discussed how serious some of these discussions and plans are as well as that they are worth exploring due to the severe impact they could have on Rollingwood. They also discussed other options that the Zilker Vision Plan considers, including the closing of Barton

Springs, as well as how to get Rollingwood engaged in this process, and where to find the funds to pay for legal assistance and consultation regarding this issue.

Councilmember Amy Pattillo motioned to request that the City Engineer and Bickerstaff review relevant portions of the Zilker Vision Community meeting number three related to transportation and other ideas that would potentially impact Rollingwood, in association with other transportation issues and the City of Rollingwood's positions regarding MoPac South, and would request that the Park Commission evaluate the ideas presented in the Zilker Vision Community meeting number three for impacts to the parks in the City of Rollingwood, would request that the RCDC evaluate the ideas presented in the Zilker Vision Community meeting number three for any impacts to the Commercial Corridor in the City of Rollingwood, and would request that the Mayor schedule a workshop type format meeting within the next month to review the ideas presented in Zilker Vision Community meeting number three and gather comments from residents to inform a position from the City of Rollingwood regarding the Zilker Vision Plan. Buck Shapiro seconded the motion.

City Administrator Amber Lewis asked whether this workshop would run concurrently with the Park Commission, RCDC and Bickerstaff evaluating the plan.

Councilmember Amy Pattillo amended her motion to state “within the next two months schedule a workshop.”

Mayor Pro Tem Gavin Massingill called for a vote on the amended motion.

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

The motion passed 4-0.

Mayor Pro Tem Gavin Massingill requested a somewhat recurring agenda item on this topic.

19. 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

Assistant City Administrator Ashley Wayman stated that there is one opening on the Planning and Zoning Commission at this time and that there are four outstanding applications.

Councilmember Sara Hutson motioned to appoint David Bench to the Rollingwood Planning & Zoning Commission. Mayor Pro Tem Gavin Massingill seconded the motion.

Mayor Pro Tem Gavin Massingill called for a vote on the motion.

- **Mayor Pro Tem Gavin Massingill – Yes**
- **Councilmember Sara Hutson – Yes**
- **Councilmember Amy Pattillo – Yes**
- **Councilmember Buck Shapiro – 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 stated that there is nothing to report at this time, but that it would be helpful to have a dedicated page on the city website for the letters and information regarding this item.

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.

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

ADJOURNMENT OF MEETING

The meeting was adjourned at 9:46 p.m.

Minutes Adopted on the _____ day of _____, 2021.

Michael R. Dyson, Mayor

ATTEST:

Ashley Wayman, City Secretary