

CITY OF ROLLINGWOOD

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Minutes of April 19, 2000 Regular City Council Meeting And Public Hearing

Present: Mayor Thom Farrell Mayor Pro-Tem Hollis Jefferies
Alderman Jay Brim Alderman Deets Justice
Alderman Terry Kenyon Alderman John Lindell

City Administrator Ryan Kelley
City Secretary Joyce Howell
City Attorney John Carlton

1. Call to Order.

Mayor Farrell called the meeting to order at 7:04 P.M.

2. Approval of March 2000 financial statement.

Motion by Alderman Kenyon to approve. Second by Alderman Lindell. Motion passed by unanimous vote.

3. Approval of March 22, 2000 City Council Meeting minutes.

Motion by Alderman Kenyon to approve. Second by Alderman Brim. Motion passed by unanimous vote.

22. Discussion and possible action regarding curb cuts located on Almarion Way.

This item was tabled.

23. Update on Capital Metro Park and Ride.

Mayor Farrell announced that the proposed site at Mo Pac and Rollingwood Drive would not be a good site for residents of Rollingwood and that Capital Metro had decided not to pursue the location.

9. Discussion and possible action regarding sale of Rollingwood water system.

Mayor Farrell introduced Hank Kidwell and Steve Murray of the LCRA. The Mayor said that initial discussions with LCRA would have the LCRA own and operate the system and give Rollingwood some power over regulating the system and setting rates. The City would still do monthly billings and LCRA would agree to substantial system improvements as agreed to by Rollingwood. The Mayor said that the agreement must have public hearings, be agreed to by Council and then go to the public for a vote. Alderman Justice asked if the contract would be similar to the wastewater agreement. Mr. Murray said that it would. Alderman Kenyon said that he thought that the idea was worth pursuing and that important factors would be rate setting and what to do with the money from the sale of the system. No action was taken.

(Alderman Jefferies arrived)

27. Council and Staff reports.

Mayor Farrel cautioned everyone to be extremely careful around the sewer system construction sites. The Mayor then announced that the City was facing a large number of important projects and asked Council Members if they would be willing to assist in the following projects:

Utilities, including Impact Fees, Drainage, telecommunications issues, and underground electric-Farrell and Justice

City Hall Building Improvements- Lindell, Jefferies

Subdivision of unsubdivided lots- Lindell, Hamilton

Park, trails and sidewalks-Lindell, Kenyon

Cul-de-sac and side street issues- Hamilton

Interior Traffic- Farrell, Kenyon, Lindell

Bee Caves Road Traffic- Kenyon

Personnel review-Jefferies, Lindell

Sign Ordinance-Lindell

Investments and mid year audit-Jefferies

All Council members agreed to these assignments.

Mr. Kelley said that he would type the projects and assignments for the council.

26. Discussion regarding annual budget status.

This item was tabled.

24. Bee Cave Road update.

This item was tabled.

4. Comments from Rollingwood Citizens on any item not on the agenda.

Marjorie Loehlin distributed copies of a petition to request a moratorium on the death penalty in Texas.

11. Discussion and possible action regarding approval of Final Subdivision Plat for Dellana Rollingwood Commercial Subdivision.

City Engineer Don Sansom reported that the Plat met with engineering approval, adding that the applicant had solved the concerns raised by the P and Z regarding easements. He stated that City Ordinance requires a fiscal guarantee for the cost of utility improvements and that such bond had not been produced.

City Attorney John Carlton said that he and the applicant were working on an agreement to satisfy this concern. Mayor Farrell directed Mr. Carlton to continue to work on the fiscal agreement. Motion by Alderman Kenyon to approve, conditioned upon approval of the fiscal agreement and added plat note. Second by Alderman Lindell. Motion passed by unanimous vote.

18. Discussion and possible action regarding moratorium on building and development within the City of Rollingwood.

John Carlton announced that current ordinances supply a 90 day moratorium on new site plan and building permits due to the ongoing Development Ordinance review. Mayor Farrell asked Mr. Carlton about the effects of the ordinance moratorium on a PUD application. Mr. Carlton said that a PUD application is a zoning change so not subject to the moratorium. Alderman Kenyon asked if the moratorium would be waivable by the Council. Mr. Carlton said that he was not sure what the answer would be.

No action was taken.

5. Public Hearing on amendment to Zoning Ordinance amending provisions affecting building height, set back requirements, buffer zones, building construction, notice for certain applications, traffic plan submissions, compatibility standards, conditions for variances and providing certain other miscellaneous changes to the City's zoning ordinances.

Alderman Lindell said that he and Alderman Justice had reviewed the P and Z draft ordinance and had come up with proposed changes which he would like to go through.

Mayor Farrell asked P and Z members to present the P and Z position on their draft ordinance.

P and Z member Bill Hamilton thanked outgoing Alderman Jay Brim for his service to the city. Mr. Hamilton said that the city is near the end of a long successful process.

He explained that the P and Z had adopted some sections of the draft document in toto, then amended some sections and finally unanimously adopted the entire amended ordinance.

Mayor Farrell asked which sections were not adopted by unanimous vote.

Mr. Carlton said that there was a 4-1 vote on adopting the 4 foot lowest finished floor elevation, 3-2 on retaining maximum commercial height at 2 stories or 35 feet, 3-2 to remove all residential uses from C-1 zoning, 4 -2 on leaving garages as special uses in the C-1 district, 4-1 on changing groceries from a permitted use to a special use in C-2, 3-2 on changing convenience stores from a special use to a prohibited use in C-2, and 3-2 on keeping gas stations as a special use in C-2.

Britt Reed expressed concern that the percentage area allowed was too arbitrary to work where lots are so different in shape and size.

Bill Lee suggested that restrictions on development rights should go to the public for a vote.

Swede Carlson said that he was not in favor of allowing higher residential height limits or of changing B.O.A. standards.

Gary Payne said he was opposed to a .33 area limitation for building size. He suggested that the City look at using building coverage as a function of lot size as other Cities such as Austin do. On commercial regulations, he cautioned the Council about precluding development which may actually be desirable.

Kath Polito said that she would favor using the building footprint as the way to measure size if only 2 stories were allowed.

Gary Keller stated that even with a large lot, economics would preclude a very large house from being built in Rollingwood. He also expressed strong support for the change in the standard to be used by the Board of Adjustment during variance review.

Alderman Justice asked if he and Alderman Lindell could go over their changes to the P and Z recommendations.

Mayor Farrell asked if there were more public comment, there was none so he closed the public hearing.

6. Discussion and possible action regarding amendment to zoning ordinance amending provisions affecting building height, set back requirements, buffer zones, building construction, notice for certain applications, traffic plan submissions, compatibility standards, conditions for variances and providing certain other miscellaneous changes to the City's zoning ordinances.

Alderman Brim moved to adopt draft ordinance as recommended by the Planning and Zoning Commission. Second by Alderman Kenyon for discussion purposes.

Alderman Justice outlined the proposed changes to the P and Z draft that he and Alderman Lindell were now recommending.

Regarding building height issues, Alderman Justice proposed having the same definition for both commercial and residential (35 feet from finished floor elevation) and dropping the 4 foot grade differential. He said that the grade differential would discriminate against owners of hilly lots. Alderman Lindell said that adding "including a garage floor" as a lowest finished floor elevation was needed also.

Alderman Lindell and Justice recommended increasing the floor to area ratio to .55 percent of the lot and using the ground floor footprint as the measuring unit. Aldermen Jefferies and Kenyon supported the building footprint as the unit of measurement.

Motion by Alderman Justice to adopt the preceding changes as an amendment to the P and Z draft. Second by Alderman Lindell. The vote was Aldermen Justice, Lindell, Jefferies and Kenyon yes, Alderman Brim no. The motion passed.

Aldermen Justice and Lindell again proposed a lot coverage limit of .55 ground area as opposed to the P and Z recommendation of .33 total square footage. Motion by Alderman Justice to limit building coverage to .55 percent of lot size. Second by Alderman Lindell. The vote was Aldermen Justice, Lindell, Jefferies and Kenyon yes, Alderman Brim no. The amendment passed.

Alderman Lindell moved that the P and Z draft be amended to limit commercial height to 35 feet or 2 stories, unless the distance between the structure and the nearest residential lot is at least 150 feet. If the structure is 150 feet or more from a residential lot, the structure may be 40 feet in height and be a maximum of 3 stories. Second by Alderman Justice.

Mayor Farrell expressed concern that many lots could then be developed to 3 stories. Alderman Lindell said that he thought there were only two or three lots which would be affected. Mayor Farrell suggested that additional height be allowed as a special use or on a PUD but not as an entitlement in the zoning code. Alderman Lindell amended his motion to require that a lot be at least 5 acres in area to be entitled to extra height limits. Alderman Justice accepted the amendment.

Paul Hudson stated that he was the owner of a tract which would be affected by the amendment and supported the amendment to allow owners of larger tracts to be able to go to 3 stories.

Mayor Farrell said that he was concerned with owners aggregating their properties in order to be able to build 3 stories and the implications for utility infrastructure. He suggested that the City enter into an agreement with Mr. Hudson and/or his prospective buyers.

Alderman Kenyon said that he was sympathetic to Mr. Hudson's situation and suggested that the city explore the Mayor's idea to reach a separate agreement.

The Mayor suggested leaving the limit at 2 stories and seeking an agreement with Mr. Hudson. Alderman Justice asked Alderman Lindell if he would be comfortable taking this new proposal through the P and Z process. Mr. Lindell said no, he believed that there should not be a separate agreement.

Alderman Kenyon suggested a separate meeting on this issue.

Mayor Farrell tabled the amendment.

Aldermen Justice and Lindell proposed that dwelling uses and subdivision sales offices be prohibited in a C-1 zoning district, not all residential uses as per the P and Z draft. Residential zone uses thus permitted would include city facilities such as parks and utility facilities. Motion by Alderman Justice to amend the P and Z draft to allow ancillary residential uses in a C-1 district. Second by Alderman Kenyon. The vote was Aldermen Justice, Lindell, Kenyon and Jefferies yes, Alderman Brim no. The amendment passed.

Alderman Justice next moved to amend the P and Z draft regarding impervious cover requirements for the C-1 district to be clarified to read that impervious cover in a commercial district shall not exceed 50% of the total area of any lot. Second by Alderman Kenyon. The vote was Aldermen Justice, Kenyon, Lindell and Jefferies yes, Alderman Brim no. The amendment passed.

Alderman Justice recommended that grocery or food specialty stores and convenience stores be changed from prohibited uses to special uses in the C-2 zoning district.

Mayor Farrell proposed that camera or photography supply stores, hardware stores, art and photography studios and clinics without overnight studios be moved from permitted uses to special uses.

Motion by Alderman Justice to amend the P and Z draft to reflect both his and the Mayor's changes. Second by Alderman Lindell. The vote was Aldermen Justice, Lindell, Jefferies and Kenyon yes, Alderman Brim no. The amendment passed.

Alderman Justice proposed a friendly amendment to the main motion to correct typographical mistakes in the present Code of Ordinance to provide for 50% impervious cover in the Governmental and Institutional, Park and Hospital zoning districts. Alderman Brim accepted the proposal as a friendly amendment as did Alderman Kenyon. Alderman Kenyon then seconded the friendly amendment. Motion passed by unanimous vote.

Alderman Justice asked the City Attorney if the main motion and the agreed upon amendments could be voted upon with one amendment outstanding. Mr. Carlton said no, they could not because of the style of the main motion adopting the P and Z draft.

Mayor Farrell announced that there would be a Special Council meeting for Thursday May 27th at 7:00 P.M. He directed the City Attorney to prepare a blackline draft showing the amendments agreed upon tonight.

7. Discussion and possible action regarding amendment to code of ordinances requiring landscaping within the City.

This item was tabled.

8. Discussion and possible action regarding amendment to code of ordinances prohibiting through traffic on certain public streets in the City of Rollingwood.

Alderman Lindell moved to table the amendment pending results of a traffic study. There was no second to the motion. Mr. Leonard Smith, Attorney for business owner Bill Broaddus, shared his concern that any action by the council might have negative economic impacts on his client. He said that his client was not opposed to the proposed ordinance as recommended by the P and Z. Mayor Farrell tabled the item.

10. Discussion and possible action regarding possible wastewater Interlocal Agreement between Rollingwood, West Lake Hills, and the City of Austin.

This item was tabled.

12. Discussion and possible action to enter into new termite contract with Terminix Pest control and approval of expenditures for contract.

Motion by Alderman Brim to approve a new contract for the provision of termite control services. Second by Alderman Justice. Motion passed by unanimous vote.

13. Discussion and possible action to renew Interlocal Agreement between the cities of Austin and Rollingwood for joint law enforcement in Zilker Park for a period of 3 years with two one year extension options.

Motion by Alderman Lindell to approve the agreement. Second by Alderman Kenyon. Motion passed by unanimous vote.

14. Discussion and possible action regarding compensation for Municipal Court Presiding Judge.

This item was tabled.

15. Discussion regarding possible underground utilities.

This item was tabled.

16. Discussion and possible appointments to Board of Adjustments and Planning and Zoning Commission.

Alderman Lindell announced that Chairman Tony Corbett and member Ralph Ravenburg would like to be reappointed to the P and Z. Alderman Lindell then moved that Mr. Corbett and Mr. Ravenburg be reappointed and that Jamie McNally and Ken Fincher be appointed to fill current vacancies on the Planning and Zoning Commission. Second by Alderman Kenyon. Motion passed by unanimous vote.

17. Discussion and possible action regarding traffic studies and Bee Cave Road safety issues in the City of Rollingwood.

Alderman Lindell said that all traffic calming ideas should be considered and that the City should go forward with a study of Rollingwood Drive. Mayor Farrell said that the City had received a packet of information relating to traffic calming issues from the City of Austin and that copies would be made available for review.

Alderman Lindell moved that the City direct the City Attorney to draft an ordinance amendment to reduce regular speed limits in the City(excluding Bee Caves Road) from 30 to 25 m.p.h. Second by Alderman Kenyon. Motion passed by unanimous vote.

19. Sewer update and consideration and possible action regarding the adoption of policies and procedures concerning central sewer.

Mayor Farrell said that construction activities should start within a week and said that a construction schedule would be available at City Hall.

20. Discussion and possible action regarding hiring an engineer to design water line improvements.

Mayor Farrell recommended that the City hire an engineer to design water line improvements, and suggested that he contact Murfee Engineering. There was general agreement to this and no formal action was taken.

21. Discussion and possible action regarding Finish Line wastewater settlement.

Mayor Farrell announced that the settlement would be finished in a few weeks. No action was taken.

Mayor Farrell announced that the Council would go into executive session to discuss real property acquisition and personnel related matters. The Council convened in executive session at 12:05 A.M.

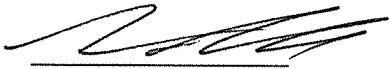
Mayor Farrell reconvened the Council into regular session at 12:20 A.M. and announced that no action had been taken.

25. Discussion and possible action regarding personnel matters relating to the city Administrator, City Secretary, Associate Municipal Judge, Public Works Director, Chief of Police, Police Sergeant, each Police Officer, and each Reserve Police Officer.

Alderman Jefferies moved that the City hire an independent consultant to conduct a review of the Police Department. Second by Alderman Kenyon. Motion passed by unanimous vote.

28. Adjournment.

Motion to adjourn by Alderman Brim. Second by Alderman Kenyon. Motion passed by unanimous vote. Meeting was adjourned at 12:27 A.M.



Thom Farrell
Mayor



Ryan Kelley
City Administrator

