



CITY OF ROLLINGWOOD CITY COUNCIL MEETING MINUTES

Wednesday, January 15, 2020

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 January 15, 2020 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, Wendi Hundley, Buck Shapiro, Amy Pattillo and Sara Hutson.

Also Present: City Administrator Amber Lewis, City Attorney Charles Zech, Finance Manager Abel Campos, Development Services Manager Carrie Caylor, and City Secretary Ashley Wayman.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARING

2. Public hearing, discussion, and possible action on an ordinance amending the City's code of ordinances section 12.06 to prohibit the operation of "motor-assisted scooters" in the City; providing for a penalty of up to \$500 per day for a violation of this ordinance; providing for severability, and an effective date.

Mayor Pro Tem Gavin Massingill opened the public hearing at 7:02 p.m.

There were no citizen comments during the public hearing.

Mayor Pro Tem Gavin Massingill closed the public hearing at 7:02 p.m.

Wendi Hundley explained that from past meetings the city did not seem to have a desire to prohibit the operation of these scooters in the City and the Council discussed possible ways to approach this item other than an outright ban, including banning the abandonment of scooters.

Wendi Hundley suggested directing staff to draft an updated ordinance and bring it back to Council next month.

The Council discussed adding similar provisions to this ordinance as dockless vehicle ordinance.

City Attorney Charles Zech stated that the ordinance as it is currently drafted prohibits commercial scooters in the city and prohibits someone from leaving their personal scooters in the public right of way.

Wendi Hundley stated that the Council is seeking a way to allow scooters within the city but also provide the ability to impound scooters abandoned in the city's right of way. Council gave direction to City Attorney Charles Zech to draft an ordinance to prohibit the abandonment of scooters in the city. Charles Zech confirmed that this ordinance would be drafted and brought back at the next meeting.

Mayor Pro Tem Gavin Massingill stated that no action was taken on this item.

3. Public hearing, discussion and possible action on a request to amend the City's Code of Ordinances to expressly include allowing for banks and savings and/or savings and loan institutions in the current C-2 Zoning District of the City of Rollingwood.

City Attorney Charles Zech stated that the Planning and Zoning Commission did not make a recommendation in this matter and that according to state law, City Council cannot take action on this matter, though there can still be a public hearing or discussion.

Wendi Hundley asked for clarification on the rules for when the Planning and Zoning Commission does not take action on an item.

Mayor Pro Tem Gavin Massingill stated that he spoke to the Chair of the Planning and Zoning Commission and he stated that the Commission did not intend to take no action on the item they just saw no clear path forward.

Mayor Pro Tem Gavin Massingill opened the public hearing at 7:21 p.m.

The following individuals spoke during the public hearing:

- William Milligan, on behalf of Vista Bank, discussed the events of the Planning and Zoning Commission meeting. He discussed the position that this property is currently in and the challenges that it faces. He also explained why he felt that the Planning and Zoning Commission did not take action on the item and discussed why Vista Bank would be good for the community in this location.

Mayor Pro Tem Gavin Massingill closed the public hearing at 7:28 p.m.

Wendi Hundley expressed that with the current Retail Coach study and Planning and Zoning Commission planning to take on zoning in the corridor she was not in favor of changing the zoning on this property or allowing a bank via special use permit (SUP).

Amy Pattillo stated that the Planning and Zoning Commission largely echoed Wendi's sentiment at their meeting and that she also agrees. She also discussed the special use permit process, and the requirements to get a special use permit.

City Attorney Charles Zech explained the criteria that have to be met in order to be granted a special use permit under section 107-401 of the City's Code of Ordinances.

Gavin Massingill stated his concern with changing the entire C-2 zoning for one business, and that he is unsure about allowing a SUP, though he would consider it. He also questioned whether this building would be considered a non-conforming structure and City Attorney Charles Zech confirmed that this building would be considered a non-conforming structure.

Buck Shapiro stated how challenging this lot would be to build on and questioned whether any other business would be able to locate in this property.

Wendi Hundley discussed how decisions made on this property would affect the city's long-term plan for this corridor in an unknown way.

William Milligan stated that he reached out to neighboring properties and they were uninterested in buying or selling any property.

Mayor Pro Tem Gavin Massingill asked that this item go back to the Planning and Zoning Commission next month and that they take action on this item so that Council can act on it.

CONSENT AGENDA

4. Discussion and possible action on the minutes from the December 18, 2019 meeting.
5. Discussion and possible action to approve the dates for the Rollingwood Women's Club Easter Egg Hunt, on Saturday, April 11, 2020 and Fourth of July Parade on Saturday, July 4, 2020.
6. Discussion and possible action on a 30 day extension of the lease with Western Hills Girls Softball.

Wendi Hundley motioned to approve the consent agenda. Buck Shapiro seconded the motion. The motion passed 5-0.

REGULAR AGENDA

7. Discussion on the Quarterly Investment Report for the 1st Quarter.

Finance Manager Abel Campos discussed the Quarterly Investment Report for the 1st quarter.

Mayor Pro Tem Gavin Massingill stated that no action was taken.

8. Discussion on the Budget Review for the 1st Quarter.

Finance Manager Abel Campos discussed the Budget Review for the 1st quarter and answered questions regarding the permit fee revenues.

Mayor Pro Tem Gavin Massingill asked for clarification regarding the possible wastewater rate study and City Administrator Amber Lewis stated that the rate study was put on hold until the

new Public Works Director began work, and that Development Services Manager Carrie Caylor was doing a great job of managing expenses in this department.

Mayor Pro Tem Gavin Massingill stated that no action was taken.

9. Presentation, discussion and possible action on a resolution suspending the February 6, 2020 effective date of Texas Gas Service Company's requested increase to permit the City of Rollingwood time to study the request.

City Administrator Amber Lewis stated that Attorney Thomas Brocato was here to give a brief summary of this process.

Thomas Brocato, an attorney with Lloyd Gosselink, explained that he represents cities across the state in electric and gas utility matters. He discussed the rate increase that Texas Gas Service is proposing and discussed the options that the city has at this point. He also spoke to the fact that the City of Rollingwood would be authorized to participate in this suit, though it would not cost the city any money directly. He answered questions regarding the increase that customers would see in their rates, the justification for the bifurcated rate structure, the effects of combining service areas, and the last rate increase.

Wendi Hundley motioned to approve a resolution suspending the February 6, 2020 effective date of Texas Gas Service Company's requested increase to permit the City of Rollingwood time to study the request. Amy Pattillo seconded the motion. The motion passed 5-0.

Thomas Brocato stated that the city would be prompted to take final action on a settlement agreement.

10. Discussion and possible action on an amendment to the City's Flood Damage Prevention Ordinance.

City Administrator Amber Lewis, stated that this item would adopt the new FIRM maps that Travis County has adopted and that this must be adopted prior to January 22, 2020 to ensure that Rollingwood residents still have the ability to participate in the National Flood Insurance Program.

Jay Campbell, the City's Floodplain Administrator, stated that there are no significant changes to the map from the previous map. He also discussed adopting stricter rules to further protect homeowners against flooding.

City Administrator Amber Lewis stated that she would send the Council a copy of the current map.

Sara Hutson questioned whether this reflected the changes with Atlas 14, and Jay Campbell stated that this map did not reflect Atlas 14.

Amy Pattillo motioned to approve an Ordinance amending the City of Rollingwood's Code of Ordinances Part II – Land Development Code, Chapter 103, Section 103-116, Basis for Establishing the Areas of Special Flood Hazard; providing a savings clause; providing a severability clause; and providing an effective date. Wendi Hundley seconded the motion. The motion passed 5-0.

11. Discussion and possible action on a site plan approval at 2700 Bee Caves Road.

City Administrator Amber Lewis explained the item before Council, stating that Austin Eye would be remodeling the building and making parking lot improvements to achieve ADA compliance. She stated that K. Friese has signed off on the site plan with the condition that TXDOT approves the Traffic Impact Analysis (TIA). She stated that she would get a copy of the TIA to the Council.

Megan McPherson, a civil engineer with Stantec, stated that a median was added to one of the driveways per TXDOT recommendation.

Amy Pattillo discussed previous plans brought to Council regarding this property.

Amy Pattillo motioned to approve the site plan for 2700 Bee Caves Road contingent on approval of the TIA by TXDOT. Wendi Hundley seconded the motion. The motion passed 5-0.

12. Discussion and possible action on an amendment to the City's Water Adjustment Policy and Procedures, within the current Utility Bill Appeals Process Policy.

Sara Hutson explained that this item was on the agenda last year, and it was sent to the Utility Commission. She also stated that there was a change made to the language regarding the time that a person has to contest their utility bill.

Amy Pattillo questioned whether Council had previously approved this policy. She also questioned number four of the policy regarding the calculation of the excess water usage of a property and the potential for misuse of this policy.

Buck Shapiro discussed the ability of residents to contest bills if they have a leak, stating his disagreement with this policy.

Sara Hutson stated that this is simply a tweak to the City's current water policy.

Amy Pattillo questioned what measurement would be made in a circumstance when a three-year average cannot be used. She stated that she would like to see this policy brought back later to consider whether, on number four, the excess water use is unnecessarily lenient.

The Council discussed that the Utility Commission did not look at this policy again after it came to Council last time.

Wendi Hundley suggested having the Utility Commission look at this policy at their next meeting, regarding the discretion in calculating excess water usage.

Sara Hutson stated that direction was for her to work with Jackie Bob Wright to make changes to the policy.

Sara Hutson motioned to approve an amendment to the Rollingwood Utility Customer Appeals Process Summary as presented. Amy Pattillo seconded the motion.

Amy Pattillo asked that the date be updated to reflect today's date.

The motion passed 4-1.

Amy Pattillo gave direction that, once the new Public Works Director is in place, the Utility Commission go back and look at paragraph four and evaluate how excess water usage is being calculated due to confirmed leaks and especially with regard to how average water usage is calculated.

13. Discussion and possible action on a policy surrounding use of the park by non-profit organizations.

City Administrator Amber Lewis stated that this item came up when a non-profit organization approached the city to put a cookie booth in the park. The Park Commission considered this item and had asked her to work with the City Attorney to draft a policy regarding this matter and that it would go back to Park Commission before coming back to City Council.

Buck Shapiro stated that he did not think that this would require policy direction and Wendi Hundley agreed and stated that these items could be handled with direction from the Council.

Sara Hutson questioned where the booth would be placed and City Administrator Amber Lewis explained the full request.

No action was taken.

14. Discussion and possible action on an ordinance to amend the City's Code of Ordinances Section 12.08.003 regarding the Issuance, Renewal, Suspension, Termination and Revocation of Permit Agreements for Dockless Vehicles.

City Attorney Charles Zech explained that when a change to this ordinance was made at the last meeting a conflict was created with the appeal process where the City Administrator had the ability to revoke or deny a permit as well as the authority to conduct the appeal process. This amendment would allow appeals to come to City Council.

Amy Pattillo motioned to approve an ordinance to amend the City's Code of Ordinances Section 12.08.003 regarding the Issuance, Renewal, Suspension, Termination and Revocation of Permit Agreements for Dockless Vehicles. Wendi Hundley seconded the motion. The motion passed 5-0.

15. Discussion and possible action on an RFQ for engineering services.

City Administrator Amber Lewis stated that the contract with LNV was older than 5 years and that it was time to issue an RFQ.

Wendi Hundley motioned to direct the City Administrator to issue an RFQ for engineering services. Amy Pattillo seconded the motion. The motion passed 5-0.

16. Discussion and possible action to re-schedule the March City Council Meeting.

The Council Members discussed possible available dates.

City Administrator Amber Lewis stated that she would come back at the next meeting with options for dates for the March Meeting.

Mayor Pro Tem Gavin Massingill stated that no action was taken on this item.

17. 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 Pro Tem Gavin Massingill stated that there are currently no applications for any boards or commissions at this time.

18. Discussion and possible action on the City's response to Trail of Lights.

Amy Pattillo discussed the city's response to this event as well as some ordinance changes that may be helpful for future events.

Wendi Hundley expressed her appreciation of the city staff and police liaisons for responding to this problem quickly.

The Council discussed the changes that were made this year that made traffic and parking a bigger issue than they had been in previous years.

Mayor Pro Tem Gavin Massingill stated that no action was taken on this item.

19. 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.

Amy Pattillo explained that the Council now has a better timeline of events and stated that by the next meeting the Council would have more information.

20. 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.

Amy Pattillo stated that the Bee Cave Road project is now included in the list of projects under consideration for the 2045 plan and that a list of fiscally constrained projects is not yet available. She stated that once it is made available, the city will be able to decide what kinds of conversations the city will have in this matter.

MAYOR AND DEPARTMENT 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. Municipal Court Report
23. Chief of Police Report

24. City Engineer- LNV, Inc., Report
25. Contract invoices through December 2019 - AWR Services, Inc., Water and Wastewater Services, K. Friese & Associates - IIP & MS4, LNV, Inc., City Engineer, Professional Design Group, Inspections, ATS, Building Official, Denton, Navarro, Rocha Bernal and Zech, PC., City Attorney
26. City Stats for October 2019
27. City Financials for December 2019 - FY 2019-2020
28. RCDC Financials for December 2019 - FY 2019-2020
29. Texas Central Appraisal District and Tax Assessor - Notices, Letters and Documents.
30. Texas Gas Service - Notices, Letters and Documents.
31. AWR Services, INC., Report on Water and Wastewater for December 2019

ADJOURNMENT OF MEETING

The meeting was adjourned at 8:56 p.m.

Minutes Adopted on the 19th day of February, 2020.



Michael R. Dyson, Mayor

ATTEST:



Ashley Wayman, City Secretary