



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

**Wednesday, May 18, 2022**

The City Council of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on Wednesday, May 18, 2022 at 7:00 p.m. Members of the public and the City Council were able to participate in the meeting virtually, as long as a quorum of the City Council and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

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

1. Roll Call

**Mayor Gavin Massingill called the meeting to order at 7:01 p.m.**

**Present Members:** Mayor Gavin Massingill, Mayor Pro Tem Sara Hutson, Council Member Brook Brown, Council Member Alec Robinson, Council Member Phil McDuffee, and Council Member Roxanne McKee.

**Also Present:** Interim City Administrator Ashley Wayman, City Attorney Charles Zech, Police Chief Jason Brady, Finance Director Abel Campos, City Secretary Desiree Adair, and Assistant to the City Administrator Makayla Rodriguez.

### **PUBLIC COMMENTS**

The following individuals spoke during public comments:

- Melissa Morrow, 2502 Timberline Drive, spoke regarding the new rates for park rentals, discussing that the rates are not competitive for adult recreation classes and that two groups have left and one will leave. She proposed a transition period to allow groups to adjust.

### **PRESENTATIONS**

2. Presentation from Travis County ESD No. 9 regarding fire hazards and wildfire prevention

*Mayor Gavin Massingill called up agenda item number 8 to be discussed in conjunction with item 2.*

Police Chief Jason Brady introduced the discussion of fire safety, burn bans, and mitigation.

Fire Chief David Wilson, with the Westlake Fire Department, discussed wildfire hazards, mitigation recommendations including Firewise USA, and funding opportunities.

Fire Marshall Michael Lacey discussed opportunities for updates to codes and regulations including Firewise, Burn Ban regulations, and Wildland Urban Interface (WUI) code adoption.

Chief Wilson discussed the importance of response times and that Westlake Fire Department is still interested in a partnership in which a fire vehicle and staff were housed in Rollingwood.

Mayor Gavin Massingill discussed getting details about what this partnership would look like and what the community could expect.

Chief Wilson and Chief Lacey responded to questions from the City Council regarding outdoor welding safety, generator installation and fuel storage.

Police Chief Jason Brady recommended passing an ordinance that would trigger a burn ban in the city when the county institutes a burn ban.

Council Member Brook Brown discussed options for community education regarding the Wildland Urban Interface program and other programs that would promote community safety.

Mayor Pro Tem Sara Hutson suggested a project of repainting street addresses and that this could be a good Eagle Scout Project.

Council Member Brook Brown stated that she would review the County and West Lake Hills' ordinances and bring back a recommendation.

3. Presentation, discussion and possible action on the Water Capital Improvements Plan (CIP) and plan updates prepared by K. Friese + Associates

Greg Blackburn with K. Friese + Associates gave a presentation regarding the Water Capital Improvements Plan (CIP). He provided updates since his last presentation discussing the new developments and prioritization recommended by the plan. He also answered questions from the City Council regarding the individual projects listed in the plan.

The City Council discussed whether this plan should be adopted today or at a future meeting.

**Council Member Brook Brown moved to receive the Water CIP pending the changes that were discussed during this item. Council Member Roxanne McKee seconded the motion. The motion passed 5-0.**

4. Presentation from Bond Counsel regarding a future bond election timeline

Ben Morse introduced himself and Justin Rosas with Orrick, and stated that the city's financial advisor Jams Gilley was also in attendance to answer any questions. He provided an overview of the bond election process and discussed key dates and deadlines for a possible November bond election.

Ben Morse discussed that the election must be called between August 10 and 22, the steps that would follow, and how they would be of assistance. He answered questions from the City Council regarding specific items to be included in the bond election.

Mayor Gavin Massingill encouraged the City Council to review the timeline provided by Orrick regarding a possible November bond election. He stated that during the budget calendar discussion there would be some components of this discussion that are brought back up.

## **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.

5. Discussion and possible action on the minutes from the April 20, 2022 City Council Meeting

**Mayor Pro Tem Sara Hutson moved to approve the consent agenda. Council Member Phil McDuffee seconded the motion. The motion passed 5-0.**

*Mayor Gavin Massingill called up item 11 at this time.*

## **REGULAR AGENDA**

6. Discussion and possible action to approve the Fiscal Year 2022 - 2023 Budget Calendar

Interim City Administrator Ashley Wayman discussed the proposed Budget and Tax Rate Calendar for Fiscal Year 2022 – 2023.

Mayor Gavin Massingill discussed the calendar as presented, explaining that this timeline would not allow the City Council to adopt a tax rate exceeding the 3.5% cap. He discussed further that if the City Council may want to preserve the option to exceed that percentage increase, the calendar would need to be sped up by 30 days.

Interim City Administrator Ashley Wayman stated that there is a requirement that the budget be adopted before the tax rate can be adopted.

The City Council and Finance Director Abel Campos discussed the meaning of the voter approval rate, the new tax rate and valuation timelines, when the new valuations and tax rates apply, and when the increase in taxes due to a potential bond election would be seen.

Mayor Gavin Massingill discussed how the city would go about budgeting for items that passed in a bond election.

**Council Member Alec Robinson moved to approve the Fiscal Year 2022–2023 Budget and Tax Rate Calendar as included in the packet. Council Member Roxanne McKee seconded the motion.**

The City Council and Finance Director Abel Campos discussed the rate options that the city has, and what rules the city is subject to based on the amount of revenue raised. City Attorney Charles Zech stated that it depends on the amount of revenue raised.

Mayor Gavin Massingill discussed that he does not think that there is a need for exceeding the threshold if there is a bond election, explaining that it is more transparent to have a bond election.

**The motion passed 5-0.**

7. Discussion and possible action on an oak wilt treatment plan

Mayor Gavin Massingill discussed the oak wilt trenching quotes that have been received, difficulties regarding costs and property access, and the potential for an oak wilt treatment plan as opposed to trenching as previously discussed.

The City Council discussed the effectiveness of oak wilt trenching, drainage projects that will be done in the area, the oak wilt timeline, and the monitoring and testing in areas near instances of oak wilt.

8. Discussion and possible action with regard to a staff update in connection with the city's policies, and policies of overlapping jurisdictions, as regards "No Burn" notices and related mitigation of fire risks

*This item was discussed during item 2.*

9. Discussion and possible action on adoption of the Comprehensive Plan

Council Member Brook Brown discussed the comments from the Planning and Zoning Commission and suggestions of where they can be incorporated into the Comprehensive Plan.

Mayor Pro Tem Sara Hutson discussed her disagreement with the statement in the plan regarding accessory dwelling units based on the citizen survey.

The City Council discussed the survey results for this question.

Council Member Brook Brown stated that she would abstain from the vote because she was on the task force and would recommend modifying parts of the Comprehensive Plan if that is the City Council's will.

Mayor Gavin Massingill discussed the amendment of this document and the need to protect the work product of the Comprehensive Plan Strike Force.

Council Member Brook Brown recommended modifying language on page 24 and page 25 with respect to accessory dwelling units due to the results of the citizen survey to state that there is "some support" and further modify the recommendation.

The City Council discussed the history of the ordinance regarding accessory dwelling units.

**Mayor Pro Tem Sara Hutson moved to strike the recommendation on page 25 under "residential recommendations" to allow accessory dwelling units on residential lots and on page 24 under "Citizen Input on the Future of Rollingwood" paragraph 2, to amend the**

**section regarding accessory dwelling units to read “but there is some support for allowing residents to build accessory dwellings.” Council Member Roxanne McKee seconded the motion. The motion passed 4 – 0, with 1 abstention.**

Council Member Brook Brown discussed the recommendations of the Planning and Zoning Commission regarding dark skies policies extending to residential properties.

The City Council discussed that this was not in the survey because there was a limitation in the plan’s scope regarding residential properties.

Mayor Pro Tem Sara Hutson discussed her concerns regarding the limitation of this plan to not address the residential district and recommended adopting the plan and then discussing these options going forward.

Council Member Brook Brown stated that she would note items 1 and 2 for future review.

Council Member Brook Brown discussed item 3 regarding commercial zoning categories C-1 and C-2 being combined and the concern to expand the uses of some properties. She recommended additions to page 26 to account for the concerns of the Planning and Zoning Commission regarding the zoning categories and the potential to impact adjacent residential properties.

The City Council discussed this recommendation.

**Mayor Pro Tem Sara Hutson moved to approve what Council Member Brook Brown recommended as an amendment to the language. Council Member Phil McDuffee seconded the motion. The motion passed 4 – 0 with 1 abstention.**

Council Member Brook Brown discussed items 4 and 5 of the comments from the Planning and Zoning Commission regarding the safe harbor clause and impervious cover limitations.

The City Council discussed the recommendations.

Council Member Brook Brown gave the options based on the Planning and Zoning Commission’s comments.

The City Council discussed the amended language of the Comprehensive Plan.

**Council Member Alec Robinson moved to approve the Comprehensive Plan as amended. Mayor Pro Tem Sara Hutson seconded the motion. The motion passed 4 – 0 with 1 abstention.**

10. Update and discussion regarding any developments in the MoPac South Expansion Project and any report from the Rollingwood MoPac South Expansion Task Force

Council Member Brook Brown discussed the first meeting of the MoPac South Expansion Task Force.

Mayor Gavin Massingill discussed the information that was provided to the Task Force in response to the meeting, that there is some indication that CTRMA may go back out for comment

with new recommendations reflective of the CAMPO 2045 plan. He also discussed that he would be inviting Executive Director Bass or a representative to the next meeting.

City Attorney Charles Zech discussed the potential issue created with standing agenda items.

Mayor Massingill discussed that the next steps for this Task Force are currently on his to do list.

11. Discussion and possible action regarding advice of legal counsel on the (1) use of bond funds for water meter relocations, and (2) use of city funds for relocation of water meters

Ben Morse discussed the initial research he has done regarding the use of bond funds for water meter relocations and that they would like more time to further review the exact circumstances related to this question. He also stated that, in general, bond funds are not treated differently than city funds.

City attorney Charles Zech discussed his initial research on this subject and that he would dig a little deeper into the case law and bring back a response in closed session.

Council Member discussed that she brought this item up so that answers could be determined before the bond election.

Mayor Gavin Massingill discussed that he would be laying eyes on the specific instances of backyard water meters ahead of the next meeting when this is brought back.

*Mayor Gavin Massingill called up item 6 at this time.*

12. Report from staff and discussion and possible action regarding the City's policy as to designation of "No Parking" zones and re painting of existing "No Parking" zones

Council Member Brook Brown reminded Council of the task assigned to Police Chief Jason Brady to address existing no parking zones and other issues.

Police Chief Jason Brady discussed the team's analysis of "no parking" zones already existing in the City. He discussed that the city has 86 authorized stop signs and 91 fire hydrants that restrict parking by state law and recommended not adding a great deal of "no parking" zones in the City, other than the 4800 block of Timberline and Ashworth on the stop sign side of the road. He also discussed that some curbs in "no parking" areas that are mandated in state law could be painted as a visual reminder.

The City Council and Police Chief Jason Brady discussed current and proposed "no parking" zones in the city, the city's "no parking" sign ordinances, and when curbs should be painted.

**Council Member Brook Brown moved to adopt an ordinance that adds "no parking" zones on Timberline and Ashworth as described by Chief Brady. Mayor Pro Tem Sara Hutson seconded the motion. The motion passed 4 - 1.**

**Council Member Brook Brown moved to designate the east curb of Nixon Drive between Gentry and Park Hills as a "no parking" area. Mayor Pro Tem Sara Hutson seconded the motion.**

**Council Member Brown amended her motion to strike “Gentry” and insert “Pickwick.” Mayor Pro Tem Sara Hutson seconded the motion.**

Mayor Gavin Massingill discussed that the public works team was hard at work repainting the existing no parking areas.

**The motion passed 5 – 0.**

**Council Member Brook Brown moved to paint in yellow the “no parking” area with respect to fire hydrants and stop signs, the 15 feet on either side of a fire hydrant and 30 feet approaching a stop sign.**

**The motion failed for lack of a second.**

Police Chief Jason Brady discussed that this would be a big undertaking for city staff and that it may only be necessary in a few problem areas.

The Mayor, Council and Police Chief Jason Brady discussed the work that public works is already doing to address the existing “no parking” areas, if there are certain fire hydrant or stop sign areas that should be painted, and increased enforcement of “no parking” zones, fire hydrants, and stop signs.

Council Member Brook Brown clarified that if there is an illegal parking problem identified they would alert the Police Chief and it would be addressed.

13. Discussion and possible action to amend Section 32-38 of the city's Code of Ordinances

Council Member Phil McDuffee asked questions regarding item (2) *Bettis Boulevard* discussing difficult enforcement of the timing as written.

Mayor Gavin Massingill and the City Council discussed enforcement of this section, and the reason this area may have been included in the ordinance.

City Attorney Charles Zech discussed the requirements for “no parking” areas to be enforced.

The City Council further discussed potential changes to be made to this section.

**Council Member Phil McDuffee moved to amend item (2) to set hours. Council Member Brook Brown seconded the motion. The motion passed 5 – 0.**

Council Member Phil McDuffee brought attention to item (9) and discussed that this is a wider street and that this “no parking” area may not need to exist.

Mayor Gavin Massingill discussed the implications of (7), (9) and (10) together, explaining that from Riley to Timberline and around Rollingwood and back up to Riley is all a “no parking” zone per the current ordinance.

Council Member Brook Brown brought attention to the approach on the south curb of Rollingwood Drive as it approaches Timberline and recommended that if there is an amendment to the treatment of Rollingwood drive that the “no parking” area be retained on the south curb of Rollingwood from Riley to Timberline.

**Council Member Brook Brown motioned to amend item (9) to designate a “no parking” area on the south curb of Rollingwood from Riley to Timberline.**

**The motion failed for lack of a second.**

The City Council and Police Chief discussed whether there was a need to refer to ACL as is done in items 7 and 10 because special event parking is addressed elsewhere.

**Council Member Phil McDuffee moved to strike items (7) and (10) and to modify (9) to only make “no parking” from Riley to Timberline on the south side of Rollingwood Drive. Council Member Roxanne McKee seconded the motion.**

The City Council further discussed parking in this area and Mayor Gavin Massingill discussed that this would be brought back in Ordinance format at the next meeting.

**The motion passed 5 - 0.**

Mayor Gavin Massingill also discussed items 4 and 3, Gentry Drive and Edgegrove Drive, explaining that there are discrepancies between what is painted and marked and what is in the ordinance. He stated that he plans to bring this back in ordinance form next month.

14. Discussion and possible action on an ordinance requiring residential construction fences

Mayor Gavin Massingill discussed the updates he made to the ordinance language based on discussions in previous meetings.

City Attorney Charles Zech discussed that, per state law, the City Council is required to hold a public hearing before making an amendment to the residential building code.

Council Member Phil McDuffee discussed whether this ordinance gives some discretion to the building official in when to require the fence be placed.

Council Member Sara Hutson discussed the language regarding the height of the fence and suggested that the language read that the fence just be six feet. She further discussed the language

**Mayor Pro Tem Sara Hutson moved to approve amend item 1, line 34 to strike “no less than.” Council Member Phil McDuffee seconded the motion. The motion passed 4 – 0.**

*Mayor Gavin Massingill stated that Council Member Roxanne McKee was away from the dais for the vote.*

**Council Member Alec Robinson moved to strike the words “residential demolition” from line 26. Council Member Roxanne McKee seconded the motion.**

Alec Robinson discussed his reasoning for this proposed amendment.

The City Council discussed the demolition process and the timing of construction fencing.



City Attorney Charles Zech asked if the intent of the motion was to get rid of fencing during demolition. Council Member Alec Robinson stated that it was and City Attorney Charles Zech suggested an amendment to the motion.

Council Member Alec Robinson withdrew his motion.

**Council Member Alec Robinson moved to strike the words “demolition and” from line 26. Council Member Phil McDuffee seconded the motion.**

The City Council further discussed having construction fencing during demolition.

**The motion failed 2 - 3.**

Mayor Gavin Massingill opened the public hearing.

**Mayor Gavin Massingill opened the public hearing on agenda item 14.**

No individuals spoke during the public hearing.

**Mayor Gavin Massingill closed the public hearing at 11:17 p.m.**

**Mayor Pro Tem Sara Hutson moved to approve ordinance as amended. Council Member Phil McDuffee seconded the motion. The motion passed 5 – 0.**

15. Discussion and possible action on an ordinance amending Section 107-26 Official zoning map of the City's Code of Ordinances

Council Member Brook Brown discussed the proposed ordinance.

**Council Member Brook Brown moved to adopt the ordinance as presented. Council Member Alec Robinson seconded the motion. The motion passed 5 - 0.**

16. Discussion and possible action on an ordinance adopting the official zoning map

Council Member Brook Brown discussed Exhibit A, the new official zoning map and the work that has been done to fix the items of concern found by the Council.

Council Member Roxanne McKee brought attention to Gentry Drive, which was titled Gentry Avenue in a past item.

**Council Member Brook Brown moved to adopt Exhibit A as reflected in agenda item 16 as the official map for the City of Rollingwood subject to verification that “Gentry Drive” is “Gentry Drive” and not “Gentry Avenue.” Council Member Roxanne McKee seconded the motion. The motion passed 5 – 0.**

Council Member Brook Brown discussed how updates of map will be handled.

Mayor Gavin Massingill discussed the administrative process where K. Friese and Associates does this quarterly for all things GIS and WSB does the technical updates. He also discussed how the updates are identified by staff and the engineers and how they are transferred to WSB for inclusion in the GIS Map.

17. Discussion and possible action to authorize the mayor and staff to engage with vendors for the purpose of exploring the option of outsourcing the role of Planning and Development Manager to a third party vendor.

*Mayor Gavin Massingill called up items 17 and 18 to be discussed at this time.*

Mayor Gavin Massingill stated that the Special City Council Meeting scheduled for May 31 would need to be canceled and that a new scheduling email would need to be sent out.

Council Member Brook Brown discussed how this item was put together prior to Mayor Gavin Massingill's work session and acknowledged that these items are being looked at in detail.

Council Member Brook Brown discussed her concern that the interim processes document did not contain information regarding the building permit noticing process and discussed a specific instance in which notice has not been given. She also discussed other places where the city was not in conformance with the code and asked that no permits be issued or deemed filed until there is a process for verifying that notice has been given. She also discussed the use of permitting software.

He discussed the steps that have been taken since finding out that the development services position would be vacant. He discussed that staff was already working on selecting and implementing a permitting software.

Interim City Administrator Ashley Wayman discussed the hard work that city staff has put in to learning this new department, the current portions of that department that are already outsourced, and that there are currently two qualified applicants for the position.

Council Member Brook Brown discussed her concern with the potential for improper notice during this interim period.

The Mayor and Council and Interim City Administrator Ashley Wayman discussed the current processes and the areas that could be improved upon in the future with the help of a permitting software.

City Attorney Charles Zech and Council Member Brook Brown discussed the process prescribed in the code for neighbor noticing and review.

The City Council, City Secretary Desiree Adair and Interim City Administrator Ashley Wayman further discussed the current process for submitting, noticing, reviews and issuance.

City Attorney Charles Zech further discussed the neighbor noticing and review period provisions of the code.

The City Council, City Secretary Desiree Adair and Interim City Administrator Ashley Wayman further discussed the current process for submitting, noticing, reviews and issuance.

Council Member Brook Brown discussed changes that need to be made to the noticing document and statement that is returned to staff.

The City Council, City Secretary Desiree Adair and Interim City Administrator Ashley Wayman further discussed the current permit application intake process.

*Council Member Brook Brown passed out a document regarding My Permit Now.*

Council Member Brook Brown stated that she would send her proposed changes to the noticing sworn statement. She also requested to set a date for the special meeting and Mayor Massingill stated that dates would be circulated.

Council Member Brook Brown discussed the building related concerns in the community and the need for attention and enforcement.

18. Update, discussion, and possible action regarding an interim process for handling building permit applications and building code enforcement

*This item was discussed in conjunction with item 17.*

## **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.

19. City Administrator's Report
20. Chief of Police Report
21. Municipal Court Report
22. City Financials for April 2022 - Fiscal Year 2021-2022
23. RCDC Financials for April 2022 - Fiscal Year 2021-2022
24. City Stats for April 2022
25. Contract invoices through April 2022 - Crossroads Utility Services, Water and Wastewater Services, K. Friese & Associates - IIP & MS4, K. Friese & Associates, City Engineer
26. Crossroads Utility Services Report on Water and Wastewater for April 2022
27. City Engineer Report - K. Friese & Associates
28. Texas Central Appraisal District and Tax Assessor - Notices, Letters and Documents
29. Texas Gas Service - Notices, Letters, and Documents

## **ADJOURNMENT OF MEETING**

**The meeting was adjourned at 12:27 a.m.**

**Minutes Adopted on the 15<sup>th</sup> day of June 2022.**



**Gavin Massingill, Mayor**

**ATTEST:**



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**Desiree Adair, City Secretary**