



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

**Wednesday, March 09, 2022**

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 Wednesday, March 9, 2022 at 7:00 p.m. Members of the public and the City Council were permitted 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. The public was permitted watch this meeting live and have the opportunity to comment via audio devices at the link below. The public was also permitted to participate in this meeting by dialing one of the toll-free numbers below and entering the meeting ID and Passcode.

**Link:** <https://us02web.zoom.us/j/5307372193?pwd=QmNUbmZBQ1lwUINjNmK5RnJreIRFUT09>

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

**Meeting ID:** 530 737 2193

**Password:** 9fryms

A video recording of the meeting was made and was posted to the City's website and is 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, and Council Member Phil McDuffee. Council Member Roxanne McKee was present virtually.

**Also Present:** Interim City Administrator Ashley Wayman, City Attorney Megan Santee, Finance Director Abel Campos, Assistant to the City Administrator Makayla Rodriguez

### **PUBLIC COMMENTS**

Citizens wishing to address the City Council for items not on the agenda will be received at this time. Please limit comments to 3 minutes. In accordance with the Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda.

Citizens who wish to address the Council with regard to matters on the agenda will be received at the time the item is considered.

2. Public Comments

No individuals spoke during Public Comments.

**PRESENTATIONS**

3. Presentation, discussion and possible action on the Fiscal Year 2020-2021 Audit by ABIP, PC

Janet Pitman, with ABIP, PC presented the annual audit for Fiscal Year 2020-2021.

Janet Pitman answered questions from the City Council regarding who is considered “management” in the report, what metrics the city should be targeting in the water and wastewater funds, and where the tax notes were to be found in the report.

**Mayor Pro Tem Sara Hutson moved to approve the Fiscal Year 2020-2021 Audit. Council Member Brook Brown seconded the motion. The motion passed 5-0.**

4. Mayor's State of the City discussion with City Council

Mayor Gavin Massingill discussed that this was a new item that he would like to see on an annual basis. He discussed the city's strong financial position and explained his priorities for the coming year which include staffing, conducting a systems and best practices review, and a bond election discussion.

**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 February 16, 2022 Comprehensive Plan Workshop No. 1

6. Discussion and possible action on the minutes from the February 16, 2022 City Council Meeting

7. Discussion and possible action on the minutes from the February 23, 2022 Comprehensive Plan Workshop No. 2

**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 9 at this time.*

**REGULAR AGENDA**

8. Discussion regarding Cause No. D-1-GN-15-004220; Owen Brainard and Sally Brainard v. City of Rollingwood, Texas Colleen Preheim and Todd Preheim

Mayor Gavin Massingill stated that this was an update with the city's outside counsel regarding a pending lawsuit and that Martha Dickie was in attendance.

*The City Council adjourned into executive session pursuant to Local Government Code Section 551.071, consultation with legal counsel, at 7:39 p.m.*

*The City Council reconvened into open session at 8:27 p.m. and stated that no action was taken in closed session.*

*Mayor Gavin Massingill called up item 10 at this time.*

9. Discussion and possible action on recommendation from the Park Commission regarding a funding request to the Rollingwood Womens Club regarding an expansion of the Butterfly Garden

Park Commission Member Mary Elizabeth Cofer, 3306 Gentry Drive, discussed that the Park Commission is planning to expand to the Butterfly Garden at the upper park to double its size and add a bench and a steel trellis. She explained that the Rollingwood Women's Club has approved the funding and that if more funds are necessary she could go back to the Women's Club.

**Council Member Alec Robinson moved to approve a funding request to the Rollingwood Womens Club regarding an expansion of the Butterfly Garden. Council Member Phil McDuffee seconded the motion.**

Mayor Gavin Massingill and Mary Elizabeth Cofer discussed the steel trellis that is being proposed.

**The motion passed 5-0.**

*Mayor Gavin Massingill called up item 8 at this time.*

10. Discussion regarding the Zilker Clubhouse rehabilitation project

Mayor Gavin Massingill discussed that the City of Austin is rehabilitating the Zilker clubhouse and explained that he just wanted to make the City Council aware of this action and that he and staff are following the issue.

Interim City Administrator Ashley Wayman briefly discussed the presented rehabilitation.

The City Council discussed the presented rehabilitation and that it appears to have minimal impact on the City of Rollingwood.

11. Discussion regarding future ordinance amendments related to residential water line and meter relocation policies

Mayor Gavin Massingill discussed that this discussion came up during a previous agenda and that he asked staff to put on the agenda for their consideration. He explained that staff needed guidance from the City Council on what should be put in this policy.

Mayor Pro Tem Sara Hutson asked for a list of where all the backyard meters are.

Council Member Brook Brown discussed her concerns relating to the information presented in the one-sheet and with residential water line and meter relocations in general, as well as the current City of Bryan ordinance relating to this topic. She suggested asking staff to review the City of Bryan ordinance to see if there is anything they need in order to obligate a new builder or a builder for a tear town lot to relocate lines and meters accordingly.

The City Council discussed the areas of the city that have backyard water lines that have not been abandoned and where there is also a front yard main, and further discussed the need to know where the city's backyard meters and water lines are.

Council Member Brook Brown stated that she would be happy to send back a draft to staff for the purposes of them working on it with K. Friese and Associates and it would take into account what was discussed.

Mayor Gavin Massingill further discussed that staff would work on getting a handle on exactly how many of these occurrences there are.

12. Discussion and possible action to approve language to be included in a future ordinance requiring residential construction fences

Mayor Massingill discussed that this came up during past discussions and explained the proposed language and why he believes that having this requirement in place makes sense now.

The City Council discussed the potential pros and cons of requiring this type of fence, whether the ordinance should specify where the fence must be placed, safety and visibility concerns, whether the fence should need to be locked outside of construction hours, what signs could or should be posted on the fence, and whether there was a need to require construction fences.

Mayor Gavin Massingill discussed further researching this issue and attempting to come up with a compromise regarding visibility.

The City Council discussed when in the building process construction fences should be required to be put up.

Shanthi Jayakumar, 3309 park Hills Drive, discussed the importance of the city having access to the water meter or the city's right-of-way.

Mayor Gavin Massingill discussed the need for city access to backyards that may be locked and that they would take this into consideration when they bring something back at the next meeting.

13. Discussion and possible action to update building permit applications consistent with current ordinances and requirements, including Ordinance No. 2018-09-19(B) requiring designation of a responsible person for permit compliance, and discussion and possible action as to current permits not in compliance with ordinance requirements

Council Member Brook Brown discussed that she brought this item back after much discussion at the last meeting, and explained that it may be best to wait until next month to address this when Development Services Director Carrie Caylor can be in attendance. She discussed that Ms. Caylor is now posting the permits spreadsheet on the website and that she is working to update contact information and expiring permits. She discussed that she would like to find out what else is needed in terms of policies or ordinances to bring everything up to existing codes.

14. Staff briefing as to current building enforcement policies and procedures, and Council discussion and possible action with regard to adoption of a statement of policy regarding enforcement of building permit requirements, including processes for enforcement of violations, actions with respect to repeat violations, periodic on-site inspection of permit activities and as-built construction

Council Member Brook Brown discussed that the purpose of this item is to identify city policies regarding inspections and compliance. She discussed that the city used to have a designated code compliance officer and recommended that this item be taken back up when Development Services Director Carrie Caylor was in attendance. Council Member Brook Brown also discussed the items that are in the city's code that are not designated for inspection by consulting firms and that the City Council needs to know who will be enforcing this.

Mayor Gavin Massingill discussed that the city is working on addressing this type of enforcement and Council Member Brook Brown discussed that this needed to be laid out in a policy for the staff and residents to understand.

Mayor Gavin Massingill discussed that he would work with Council Member Brook Brown before the next meeting to give more specificity to these items to better understand the goal of this and the previous item.

15. Discussion and possible action regarding the status of the City's official zoning map, including incorporation of the action by the Council on September 16, 2020, to reflect 6 Pleasant Cove within the Residential zone, including discussion of any necessary changes to City Ordinance Section 107-26

Council Member Brook Brown discussed that this is a follow up from last meeting's discussion on the GIS and zoning map, suggested city attorney review of the city's ordinance regarding the zoning map and discussed whether it needed to be amended to designate the GIS map as the official zoning map. She also discussed that at the last City Council meeting there was a discussion on whether to make the city's GIS maps public and that she had looked at other city's websites who did make those public.

The City Council discussed what information could and should be made public

Mayor Gavin Massingill discussed that some of the research on the items in question may require title work or other research that may get expensive.

The City Council discussed what items need to be resolved in order to create an official zoning map.

Shanthi Jayakumar discussed an area of concern on the zoning map referred to as "the bulge" near the park on Gentry.

Council Member Brook Brown stated that she would give staff a short list of what is pertinent for the zoning map and that she would bring this item back next month.

16. Update, discussion and possible action a Franchise Agreement with Austin Energy and certain utility projects related to utility easement

Interim City Administrator Ashley Wayman discussed how the city realized that they were not receiving franchise fees from the City of Austin and why the franchise agreement had not yet been signed and returned to the City of Austin.

Mayor Gavin Massingill discussed that there is a growing list of things that merit a discussion with Austin Energy regarding pole replacements and relocations and asked for a policy discussion by the City Council regarding how to handle the franchise agreement with Austin Energy given that the city will not be paid for the franchise fees until an agreement is signed.

Council Member Brook Brown stated that she doesn't want to give up on the items in the letter but that the city should sign the agreement and send it back. Mayor Gavin Massingill and Council Member Roxanne McKee expressed their agreement.

The City Council discussed signing the agreement effective March 1, 2021.

**Council Member Brook Brown moved to authorize the Mayor to execute amendment number 1 to the Electric Utility Franchise Agreement as it was presented to the City of Rollingwood by the City of Austin. Council Member Roxanne McKee seconded the motion.**

**The motion passed 5-0.**

17. Discussion and possible action on 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

City Attorney Megan Santee discussed that these agreements are the latest that have come forward and are in the same vein as the original Johnson and Johnson settlement agreement that the city joined and discussed the documents that need to be executed and adopted by the governing body.

Interim City Administrator Ashley Wayman discussed the resolution and documents in the packet.

**Council Member Brook Brown moved to adopt the proposed Resolution 2022-03-09-17 a resolution joining in with the settlement of the Texas Opioid Settlement Agreements with the Office of the Attorney General. Mayor Pro Tem Sara Hutson seconded the motion. The motion passed 5-0.**

18. Discussion and possible action regarding the Riley/Paige/Stratford intersection

Council Member Phil McDuffee discussed that he met with six people from Austin regarding the Paige/Riley/Stratford intersection and the "no left-hand turn" currently installed on Stratford. He discussed the current solution and that the City of Austin has no intention or resources to enforce the no left hand turn and wanted to open up for discussion whether Rollingwood wants to make this a permanent left-hand turn.

Council Member Roxanne McKee discussed that she has heard from a couple of Rollingwood citizens who don't like that they can't turn left in to Rollingwood off of Stratford.

Mayor Gavin Massingill discussed why this solution was put in to place and that it may warrant revisiting.

The City Council discussed resident concerns for or against the solution, the speed at which people were turning in to Rollingwood at this intersection, cut-through traffic, other traffic calming measures, that the City of Austin may be interested in placing a roundabout at this intersection, that there are other concerns with the Zilker Vision Plan concerning Stratford, the original complaints regarding this intersection, and what the City of Austin is wanting to achieve with this measure.

Shanthi Jayakumar discussed the situation with this intersection and read a passage regarding the history of the roadways in this area.

Council Member Phil McDuffee stated that he could pass on the info he has to Council Member Roxanne McKee and they agreed to work together and look into this further.

Mayor Gavin Massingill discussed that if something in this area may potentially be changed the residents in the area should be made aware.

The City Council discussed when this solution was put into place, whether the warmer weather will change the traffic pattern, and potential other solutions to issues in this area.

19. Discussion and possible action to set dates for the 3rd public workshop on the Comprehensive Plan and to set dates for remaining tasks necessary for adoption of a Comprehensive Plan

Mayor Gavin Massingill stated that the date that worked with all Council Members was Wednesday, March 23 at 6:00 p.m.

Council Member Brook Brown recommended to set a date of March 23 for the third workshop on the Comprehensive Plan and discussed that the next step would be to send this plan to the Planning and Zoning Commission, then it would come back to the City Council for two more readings before it could be finally adopted.

She also discussed that for this last workshop regarding the Parks & Recreation and Mobility chapters she would draft another notice for the website to gain participation from the community.

**Council Member Brook Brown moved to set a date of March 23 at 6:00 p.m. for workshop number 3 on the Comprehensive Plan. Council Member Phil McDuffee seconded the motion. The motion passed 5-0.**

20. Discussion and possible action to schedule the 2022 Spring Clean-Up event

Interim City Administrator Ashley Wayman discussed the way these Spring Clean-Up events had been scheduled in the past.

The City Council and Interim City Administrator Ashley Wayman discussed when this Spring Clean-Up would be held, the curbside and dumpster options, the other garbage services provided by the city.

The City Council discussed that residents generally appreciate having the dumpsters available and that they would want the dumpsters to have the least impact on softball and baseball. They also further discussed when best to schedule this, that staff would be there to man the dumpsters and how they would advertise this event.

**Council Member Sara Hutson moved to request City staff and the Mayor investigate options for a spring clean-up date that will not conflict with Baseball and Softball and provide dumpsters at the upper park for residents' use and to set the date and provide notification as necessary. Council Member Phil McDuffee seconded the motion. The motion passed 5-0.**

### **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 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 February 2022
26. City Stats for February 2022
27. Contract invoices through February 2022 - Crossroads Utility Services, Water and Wastewater Services, K. Friese & Associates - IIP & MS4, K. Friese & Associates, City Engineer
28. Texas Gas Service - Notices, Letters and Documents
29. Texas Central Appraisal District and Tax Assessor - Notices, Letters and Documents

### **ADJOURNMENT OF MEETING**

The meeting was adjourned at 10:24 p.m.

**Minutes Adopted on the 20<sup>th</sup> day of April, 2022.**

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**Gavin Massingill, Mayor**

**ATTEST:**

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**Ashley Wayman, Interim City Administrator**