



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

**Wednesday, January 19, 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, January 19, 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 7:14 p.m.**

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

**Also Present:** Interim City Administrator Ashley Wayman, Police Chief Jason Brady, Finance Director Abel Campos, Development Services Director Carrie Caylor, and Utility Billing Manager Sharon Davis

**Present Virtually:** City Attorney Charles Zech

### **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

The following individuals spoke during public comments:

- Mayor Gavin Massingill discussed the Oak Wilt Town Hall meeting scheduled for Tuesday, January 25 and the door hangers that are available for distribution.
- Shanthi Jayakumar described a difficulty accessing the meeting online.

## **PUBLIC HEARING**

3. Public hearing, discussion and possible action adopting an ordinance amending Chapter 107, Article 5, Division 3, Board of Adjustment of the City of Rollingwood Code of Ordinances as recommended by the Planning and Zoning Commission

Mayor Gavin Massingill explained that the document in the packet is a boiled down version that addresses specifically getting the code compliant with state statute.

City Attorney Charles Zech discussed the changes that were made to the ordinance after the last City Council meeting as well as the discussion had at the January Planning and Zoning Commission meeting. He discussed that the Planning and Zoning Commission added in language on page 10, line 251 to require a sign to be posted in front of the property for additional notice. He also discussed that he had a brief discussion with Councilmember Brook Brown earlier about adding in what information needs to be included on the sign.

Councilmember Brook Brown discussed her recommendation to include a sentence about what the sign would say, which would include the name of the applicant, the variance or special exception being requested by the applicant, and the date time and location of the hearing.

City Attorney Charles Zech discussed that this language would be inserted in section 107-494 subsection (c).

**Councilmember Brook Brown motioned to approve the ordinance with the additions discussed. Mayor Pro Tem Sara Hutson seconded the motion.**

**Mayor Gavin Massingill closed the public hearing at 7:23 p.m.**

**Councilmember Brook Brown restated her motion stated during public hearing to approve the ordinance as drafted with the addition of a sentence at the end of subsection 107-494 (c) that would say that “the sign shall include the name of the applicant, the variance or special exception being requested and the date, time and location of the hearing. Mayor Pro Tem Sara Hutson seconded the motion.**

Mayor Pro Tem Sara Hutson discussed a question regarding section 107-483 (c) and the number of members that are required to hear cases.

City Attorney Charles Zech and the City Council discussed this section, the language of the statute, where else this information comes in to play in the ordinance, as well as language that would clarify this section.

**Councilmember Brook Brown motioned to amend the motion to amend the language in subsection c of section 107-483 so that the last sentence would read “alternate members shall upon request by the Chairperson of the board serve on the board in the absence of one or more regular members so that all cases heard by the board will always be heard by at least four members of the board and not more than five members, regular or alternate. Mayor Pro Tem Sara Hutson seconded the motion.**

**The amendment to the motion passed 4-0.**

**The motion passed 4-0.**

4. Public hearing, discussion and possible action on a request for variance from section 24-90 (b) of the City's Code of Ordinances requiring that "the information display on a monument sign is limited to the name and logo of the residing establishments"

*The City Council adjourned in to Executive session pursuant to Texas Local Government Code section 551.071 Consultation with Legal Counsel at 7:33 p.m.*

*The City Council reconvened into open session at 7:43 p.m.*

Mayor Gavin Massingill stated that no action was taken in Executive Session.

Development Services Director Carrie Caylor discussed this request for variance.

**Mayor Pro Tem Sara Hutson motioned to approve the request for variance.  
Councilmember Phil McDuffee seconded the motion.**

Mayor Pro Tem Sara Hutson discussed that this sign was already up and that we should make sure that they get approval before they put up signs.

**Mayor Gavin Massingill opened the public hearing at 7:46 p.m.**

No individuals spoke during the public hearing.

**Mayor Gavin Massingill closed the public hearing at 7:46 p.m.**

**Mayor Pro Tem Sara Hutson restated her motion to approve the variance as requested.  
Councilmember Phil McDuffee seconded the motion.**

**The motion passed 4-0.**

## **PRESENTATIONS**

5. Presentation and discussion on the Quarterly Investment Report for the 1st Quarter

Finance Director Abel Campos presented the Quarterly Investment Report for the 1<sup>st</sup> Quarter.

Mayor Gavin Massingill discussed why we have a quarterly investment report and thanked Finance Director Abel Campos for his report.

6. Presentation and discussion on the Budget Review for the 1st Quarter

Finance Director Abel Campos presented the Budget Review for the 1<sup>st</sup> Quarter and answered questions from the City Council regarding electric utility franchise fees.

7. Presentation and discussion regarding the installation of a high water detection system on Bee Caves Road by TXDOT

Police Chief Jason Brady discussed the final plan sent over by TXDOT and thanked Epi Gonzales with TXDOT, former City Administrator Amber Lewis and former City Council Member Amy Pattillo for their work on getting this project to completion. He also discussed the plans and the features of this system, that it would be at no cost to the city, and answered questions from the City Council regarding the timeframe for completion, and the notifications that the system allows.

Amy Pattillo, 3 Rockway Cove, thanked Chief Brady and the City's Executive Team for staying on top of this project to address this safety issue, discussing that it has been difficult getting the Bee Caves Road safety issues addressed and that the full project has never gotten past the planning phase. She also discussed that she emphasized to TXDOT that this project is a stop gap, not a full solution to the safety issues on Bee Caves Road.

### **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 December 15, 2021 City Council meeting
- 9. Discussion and possible action on a final ordinance adopting facility rental fees

**Mayor Pro Tem Sara Hutson motioned to approve the consent agenda. Councilmember Brook Brown seconded the motion. The motion passed 4-0.**

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

### **REGULAR AGENDA**

- 10. Discussion and possible action to review applications and make an appointment to the vacant position on City Council

**Mayor Pro Tem Sara Hutson motioned to appoint Roxanne McKee to the vacant position on City Council. Councilmember Phil McDuffee seconded the motion.**

The Mayor and City Council discussed Roxanne McKee's qualifications and knowledge of issues that the city is facing.

**The motion passed 4-0.**

*Mayor Gavin Massingill called up item 19 at this time.*

11. Discussion regarding Cause No. D-1-GN-15-004220; Owen Brainard and Sally Brainard v. City of Rollingwood, Texas Colleen Preheim and Todd Preheim; Cause No. D-1-GN-21-006745; Western Hills Athletic Club v. City of Rollingwood, Rollingwood Board of Adjustment; and EEOC Claim No. 451-2022-00045 Complainant Justin White

*The City Council adjourned in to Executive session pursuant to Texas Local Government Code section 551.071 Consultation with Legal Counsel at 8:05 p.m.*

*The City Council reconvened into open session at 8:43 p.m.*

Mayor Gavin Massingill stated that no action was taken in Executive Session.

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

12. Discussion and possible action to consider granting term-limit extensions to Chris Braden and Jim Beneke to continue serving on the Board of Adjustment, and to review applications and make appointments to the Board of Adjustment

Interim City Administrator Ashley Wayman discussed the current standing of the membership of the Board of Adjustment, that there are two members who would require term limit extensions to continue serving on the Board of Adjustment, the applications that have been received to date, and the intent of two alternate members, Robert Turner and Gerald Speitel, to serve as regular members.

The City Council and City Attorney Charles Zech discussed the specifics and consequences of granting or not granting term limit extensions.

**Mayor Gavin Massingill stated that his intention is to appoint Robert Turner to position 1, Jerry Speitel to position number 5 and Kevin Schell to position 7 of the Board of Adjustment, and to appoint Susan Hinton to an alternate position on the Board of Adjustment.**

**Councilmember Alec Robinson motioned to approve the slate of appointments made by Mayor Gavin Massingill. Councilmember Brook Brown seconded the motion. The motion passed 4-0.**

13. Discussion and possible action on a contract addendum with Crossroads to include responsibilities based on lift station automation

Interim City Administrator Ashley Wayman discussed the status of the Lift Station Automation project being performed by SitePro, the need for a Site Control Policy and an addendum or amendment to the contract with Crossroads that would clarify the roles of Crossroads personnel and city staff.

Mayor Gavin Massingill further discussed this contract amendment and a final policy manual for how this system is to be operated.

Councilmember Brook Brown asked if there would be any additional costs associated with this addendum and Mayor Massingill stated that there would not be.

The City Council discussed the lift station automation and power generation projects and how the generators will be powered.

Mayor Gavin Massingill discussed the possibility for grant funding for the power generation project.

Shanthi Jayakumar discussed that there used to be a red light on the lift stations that would signify issues with the lift station and asked whether that would still be able to be incorporated into the lift stations as a backup to the system.

Andrew Hunt with Crossroads stated that there was a visual and audio alarm that could be programmed as discussed if it isn't already.

The City Council further discussed the need for this visual cue for those that are there in the area.

**Councilmember Brook Brown motioned to delegate authority to the Mayor to work with City Staff to draft an addendum to the contract to cover the necessary functions between staff and Crossroads with respect to the automation of lift stations. Mayor Pro Tem Sara Hutson seconded the motion.**

**The motion passed 4-0.**

14. Discussion and possible action regarding the City's Utility Billing system

Councilmember Alec Robinson discussed his concerns with the city's Utility Billing system as it currently stands and how these concerns were brought to his attention.

Mayor Gavin Massingill discussed the city's awareness of many of the concerns and issues with the utility billing system, the city's history with the previous billing company, issues that have arisen due to the new utility billing system and the bank, and the current ACH issues that have been uncovered. He explained that there is now a need for communication with affected residents to get this issue resolved and explained his preferred communication method on the matter. He asked City Council for ideas on how this issue would be handled.

Mayor Gavin Massingill and Interim City Administrator Ashley Wayman further discussed the ACH issues that have occurred. They also explained that a test ACH batch would be run before the city would attempt to run one for all accounts again.

Interim City Administrator Ashley Wayman further discussed the plan to reach out to each affected customer personally by phone to discuss their bill and the issue that has occurred.

Councilmember Alec Robinson further discussed his concerns with the system and that he is willing to help get the system back in order.

The City Council discussed ideas for how to go about notifying each person.

The City Council and Utility Billing Manager Sharon Davis discussed an issue in which some customers are paying with bill pay but sending checks to AWR instead of the city.

Interim City Administrator Ashley Wayman discussed that the Council and those in attendance could be helpful by encouraging patience and understanding from the community during this time. Mayor Gavin Massingill further reiterated encouraging patience with our small department.

**Councilmember Alec Robinson motioned to authorize Councilmember Alec Robinson to collaborate with City Staff and the City Administrator to identify ongoing issue with the city's utility billing system and produce a plan for resolving them, to write a letter to residents providing contact on the situation and how the city is prepared to address the issues and to report back to the Council on a weekly basis the progress that is being made in resolving this matter. Councilmember Brook Brown seconded the motion.**

Mayor Gavin Massingill asked for clarification regarding if the whole city needs the letter or just those that are affected by the issue and also asked if an email would suffice in place of a letter.

**Councilmember Alec Robinson amended his motion to include that email would suffice in place of a letter and that communication would be only to those affected by this matter. Councilmember Brook Brown seconded the amendment.**

The City Council further discussed how the City Council can be helpful and involved.

**The motion passed 4-0.**

15. Discussion and possible action with respect to the adoption of a resolution to create a MoPac South Expansion Task Force and define its scope of work, set dates for receipt of applications for MoPac South Expansion Task Force Chair and members, and appointment of Chair and members, including the following: (a) adopt a resolution with respect to the creation of such a Task Force; (b) set dates to post notice on the City website and to file applications for the position of Chair, and for members of the Task Force; and (c) set a date for the Council to consider and take action to appoint a Chair and membership on such a Task Force

Councilmember Brook Brown discussed that this item has been on the agenda in previous months, the action items for this agenda item, and her intent for this five-member Task Force.

**Councilmember Brook Brown motioned to approve a resolution creating the Rollingwood MoPac South Expansion Task Force. Councilmember Alec Robinson seconded the motion.**

Mayor Pro Tem Sara Hutson discussed a new neighbor that she plans to let know about this task force.

Mayor Gavin Massingill discussed the delegation of authority to this Task Force and asked whether the intent is for the Task Force to act on behalf of the city.

Councilmember Brook Brown discussed the work that the Task Force would do to develop a common position and issues of concern.

Mayor Gavin Massingill asked Councilmember Brook Brown if it was acceptable to state for the record that the intent of the Task Force is outreach and coalition building as opposed to delegation of authority and she agreed.

Mayor Gavin Massingill discussed the city's recent comment on the proposed South MoPac Project and discussed ensuring that the members of the Task Force would familiarize themselves with the past comments and positions that have been taken by the city.

**The motion passed 4-0.**

Council Member Brook Brown discussed that the next item is to set the deadline for applications to be filed and to set a date to make appointments to the Task Force and that she would like to be able to appoint by the next Council meeting. She stated that she would draft a notice to go out to the community for these applications.

The City Council and Staff discussed when to set the deadline for applications and when applications would be reviewed and appointments made.

**Councilmember Brook Brown motioned to set February 9 for receipt of applications for appointment to the Task Force and the date of February 16, the next City Council Meeting, for consideration of the appointments. Councilmember Phil McDuffee seconded the motion.**

**The motion passed 4-0.**

16. Discussion and possible action regarding the posting on the City's website of building permit applications

Mayor Gavin Massingill stated that he has taken executive action on this item and that these items have now been posted on the City's website on the Building and Development page and that it would be updated every Friday.

Councilmember Brook Brown discussed that her intention for this item is to get in compliance with the City's ordinances.

Mayor Gavin Massingill discussed the history on why these were posted to the city's website when the city used a third party for building permits and applications but that when the city brought it in-house residents were able to call or come up to City Hall to get that information. He also ensured the City Council that it has now been done and will continue to be done.

The City Council further discussed the practice of posting this list.

Shanthi Jayakumar discussed that she has missed this information being posted to the webpage and showed a past report from PDG. She also discussed that there seems to be homes in the neighborhood that she believes are being built closer to the street than the allowed setbacks.

Councilmember Brook Brown discussed that if the city requires applications in a standard format that the posting of a list could be automated to an extent.

Mayor Gavin Massingill discussed the strides toward information availability and automation that the city has already made but that as some staff vacancies are filled more of these administrative things can be taken care of.



Development Services Director Carrie Caylor discussed the accessibility of this information and the conversion to the Incode building permit software. She also discussed that some requests for this list are from vendors and solicitors.

17. 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 as residential, and the status of work undertaken by WSB Engineering with respect to the zoning map as authorized by the Council at its May 19, 2021, meeting, item 9

Councilmember Brook Brown discussed that there is no official zoning map on the City's website and explained the city's code as it pertains to the city's zoning map.

Mayor Massingill discussed past concerns regarding not having an official zoning map, and that there have been errors on past zoning maps. He also discussed that during the updates to the City Council that have been discussed in past meetings, he would also like an update on the GIS project that WSB has worked on. He discussed that the WSB project included an overlay of the zoning map as well as other features, such as easements.

Development Services Director Carrie Caylor discussed that the city hired WSB to complete this special project.

The City Council and Development Services Director Carrie Caylor discussed the current project being undertaken by WSB, the history regarding the city's zoning map, and city record keeping.

Development Services Director Carrie Caylor discussed that the city has the license for ARC GIS and that now the WSB license needs to be transferred to the city engineer, K. Friese and Associates.

Councilmember Brook Brown recommended that an update be given at each meeting until this is complete.

Mayor Gavin Massingill further discussed getting the City Council the GIS update with emphasis on the zoning map, and stated that he would arrange for WSB to brief the City Council next month during the City Council meeting.

18. Discussion and possible action to set dates for public workshops on the Comprehensive Plan and discuss tentative dates with respect to the consideration and adoption of the Comprehensive Plan

Councilmember Brook Brown discussed that she worked with Thom Farrell to break the Comprehensive Plan document into three parts and that they are suggesting that the City Council holds workshops corresponding to those sections. She stated that Thom Farrell has agreed to lead the workshop discussions. She suggested scheduling these separate from City Council meetings.

The Mayor and City Council discussed the timing and order of these workshops and the involvement of consultants from previous plans.

Mayor Gavin Massingill discussed holding the first workshop at 5:00 p.m. on the date of the next City Council meeting and that it will likely require two hours. He discussed that if we did this then he would like the City Council would commit to keeping the agenda light.

Mayor Gavin Massingill stated that he would like to commit to holding the first work session ahead of the February City Council meeting from 5:00 to 7:00 p.m. and that at the next Council Meeting he would come back, after a doodle poll is sent out, with dates for the next workshop as well as when the rescheduled March City Council meeting would be held.

The City Council and staff discussed the noticing of these workshops on the first page of the website and Councilmember Brook Brown stated that she would prepare information for that posting.

*Mayor Gavin Massingill called up item 20 at this time.*

19. Discussion and possible action on how council members/mayor refer to one another on the dais

Mayor Pro Tem Sara Hutson discussed her intent with this item to allow the Mayor and Council Members to refer to each other by first names on the dais.

Mayor Gavin Massingill discussed his perspective on using a level of formality on the dais and why it is important to use Robert's Rules of Order.

Mayor Pro Tem Sara Hutson stated that she did not intend to bring up a touchy subject.

The Mayor and City Council further discussed the level of formality to be used at the dais.

Mayor Pro Tem Sara Hutson discussed how staff members should be referred to if not by first name.

Mayor Gavin Massingill stated that he would try to find a happy medium on level of formality.

*Mayor Gavin Massingill called up item 12 at this time.*

20. Discussion and possible action to review and alter residential construction ordinances and policies

Councilmember Sara Hutson discussed that she has been approached by a resident who has multiple residential properties under construction around them at once and discussed the things that may need attention in cases like this. She also discussed the potential safety issues that may come up.

The City Council discussed who the city is trying to inform in this process and a recent unsafe construction activity that some members witnessed.

Development Services Director Carrie Caylor and the City Council discussed the information and resources currently available to contractors, information discussed in pre-construction meetings, and how to get this information out.

Mayor Gavin Massingill suggested that for the next meeting, Development Services Director Carrie Caylor put together a memo regarding what information we currently on the books and a copy of the pre-construction checklist so that it could be reviewed for possible incorporation into a document to better disseminate this information.

The City Council and Development Services Director Carrie Caylor discussed the placement of construction fences in the city and the potential for vision clearance issues.

Shanthi Jayakumar stated that she has a video of the construction situation that is being discussed and that things like this should be brought to their attention.

The City Council discussed other construction situations that have come up in the past.

Mayor Gavin Massingill stated that they will plan to bring the discussed information back to the City Council next month.

Councilmember Brook Brown asked whether resolutions were housed on the website anywhere and Interim City Administrator Ashley Wayman discussed that they are not housed on the website but that the city has them stored electronically and in hard copy.

Mayor Gavin Massingill discussed that the city is working to make information like this more accessible.

John Hinton discussed his concern regarding what can be built in the setbacks and that community comments should be taken on these issues in respect to the City's response.

Mayor Gavin Massingill and City Administrator Ashley Wayman further discussed how documents can be accessed. Mayor Massingill also discussed the process of getting ordinances updated.

## **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. 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 December 2021
26. City Stats for December 2021
27. Contract invoices through December 2021 - Crossroads Utility Services, Water and Wastewater Services, K. Friese & Associates - IIP & MS4, K. Friese & Associates, City Engineer
28. City Financials for December 2021 - Fiscal Year 2021-2022

29. RCDC Financials for December 2021 - Fiscal Year 2021-2022

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 11:39 p.m.

Minutes Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Gavin Massingill, Mayor

ATTEST:

\_\_\_\_\_  
Ashley Wayman, Assistant City Administrator