



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

**Wednesday, October 16, 2019**

The City Council of the City of Rollingwood, Texas met in a regular meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on October 16, 2019 at 7:00 PM.

Mayor Michael Dyson called the meeting to order at 7:09 p.m.

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

1. Roll Call

**Present Members:** Mayor Michael Dyson, Wendi Hundley, Gavin Massingill, Amy Pattillo and Sara Hutson. Buck Shapiro joined the meeting at 7:12 p.m.

*Mayor Michael Dyson moved items 8 and 9 to the beginning to accommodate visitors in the audience.*

8. Official swearing-in of Jason Brady as Police Chief of the City of Rollingwood.

Mayor Michael Dyson swore in Police Chief Jason Brady.

9. Present award of appreciation to Interim Chief Pompa for excellent service during her tenure as Interim Chief.

Mayor Michael Dyson presented Kristal Pompa with an award for her service as interim Chief.

### **PUBLIC COMMENTS**

There were no public comments.

### **PUBLIC HEARING**

2. Public hearing to amend the City's Code of Ordinances regarding the number of members of the Board of Adjustment to hear each case.

City Administrator Amber Lewis explained that this item amends the ordinance to be consistent with state statute.

Mayor Michael Dyson stated for the record that Buck Shapiro arrived at 7:12 p.m.

**Mayor Michael Dyson opened the public hearing at 7:14 p.m.**

There were no public comments.

**Mayor Michael Dyson closed the public hearing at 7:15 p.m.**

3. Discussion and possible action on a recommendation from the Planning and Zoning Commission to amend the City's Code of Ordinances regarding the number of members of the Board of Adjustment to hear each case.

**Wendi Hundley motioned to amend the City's Code of Ordinances regarding the number of members of the Board of Adjustment to hear each case as detailed in the attached ordinance. Amy Pattillo seconded the motion. The motion passed 5-0.**

4. Public hearing to amend the City's Code of Ordinances to expressly include allowing for veterinary services without the inclusion of overnight kenneling in the current C-1 Zoning District of the City of Rollingwood.

**Mayor Michael Dyson opened the public hearing at 7:16 p.m.**

The following individuals spoke during the public hearing:

- Joshua Brunsmann spoke on behalf of PAZ Veterinary.

**Mayor Michael Dyson closed the public hearing at 7:21 p.m.**

5. Discussion and possible action on a recommendation from the Planning and Zoning Commission to amend the City's Code of Ordinances to expressly include allowing for veterinary services without the inclusion of overnight kenneling in the current C-1 Zoning District of the City of Rollingwood.

**Gavin Massingill motioned to approve Ordinance 2019-10-16-05. Buck Shapiro seconded the motion.**

Wendi Hundley summarized the discussion that happened at the Planning and Zoning Commission meeting regarding this item, including the possibility of issuing a Special Use Permit to allow PAZ Veterinary to operate in this location.

City Attorney Charles Zech gave information about the City's current code and the process that would be necessary for this to be done through a Special Use Permit.

The Council further discussed this recommendation from the Planning and Zoning Commission.

**The motion passed 4-1.**

Troy Buckland, Executive Director at PAZ Veterinary, thanked the City for approving this zoning change to bring PAZ into the City of Rollingwood.

## **PRESENTATIONS**

6. Presentation and status update of the Infrastructure Improvement Plan by K. Friese and Associates.

Caroline LaFollette with K. Friese and Associates provided an update to the Council on the status of the Infrastructure Improvement Plan and the next steps of the project.

Joe Cantalupo responded to Council questions regarding other ways to alleviate flooding issues and ways that the project is modeled. He also explained the unknowns of the project and that this model is a first step and that design and construction phases will bring in more detail.

7. Discussion and possible action to amend the current professional services agreement by and between the City of Rollingwood and K. Friese and Associates.

City Administrator Amber Lewis explained that under this contract the Mayor was authorized to use his spending authority, an amount not to exceed \$10,000. At this point the City is reaching that limit and this item would remove this provision of the contract.

**Wendi Hundley motioned to amend the current professional services agreement by and between the City of Rollingwood and K. Friese and Associates as specified in the attachment. Gavin Massingill seconded the motion. The motion passed 5-0.**

### **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.

10. Discussion and possible action to approve the minutes from the August 21, 2019 Regular Meeting, September 11, 2019 Special Meeting, September 18, 2019 Budget Workshop, September 18, 2019 Regular Meeting, September 30, 2019 Special Meeting, September 30, 2019 Budget Workshop, October 2, 2019 Special Meeting and October 7, 2019 Special Meeting.
11. Discussion and possible action on accepting the resignation of Matt Horne from the Rollingwood Planning and Zoning Commission.
12. Discussion and possible action to accept the resignation of Public Works Director Jackie Bob Wright.
13. An ordinance adopting and enacting a new code for the city of Rollingwood, Texas; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such code and this ordinance shall become effective.
14. Discussion and possible action on an ordinance amending the City of Rollingwood's code of ordinances by deleting certain masonry regulations and requirements applicable to residential and commercial structures.

**Gavin Massingill motioned to approve the consent agenda as presented. Wendi Hundley seconded the motion.**

Sara Hutson requested to remove item 14 from the Consent Agenda and Amy Pattillo asked the Council if they agreed with her proposed change to the August 21, 2019 meeting minutes.

**Gavin Massingill amended his motion to approve the consent agenda with the exception of items 10 and 14. Wendi Hundley seconded the motion. The motion passed 5-0.**

10. Discussion and possible action to approve the minutes from the August 21, 2019 Regular Meeting, September 11, 2019 Special Meeting, September 18, 2019 Budget Workshop, September 18, 2019 Regular Meeting, September 30, 2019 Special Meeting, September 30, 2019 Budget Workshop, October 2, 2019 Special Meeting and October 7, 2019 Special Meeting.

Amy Pattillo clarified that she proposed a small change to the August 21, 2019 minutes and wanted to ensure that all council members agreed with the change.

**Wendi Hundley motioned to adopt the minutes in Agenda item 10 with the change that Amy Pattillo made to the August 21, 2019 minutes. Amy Pattillo seconded the motion. The motion passed 5-0.**

14. Discussion and possible action on an ordinance amending the City of Rollingwood's code of ordinances by deleting certain masonry regulations and requirements applicable to residential and commercial structures.

City Attorney Charles Zech explained that new legislation prohibits cities from regulating building materials as long as they are authorized by a national building code. The City currently has an ordinance that regulates building material, so this change brings the City's code into compliance with the new legislation. The Council discussed the details of legislation and the City's code.

The Council discussed this legislation in regard to HOAs and historical structures.

**Wendi Hundley motioned to approve an ordinance amending the City of Rollingwood's code of ordinances by deleting certain masonry regulations and requirements applicable to residential and commercial structures as outlined on the attached ordinance. Gavin Massingill seconded the motion. The motion passed 4-0. Mayor Michael Dyson stated for the record that Council Member Pattillo was not on the dais for the vote.**

## **REGULAR AGENDA**

15. Discussion and possible action on an ordinance providing for reasonable accommodation or modification for residential uses.

City Attorney Charles Zech explained that the city currently does not have a process for reasonable accommodation or modification requests and that this ordinance was put together with the best practices from other cities. This ordinance would provide a process, including a request, application, review and evaluation of applications based on the law, and a written opinion be provided by the City Administrator. This process does not provide for appeals to that decision.

**Wendi Hundley motioned to approve an ordinance providing for reasonable accommodation or modification for residential uses. Amy Pattillo seconded the motion. The motion passed 5-0.**

16. Discussion and possible action to consider policies and procedures to define the limited parameters and recommending authority of Working Groups, Subcommittees, and Task Forces formed to discuss City business.

Mayor Michael Dyson explained that this item was on last month's agenda but was postponed to this meeting because all Council Members were not present.

Wendi Hundley explained that this item was brought to Council in order to propose a formal set of rules for boards and commissions in regard to creation of these groups, who the groups report to, scope of duties and compliance with the Open Meetings Act. City Attorney Charles Zech outlined the possible ways to go about this item.

Council directed City Attorney Charles Zech to work with City Administrator Amber Lewis on a policy in regard to working groups, subcommittees, and task forces formed to discuss City business.

**No formal action was taken.**

17. Discussion and possible action on a request from the Park Commission to approve a bid from Viking fence to furnish two new gates to close off fields one and two at a cost of \$2,160.

City Administrator Amber Lewis stated that this request is not budgeted for this year but is being requested by the Park Commission.

The Council discussed whose responsibility this type of fence work is, the history of gates, fences and maintenance of the athletic fields, and the possibility of addressing this and other issues through a lease contract.

Mayor Michael Dyson stated that this could be a potential project for RCDC.

**No action was taken.**

18. Discussion and possible action on a recommendation from the Park Commission regarding a shade screen on the Athletic Field Fence.

City Administrator Amber Lewis explained that Girls Softball is requesting approval of this shade screen that they will be paying for.

**Amy Pattillo motioned to approve a recommendation from the Park Commission regarding a shade screen on the Athletic Field Fence. Wendi Hundley seconded the motion.**

**Amy Pattillo amended her motion to approve a recommendation from the Park Commission regarding a shade screen on the backstop of the Athletic Field Fence. Wendi Hundley seconded the amendment.**

**The motion passed 5-0.**

19. Discussion and possible action on a recommendation to the City Council regarding a process for Request for Proposals for the operation, maintenance, and ground lease of the City of Rollingwood Athletic Facilities.

City Administrator Amber Lewis stated that the draft RFP has been included along with ideas from Council Members and Catherine Horne of the Park Commission.

City Attorney Charles Zech explained that the City is not legally required by state law to go out for RFP, so though City ordinance does require an RFP, the City can accept and negotiate proposals as the Council sees fit.

City Council discussed the possible additions to the RFP.

City Administrator Amber Lewis clarified that the previous RFP was published in both the Austin American Statesman and the Westlake Picayune.

**Wendi Hundley motioned to adopt the process for the Request for Proposals for the operation, maintenance, and ground lease of the City of Rollingwood Athletic Facilities in which the City Administrator will compile the draft RFP document, including updated dates as needed, and the added amendments to the Rollingwood field lease RFP numbers 7 and 8, proposed by Council Members Pattillo and Hundley. Amy Pattillo seconded the motion. The motion passed 5-0.**

20. Discussion and possible action to direct the City Administrator to issue a Request for Proposals for professional services to perform a study of the planning, development and building fees for the City of Rollingwood.

City Administrator Amber Lewis explained that there is concern that the City's planning, development and building fees are not covering expenses. She proposed that a Request for Proposals be developed by staff and brought back to Council for approval.

Buck Shapiro stated that it may be faster and easier to issue an RFP without first bringing it back to Council.

City Attorney Charles Zech stated that this project would likely not require an RFP due to the cost and that it is a professional service that would be exempt.

**Amy Pattillo motioned to direct the City Administrator to issue a Request for Proposals for professional services to perform a study of the planning, development and building fees for the City of Rollingwood. Buck Shapiro seconded the motion. The motion passed 5-0.**

21. Discussion and possible action to direct the City Administrator to issue an RFQ for professional services to perform a Comprehensive Plan for the City of Rollingwood.

City Administrator Amber Lewis explained that this item originated at the Planning and Zoning Commission meeting and that they expressed their desire for a long-term plan for the City.

**Gavin Massingill motioned to direct the City Administrator to issue an RFQ for professional services to perform a Comprehensive Plan for the City of Rollingwood. Sara Hutson seconded the motion. The motion passed 5-0.**

22. Discussion and possible action on a recommendation from the Utility Commission to issue a Request for Proposals for the selection of a utility rate consultant.

City Administrator Amber Lewis explained that the Utility Commission would like to look at winter averaging procedures and the possibility of a sewer base rate.

Sara Hutson provided context to this item, including discussion about items from the last Utility Commission meeting and the history of wastewater rates.

**Sara Hutson motioned to direct the City Administrator to issue a Request for Proposals for the selection of a utility rate consultant to evaluate the City of Rollingwood's wastewater billing rates. Wendi Hundley seconded the motion. The motion passed 5-0.**

Mayor Michael Dyson requested that the Utility Commission create a matrix that will allow them to compare responses.

23. Discussion and possible action on a recommendation from the Park Commission to terminate the agreement with Plant Driven Design for the Butterfly Garden Project.

Mayor Michael Dyson stated that action in regards to this contract was not taken in the timeframe stated in the contract.

**Wendi Hundley motioned to terminate the agreement with Plant Driven Design for the Butterfly Garden Project. Buck Shapiro seconded the motion. The motion passed 5-0.**

24. Discussion and possible action on a request to amend policy direction in regard to Cost of Living Adjustment eligibility to include employees hired within 90 days prior to or after September 30, 2019.

Mayor Michael Dyson explained that a Cost of Living Adjustment for all employees with the exception of the City Administrator is already budgeted for in Fiscal Year 2019-2020. He also spoke on the goal of COLAs and the potential ramifications of excluding some members of staff from the COLA.

The Council discussed the intentions of policy direction and how to solve the problem that has been created by the policy of COLA eligibility.

**Amy Pattillo motioned to amend policy direction in regard to Cost of Living Adjustment eligibility to include employees hired within 90 days prior to or after September 30, 2019 to reflect that all employees other than City Administrator Amber Lewis receive the same COLA. Wendi Hundley seconded the motion. The motion passed 5-0.**

25. 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.

**Wendi Hundley motioned to approve 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. Amy Pattillo seconded the motion.**

The Council discussed personal scooters being included in this ban as well as the previous discussion on scooters in the City.

Amy Pattillo stated that there may be a benefit to having a public hearing on this item due to the amount of people that own personal motor-assisted scooters.

Council directed to have a public hearing and additional discussion on this item at the next City Council Meeting.

**No vote or formal action was taken.**

26. Discussion and possible action an ordinance adopting a new article of the City's code of ordinances by adding Chapter 12 Traffic and Vehicles, Article 12.08 Dockless Vehicles: electric bicycles and bicycles equipped with GPS; providing for the regulation of dockless vehicles: electric bicycles and bicycles equipped with GPS in the city; providing for the permit requirements for dockless vehicles: electric bicycles and bicycles equipped with GPS; providing for a penalty of up to \$500 per day for a violation of this ordinance; providing for severability, and an effective date.

Sara Hutson stated that, similar to the previous item, there would be a benefit in bringing this item back to Council next month in a public hearing.

Council discussed the legal definition of a dockless vehicle and what rules would apply to those riding these vehicles, from an age and safety standpoint.

Council directed to have a public hearing and additional discussion on this item at the next City Council Meeting.

**No vote or formal action was taken.**

27. 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.

Mayor Michael Dyson talked about how this item relates to the K. Friese report given earlier and the final product that will be introduced in the future.

The Council discussed a proposed regional arterial study that identified Bee Cave Road as a reversible lane project.

Amy Pattillo also stressed the importance of the City taking a stance regarding this project at this time. Mayor Michael Dyson clarified that the City must express opposition to this project.

28. 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 stated that work is still being done to translate the previously presented resolution into a letter.

**MAYOR AND DEPARTMENT REPORTS**

Mayor Michael Dyson stated that all reports are posted to inform the public. No discussion or action took place on the Mayor and Department Reports.

- 29. City Administrator's Report
- 30. Municipal Court Report
- 31. City Engineer- LNV, Inc., Report
- 32. Chief of Police Report
- 33. Contract invoices through September 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
- 34. City Stats for September 2019.
- 35. City Financials for September 2019 - FY 2018-2019.
- 36. RCDC Financials for September 2019 - FY 2018-2019.
- 37. AWR Services, INC., Report on Water and Wastewater for September 2019

**ADJOURNMENT OF MEETING**

**Mayor Michael Dyson called for adjournment at 9:55 p.m. Wendi Hundley motioned to adjourn the meeting. Amy Pattillo seconded the motion. The motion passed 5-0.**

**Minutes Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

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**Michael Dyson, Mayor**

**ATTEST:**

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**Ashley Wayman, City Secretary**