



CITY OF ROLLINGWOOD CITY COUNCIL MEETING MINUTES

Wednesday, December 21, 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 December 21, 2022. 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 7:02 p.m.

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

Also Present: City Administrator Ashley Wayman, City Attorney Charles Zech, Interim Chief of Police Kristal Muñoz, City Secretary Desiree Adair, Development Services Manager Nikki Dykes, and Assistant to the City Administrator Makayla Rodriguez.

PUBLIC COMMENTS

There were no public comments.

PRESENTATIONS

2. Update regarding the intersection of Paige and Stratford

City Administrator Ashley Wayman reported that the City of Austin is planning to remove the "no left turn" on Stratford. Mayor Gavin Massingill explained that this intersection belongs to the City of Austin.

3. Update on the City Council message board

City Administrator Ashley Wayman updated the Council that the message board is ready to go live. Council Member Phil McDuffee spoke regarding training the council members on the message board. They discussed retention of comments and threads on the message board.

Mayor Gavin Massingill called up item 2 at this time.

4. Update and discussion with the Public Works Department regarding the cause, response, and repair of recent water line breaks, including insights into guarding against future breaks as well as any additional equipment and GIS system corrections that are needed

City Administrator Ashley Wayman discussed the line breaks and their causes, isolation, and fixes. She explained the requirements for contractors regarding digs.

City Council asked questions regarding resources and needs, and discussed responsibility for repair of the damage. City Attorney Charles Zech explained that the legal responsibility is dependent upon the facts.

Council Member Brook Brown reported that there is a map created by Thom Farrell that labels the water lines and valves.

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 November 15, 2022 Special City Council meeting for Canvassing Returns of General and Bond Election
6. Discussion and possible action on the minutes from the November 16, 2022 City Council meeting

Council Member Brook Brown pulled item number 5 from the Consent Agenda.

Mayor Pro Tem Sara Hutson moved for approval of the items in the Consent Agenda. Council Member Brook Brown seconded the motion. The motion carried with 5 in favor and 0 against.

Mayor Gavin Massingill pulled up item 5 at this time.

Council Member Brook Brown requested the following amendments to the minutes:

- On page 2, change “October 16” to “November 16”, and
- On the last page, for adjournment of the meeting, add “on November 16, 2022.”

Council Member Brook Brown moved to approve the minutes as amended. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.

REGULAR AGENDA

7. Discussion and possible action on an ordinance amending the City's Code of Ordinances related to site disturbance requirements and terraced retaining systems

City Administrator Ashley Wayman asked that questions be addressed to Tyson Hasz, of K Friese + Associates, or Bryce Cox, of Denton Navarro Rocha Bernal & Zech (DNRBZ).

Council Member Brook Brown asked questions regarding setbacks in the ordinance. Mr. Cox explained setbacks for grade operations and retaining walls.

Council Member Kevin Glasheen expressed his support of the ordinance and the use of terracing systems.

Jim Witliff, on behalf of the property owners, thanked the City of Rollingwood for trying to create a win-win solution. He requested to modify line 8 on page 2 of the ordinance to allow a terrace to be 8 feet in height. He thought that in terms of safety, an 8-foot wall would be safer than a 6-foot wall. Council Member Kevin Glasheen asked if 7 feet would work because that aligns with the original plans.

Mayor Pro Tem Sara Hutson asked about the 8-foot cut and fill. Mr. Cox explained the use of the terrace system with maximum number of steps, separation between, and height of the terrace walls. Mr. Hasz explained the cut and fill and terrace system requirements from the current code.

Council Member Brook Brown asked about the possibility of cutting down a lot in order to increase building height and language to limit other unforeseen consequences.

Council Member Brook Brown, Mr. Cox and Mr. Hasz discussed the term “building envelope.”

Council Member Kevin Glasheen recommended amending the ordinance to allow a 7 feet terrace, multiple terrace cuts, and a maximum of 14 feet total. In detail: on page 2, line 5, change “up to 3” to “multiple.” On line 8, change it to 7 feet and on line 10, change it to 14 feet.

City Council discussed the concerns with creating an ordinance that applies to only one property and not to the whole city. Andy Richardson, property owner of 208 Ashworth, discussed the effect of this ordinance on other lots in Rollingwood. City Attorney Charles Zech proposed that Section 7 could apply only to this specific property.

Council Member Kevin Glasheen moved to adopt the ordinance as proposed but with the amendment that Section 7 applies specifically to this address, and that we make the individual terrace maximum height of 7 feet on line 8, and a total maximum on line 10 of 14 feet. Council Member Alec Robinson seconded the motion.

Council Member Brook Brown asked for clarification of the language for Section 7. Mayor Gavin Massingill stated that it would say “At 208 Ashworth Drive,” and then the rest of 7 that is there. Council Member Phil McDuffee asked to leave the total maximum limit at 15 feet.

Council Member Kevin Glasheen accepted the proposed amendment to the motion. Council Member Alec Robinson seconded the amended motion.

Mayor Gavin Massingill stated that it will now read “At 208 Ashworth Drive,” then the rest of 7, we’ll leave the up to 3, we’ll replace 6 with 7 in terms of exceed 7, and then we’ll change it back to 15 feet.

Mayor Pro Tem Sara Hutson stated that she did not want to make a regular practice of changing code for single properties.

The motion carried with 5 in favor and 0 against.

Mayor Gavin Massingill pulled up agenda item 27 at this time.

8. Update, discussion, and possible action on planning and execution of the voter approved bond Propositions A and B

Mayor Gavin Massingill laid out plans for Proposition A: Water Infrastructure and Proposition B: Facilities.

Council Member Brook Brown commented on the Prop A: Water Infrastructure plan that she would like to add a communication plan with a community advisor for the plan, a timeline for K. Friese + Associates’ detailed project outline, and consideration of specific pipe technology. On Prop B: Facilities, she would like 2 more people on the advisory panel – 1 from City Council and 1 from the Community with a community interest viewpoint. Council Member Brook Brown volunteered to fill the Council Member position on the advisory panel, and Council Member Kevin Glasheen suggested Alex Robinette to fill the community position on the advisory panel. Council Member Brook Brown added a consideration for drainage to the advisory panel’s recommendation list.

James Gilley, of US Capital Advisors and the City’s financial advisor, discussed the timing of selling the bonds, and provided a summary of potential timelines with March 2023 and August 2023 bond sales. City Council and Mr. Gilley discussed the terms, callable potential, underwriting costs, and lead time.

Ben Morse, of Orrick and serving as bond counsel, discussed the time required for Attorney General review, bond pricing, and adoption of a reimbursement resolution.

City Council asked questions about the summary of scenarios, timeline effect on tax rate, and debt service.

Mr. Hasz, of K. Friese + Associates, discussed the packaging of the Capital Improvement Plan (CIP) in terms of timeline and money spent per year. He recommended a minimum of \$1 million per year and addressing higher priority projects first.

City Council discussed the Water CIP and the designing of the packages. Council would like K. Friese + Associates to come back next month with more information regarding the most efficient way to design the packages.

Mayor Gavin Massingill skipped over items 9, 10, and 11 because they were covered in this item.

9. Discussion and possible action on the process for planning City Hall improvements

This item was covered in conjunction with item 8 discussion.

10. Discussion and possible action on the process for planning water system improvements

This item was covered in conjunction with item 8 discussion.

11. Update and status report on debt structure and sales of approved bonds, including U.S. Capital Advisors recommendations and any Tax and Rate analysis.

This item was covered in conjunction with item 8 discussion.

12. Discussion and possible action on a recommendation from the Park Commission to review the process for appointing members of boards and commissions

Council Member Alec Robinson introduced this item sent over from the Park Commission.

Council Member Kevin Glasheen made a motion to take no action and move on. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.

13. Update and discussion regarding a request to compile outstanding items for research and review related to the possible installation of artificial turf infield on Hatley Field 1

City Administrator Ashley Wayman introduced the item and inclusions in the packet. Mayor Gavin Massingill discussed an email sent from Chad Smith.

City Council decided to put the item on next month's agenda to take action on the request for artificial turf and to take action on the request to approve their expenditure of funds to improve the infield in clay.

14. Discussion and possible action on a recommendation from the Park Commission regarding land clearing to the north of the swim facility

City Administrator Ashley Wayman discussed that this item was sent from the Park Commission to Council and that no Park Commission members were here to present this item to Council.

Council discussed the purpose of the land clearing, the wildlife, and an informal workday to clean up this area.

Council Member Kevin Glasheen moved to deny the request and move on. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

15. Discussion and possible action to protect trees and other vegetation on land zoned Park District (P)

Since this item was in response to the previous item, Council Member Phil McDuffee requested to move on from this item.

16. Discussion and possible action to direct staff to hire a hydrologist to file a well permit application with Barton Creek Edwards Aquifer Conservation District, and then to secure bids to drill, supply pumps and set up any approved water wells in Rollingwood Park

Council Member Kevin Glasheen chose to withdraw this item from the agenda after some discussion. He would like data on water usage and information on the water supply from the City of Austin. City Council discussed the rain tanks and capturing water from the upper parking lot.

17. Discussion and possible action on a proposal from RCDC for a Welcome to Rollingwood Business Promotion Project

Brian Rider, 2906 Hatley Drive and RCDC member, discussed this new item for the business community.

City Administrator Ashley Wayman stated that RCDC is asking for a preliminary approval from City Council.

Emily Doran, RCDC President, explained that there would be an application for this process for requests and parameters for approval.

City Attorney Charles Zech stated that this project fits into promotional expenditure. He recommended amending the promotional budget for this item if needed.

Council Member Phil McDuffee moved to tell RCDC that we approve and keep going.

City Council, City Administrator Ashley Wayman, Mr. Rider, and City Attorney Charles Zech discussed that this could be a reimbursement item, is part of the promotional budget, is not a separate project, and does not need action unless needing to amend the budget.

Council Member Phil McDuffee withdrew his motion.

18. Discussion and possible action on a resolution approving a project of the Rollingwood Community Development Corporation for Rollingwood Park Amenities and Promotion

Mr. Rider described the revised Park Amenities and Promotion project. City Attorney Charles Zech explained the difference between programs and expenditures/projects.

Council Member Phil McDuffee requested a correction of the spelling in the resolution. Council Member Brook Brown asked that the resolution be amended in section 2 to state after Rollingwood Park Amenities and Promotion Project, “as approved by RCDC in December 2022” and attach the project proposal in the packet.

Council Member Phil McDuffee moved to approve this, and get the hot water heater up there, and do it out of the concession stand as proposed to be amended by adding the attachment. Council Member Alec Robinson seconded the motion. The motion carried with 5 in favor and 0 against.

19. Discussion and possible action regarding City of Rollingwood Comment Submittal on the draft Zilker Park vision plan document

Mayor Gavin Massingill discussed the possibility of the City providing public comment on the draft Zilker Park Vision Plan, and City Administrator Ashley Wayman discussed the parts of the plan that stood out as possibly impacting the City of Rollingwood. She discussed the Stitch concept, realignment of Stratford drive, proposed surface parking on the north side of Rollingwood Drive

and directly across from Rollingwood drive, a new sports area directly across from Rollingwood Drive across Loop 1, and the proposal to make Barton Springs Road one way in each direction with parallel parking on the sides.

The City Council discussed the potential impacts on Rollingwood residents of proposed changes to Barton Springs Road, the possible areas to address in the comment letter regarding the restriction of Barton Springs Road, pedestrian related solutions for Zilker Park events, and more detail on parking and nature play.

Council Member Brook Brown moved to resolve to file comments in response to the request for comments on the Zilker Park Vision Plan addressing three items: the single lane on Barton Springs Road, pedestrian related solutions to and from Rollingwood parking garages, and that we like the land bridge. Council Member Phil McDuffee seconded the motion.

Mayor Pro Tem Sara Hutson suggested an amendment to the motion to not specifically state Rollingwood parking garages, and Mayor Gavin Massingill stated that he would work with staff to draft the letter with broad language.

The motion carried with 5 in favor and 0 against.

20. Status of the Pleasant/Nixon drainage project including setting of target project dates for completion of this project

Council Member Brook Brown discussed that she would like to keep the emphasis on this project and continue to work with K. Friese + Associates to get this project engineered and done.

Mayor Gavin Massingill discussed the timeline of this project in the past few weeks.

City Administrator Ashley Wayman stated that the surveyors were on site today and that an updated set of plans would be sent out on Friday, updated with survey data if time allows.

Council Member Brook Brown discussed further updates to the plans between the Marin and Fleming property that have been requested by the property owners, and Mayor Gavin Massingill stated that staff will check on the status of the size and depth of the surface channel she described.

Mayor Gavin Massingill and the City Council discussed the status of the easement documents and language. Mayor Massingill explained that the City is seeking clarification regarding whether the easement document process needs to be restarted fully, or whether we could pick up where we left off previously, having already delivered the landowner's bill of rights to property owners.

21. Discussion regarding a potential ordinance to create a limit on impervious cover for residential lots

Council Member Kevin Glasheen discussed the process of creating this impervious cover ordinance and his concern of overdevelopment of lots in Rollingwood. He discussed the time frame to get ordinances sent through the Planning and Zoning Commission.

Mayor Gavin Massingill called up item 22 to be discussed in conjunction with item 21 at this time.

Council Member Kevin Glasheen discussed Council deciding which potential items to take up and to determine an order of taking up items. Mayor Pro Tem Sara Hutson recommended that this be discussed on the Council message board.

Mayor Gavin Massingill discussed the process of getting consensus on future agenda items.

Council Member Brook Brown discussed the meeting schedule for Planning and Zoning Commission

City Administrator Ashley Wayman discussed the process for joint meetings and public hearings. She stated that the public hearings are scheduled for February 1 and February 15.

Mayor Pro Tem Sara Hutson explained that the residential building code is undergoing a comprehensive review, and impervious cover is part of this project.

Council Member Kevin Glasheen might want to consider on a future agenda a moratorium on new building permit applications until Planning and Zoning and Council can finish an amendment.

The City Council discussed moving issues forward with the Planning and Zoning Commission.

Council Member Kevin Glasheen moved to get impervious cover in queue with P & Z to take up at their meeting following the meeting where they're going to deal with building heights and setbacks.

City Council discussed other cities' approaches to impervious cover.

Dave Bench, 1 Randolph Place, discussed the pace of the Planning and Zoning Commission acting on these requests. He assured Council that Planning and Zoning takes this very seriously and they want to make the public aware of every step. He asked for more specificity on items for public hearings.

Council Member Kevin Glasheen moved to postpone agenda item 21 to the January Council meeting. The motion was seconded by Council Member Phil McDuffee.

Council Member Kevin Glasheen withdrew his motion.

22. Discussion regarding possible future agenda items for which City Council may wish to address and communicate to the public in advance, and prioritize issues for future consideration

This item was brought up in conjunction with item 21.

Council Member Kevin Glasheen thinks that the message board will address this concern.

23. Discussion and possible action on setting dates for public hearings before the Planning and Zoning Commission and the City Council in connection with changes to the residential zoning ordinance

Council Member Brook Brown would like to combine public hearings of Planning and Zoning and City Council to save resources for noticing and posting. City Administrator Ashley Wayman explained the noticing requirements.

Mr. Bench spoke regarding public hearings and the specificity of the language of the notices. Mayor Gavin Massingill explained why notices are broad enough to allow latitude for discussion and interest. City Administrator Ashley Wayman explained why rushing to the public hearing phase is costly and could require double noticing. City Attorney Charles Zech explained joint meetings and the limitation of too specific of language.

Public hearings are scheduled for February 1st for the Planning and Zoning Commission and February 15th for City Council.

24. Discussion and possible action on scheduling of public hearing before the Planning and Zoning Commission and City Council to consider recommendations from the Planning and Zoning Commission on residential yard and height ordinances, notice requirements, and processes for obtaining public input

City Administrator Ashley Wayman explained that residential yard and height ordinances are items in the January Planning and Zoning Commission meeting, and going to the February 1st Planning and Zoning Commission public hearing, and then to the February 15th City Council public hearing.

Mayor Gavin Massingill called up item 32 at this time.

25. Discussion and possible action regarding approved usage of City of Rollingwood logo including possible need for copyright or trademark registration

Mayor Pro Tem Sara Hutson discussed concerns of usage of the City logo that is not official business of the City and that this could be misleading to residents. City Council discussed how to protect rights by asking to stop usage of the City logo.

Council Member Kevin Glasheen moved to request the Mayor to politely ask Wendi Hundley to stop using our logo in her newsletter. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

Mayor Pro Tem Sara Hutson moved to request City staff to research and execute on a trademark of the Rollingwood branding package not to exceed \$1,000. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

26. Update and staff report on status of stand-alone computer for resident access to building permit applications

The computer has been set up in the council chambers room. Council Member Brook Brown inquired how the computer may be used. City Administrator Ashley Wayman explained how residents may utilize the computer.

27. Discussion and possible action in regard to contract for legal and planning services in connection with implementation of the commercial zoning changes under the Comprehensive Plan

Mr. Cox, of DNRBZ, discussed the contract for legal and planning services with a bid amount of \$36,000 and the explanation of what is and is not included in the project.

Council Member Brook Brown asked for an engagement letter. City Attorney Charles Zech will provide a standard professional services agreement and explained that this project does not require an additional engagement. Mr. Cox explained that 3 workshops are included.

Mayor Pro Tem Sara Hutson asked about travel and copy expenses. City Attorney Charles Zech explained that “not to exceed \$40,000” would be acceptable including legal, travel, and copy expenses. It was noted that RCDC has agreed to cover \$30,000 for this project.

City Council and Mr. Cox discussed the proposed workshops.

Council Member Brook Brown moved to engage with the firm of Denton Navarro to prepare a draft ordinance that would incorporate the changes recommended in the Comprehensive Plan for the Commercial corridor as outlined in the letter from Denton Navarro dated December 16, 2022, that we include an additional amount not to exceed \$3,000 for legal services, an amount for expenses not to exceed \$1,000, and a target date of 5 months to 8 months for bringing a document ready to the Council for adoption. Mayor Pro Tem Sara Hutson seconded the motion.

Mayor Pro Tem Sara Hutson proposed to amend the motion for a total cost not to exceed \$40,000 including legal review and expenses, and an expectation that this will be done quickly and efficiently instead of on a specific date deadline.

Council Member Brook Brown accepted the amendments to the motion. The motion carried with 5 in favor and 0 against.

Mayor Gavin Massingill returned to item 8 at this time.

28. Discussion and possible action to reappoint board and commission members whose terms are expiring for an additional two year term

City Administrator Ashley Wayman explained how City staff has reached out to all members whose terms are expiring and they all expressed their intention to continue to serve with the exception of one alternate to the Board of Adjustment.

Mayor Pro Tem Sara Hutson moved for reappointment of all board and commission members whose terms expire December 2022 who have expressed interest in continuing to serve. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

29. Discussion and possible action on the appointment of members to open Board and Commission positions

City Administrator Ashley Wayman discussed that since everyone on the slate in the previous item were reappointed, there are 2 open positions of alternates on the Board of Adjustment.

Mayor Gavin Massingill recommended appointment of Toni Hudson for an alternate position to the Board of Adjustment.

Mayor Pro Tem Sara Hutson moved for appointment of Toni Hudson as an alternate on the Board of Adjustment. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

Mayor Gavin Massingill recommended appointment of Kendra Roloson for an alternate position to the Board of Adjustment.

Council Member Alec Robinson moved to accept Kendra Roloson as an alternate to the Board of Adjustment. The motion failed for lack of a second.

30. Appointment of Council Members, which may be the Mayor, to serve as council liaisons for Police and Courts, Utility Commission, Streets and Roadways, Park Commission, Personnel, Budget, Planning and Zoning Commission, Board of Adjustment, and the Rollingwood Community Development Corporation

Mayor Gavin Massingill presented his recommendations for Council Liaisons. City Council discussed in which liaison positions they would like to serve.

Council Member Kevin Glasheen moved to appoint Brook Brown to Police and Courts, Phil McDuffee to Utility Commission, Sara Hutson to Streets and Roadways, Alec Robinson and Kevin Glasheen to Park Commission, Sara Hutson to Personnel, Gavin Massingill to Budget, Brook Brown to Planning and Zoning Commission, Sara Hutson and Brook Brown to Board of Adjustment, and Phil McDuffee and Kevin Glasheen to RCDC. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

31. Explanation by the City Attorney on Open Meeting Act requirements including possible quorum issues at Board and commission meetings, and specifically City Council Member attendance and participation in Board of Adjustment meetings

Mayor Pro Tem Sara Hutson discussed accusations of a City Council quorum at the Board of Adjustment meeting. Mayor Gavin Massingill explained how boards are an extension of Council function. The Board of Adjustment is different because it is quasi-judicial entity that is dealing with the executive function.

City Attorney Charles Zech explained that the members of City Council inquired with staff as to whether or not a quorum could be present at the Zoning Board of Adjustment so staff contacted the City Attorney who gave the opinion is that it is acceptable for a quorum of Council to be at Board of Adjustment because the Zoning Board of Adjustment is a quasi-judicial body who does not report to City Council. City Attorney Charles Zech explained that compliance with the Texas Open Meetings Act did occur in this case.

32. Discussion and possible action on a legal opinion regarding the application of the "building height, residential" definition in Code Section 107-3 to the determination of the maximum possible height of a residential structure under Code Section 107-71

This item was called up in conjunction with item 24.

City Attorney Charles Zech provided his interpretation that the language in the definitions section is applicable to the entire residential zoning code.

Council Member Brook Brown and City Attorney Charles Zech clarified how to request a written legal opinion.

Mayor Gavin Massingill returned to item 24 at this time.

ADJOURNMENT OF MEETING

Mayor Gavin Massingill adjourned the meeting at 12:28 a.m. on December 22, 2022.

Minutes Adopted on the _____ day of _____, 2023.

Gavin Massingill, Mayor

ATTEST:

Desiree Adair, City Secretary