



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

**Wednesday, April 20, 2022**

The City Council of the City of Rollingwood, Texas held a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on Wednesday, April 20, 2022 at 6:30 p.m. Members of the public and the City Council were able to participate in the meeting virtually, as long as a quorum of the City Council and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

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

1. Roll Call

**Mayor Gavin Massingill called the meeting to order at 6:32 p.m.**

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

**Also Present:** Interim City Administrator Ashley Wayman, City Attorney Charles Zech, Development Services Director Carrie Caylor, Police Chief Jason Brady, Corporal Dan Arispe, Finance Director Abel Campos, and Assistant to the City Administrator Makayla Rodriguez.

### **PUBLIC COMMENTS**

There were no public comments.

*Mayor Gavin Massingill returned to Public Comments at the conclusion of item 5.*

The following individuals spoke during public comments:

- Thom Farrell, 3223 Park Hills Drive, thanked the city for holding the Eanes Schoolboard Candidate Forum on Monday, April 25 and discussed the forum. He asked the city to share the notification of the forum with the community via Swift911 and asked that the city would publish the meeting via the city Zoom.

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

## **EMPLOYEE RECOGNITIONS AND NEW APPOINTMENTS**

2. Recognition of Corporal Dan Arispe for 10 years of service to the Rollingwood Police Department

Police Chief Jason Brady presented Corporal Dan Arispe with an award in recognition of 10 years of service to the Rollingwood Police Department.

3. Introduction of new city employees and short recess for a new employee reception

Mayor Gavin Massingill introduced Assistant to the City Administrator Makayla Rodriguez, and Public Works Superintendent Ismael Parra.

4. Discussion and possible action to appoint Desiree Adair as the City Secretary

Interim City Administrator Ashley Wayman discussed her recommendation of Desiree Adair to serve as the City Secretary.

**Mayor Pro Tem Sara Hutson moved to appoint Desiree Adair as the City Secretary. Council Member Brook Brown seconded the motion. The motion passed 5-0.**

5. Swearing-in of City Secretary Desiree Adair

Mayor Gavin Massingill conducted the Swearing-In Ceremony for Desiree Adair.

*Mayor Gavin Massingill returned to Public Comments at this time.*

## **PRESENTATIONS**

6. Presentation and discussion regarding the Quarterly Investment Report for the 2nd Quarter

Finance Director Abel Campos presented the quarterly investment report for the 2<sup>nd</sup> Quarter.

7. Presentation and discussion regarding the Budget Review for the 2nd Quarter

Finance Director Abel Campos presented the budget review for the 2<sup>nd</sup> Quarter.

Mayor Gavin Massingill and the City Council discussed the water and wastewater funds.

8. Presentation regarding a potential philanthropic memorial gift from the Doris Day Swanner Family in support of park infrastructure improvements

Shanthi Jayakumar, 3309 Park Hills Drive, talked about Doris Day Swanner's life and her impact on the Rollingwood community.

Mayor Gavin Massingill discussed that Doris Day Swanner's son, Jimmy Day, had reached out to the City because he is considering making philanthropic donation to the City of Rollingwood in honor of his mother. He discussed his ideas for a Doris Day Swanner outdoor meeting space and explained his intention to get a more professional sketch of this project so that another discussion can be had and people can see what he is envisioning.

Thom Farrell discussed the Day family and that this project is about Jimmy giving back to Rollingwood and thanked the Mayor for his hard work keeping this discussion going.

9. Presentation regarding timelines associated with future election dates related to a possible bond election

Mayor Gavin Massingill discussed his intent to continue a discussion about a potential future bond election. He explained that he and Staff had met with the city's Bond Counsel and they had provided this presentation regarding a future bond election timeline. He discussed that his intent is for the City Council to review and for Bond Counsel to be at the next meeting to go further in depth. He also discussed the water CIP, drainage IIP and Spatial Needs Assessment as well as the inclusion of the shared space with Travis County ESD No. 9.

Council Member Brook Brown discussed section 2-338 of the City's Code of Ordinances that requires a 5-year capital improvement project plan to be adopted by council annually.

Mayor Gavin Massingill stated that he and staff would review this ordinance.

### **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 on the minutes from the March 9, 2022 City Council Meeting
11. Discussion and possible action on the minutes from the March 23, 2022 Comprehensive Plan Workshop No. 3

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

### **REGULAR AGENDA**

12. Discussion and possible action on post-financial-audit mid-year budget adjustments

Finance Director Abel Campos discussed the proposed post-financial-audit mid-year budget adjustments.

Interim City Administrator Ashley Wayman, Finance Director Abel Campos and the City Council discussed the proposed budget adjustments and why the budget adjustments were brought before the Council.

Council Member Brook Brown asked if future budget adjustments could show the financial impact by budget category and bottom line and Finance Director Abel Campos stated he would prepare this in the future.

**Council Member Brook Brown moved to approve the mid-year budget amendment as reflected in item 12 of the agenda. Mayor Pro Tem Sara Hutson seconded the motion. The motion passed 5-0.**

13. Discussion and possible action on a recommendation from the Utility Commission to send a questionnaire to the community regarding the quality of cellular service in Rollingwood

Interim City Administrator Ashley Wayman discussed the Utility Commission's recommendation to develop a questionnaire for the community regarding cellular service.

Council Member Phil McDuffee further discussed the Utility Commission's intent with this recommendation.

The City Council discussed other ways to go about finding this data, how to encourage carriers to provide better services to the city, whether a survey would make sense in this scenario, and how a survey would be shared to the community.

**Council Member Alec Robinson moved to approve the recommendation from the Utility Commission to send a questionnaire to the community regarding the quality of cellular service in Rollingwood. Council Member Roxanne McKee seconded the motion. The motion passed 5-0.**

14. Update, discussion and possible action regarding Oak Wilt and trenching

Development Services Director Carrie Caylor discussed bids for phase one and phase two of the oak wilt trenching project. She discussed the steps that have been taken to get a second contractor to bid the trenching project.

Council Member Gavin Massingill discussed the bids that the city has received.

The City Council discussed the timeline for this project.

15. Request for staff advice regarding "No Burn" policies and related responsibilities for notices as between Travis County, the Emergency Services district, and the City of Rollingwood

Council Member Brook Brown discussed the fire concerns in the community given the current and potential further drought conditions and discussed that she would like an overview of where the city is and where it might go to address this concern.

Chief Brady discussed the current burn ban in Travis County and the options that the city has to address fire concerns including implementing their own burn ban, passing an ordinance like the one that the City of West Lake Hills has that mirrors the county's burn ban orders, participating in the local fire wise program through the ESD, and an operation to remove dead leaves and foliage that could cause a fire risk. He also discussed that Rollingwood is a part of the greater Travis County Emergency Plan.

Council Member Brook Brown asked what first step Chief Brady would suggest to address this and he discussed reaching out to Chief Wilson or one of his deputies for their assessment.

Council Member Brook Brown discussed the potential to have educational presentations at upcoming City Council meetings as well as requesting staff to bring back a plan to clear dead brush that could pose a hazard.

The City Council discussed who bears the responsibility to clear dead brush and fallen trees, how to bring the awareness to the community, areas of the city that are most in need of brush clearing.

Council Member Brook Brown asked that the City Council direct Chief Brady to bring back at next City Council meeting a report on what he found from neighboring communities and his top three priorities for action by this community and to invite the person he thinks might be most engaging, prepared and qualified to address the community on this issue at the next Council Meeting.

Mayor Gavin Massingill stated that he would ensure that this happened at the next meeting.

16. Discussion and possible action to approve language to be included in an ordinance requiring residential construction fencing

Mayor Gavin Massingill read and discussed the proposed language and explained that he tried to incorporate the discussions had at last month's meeting on this topic.

Mayor Pro Tem Sara Hutson discussed the proposed language, instances of construction fences currently existing in the city, safety and visibility concerns, and not enclosing lift stations and fire hydrants.

Council Member Roxanne McKee discussed the need for flexibility given that this is temporary fencing and that there needs to be space for all needed materials. She also asked the city attorney questions regarding the language and if there would be any liability to the city. City Attorney Charles Zech stated that he did not believe that the city would have liability in the discussed scenario.

Council Member Brook Brown discussed the timing of the placement of the construction fence, instances of construction within the city, how construction sites in the city can be better planned, and potential amendments to the language.

Mayor Gavin Massingill stated that he would bring back in ordinance form next month substantively this language including the reference to demolition and that they can't enclose lift stations or fire hydrants.

17. Discussion and possible action regarding the City's policy as to designation of "No Parking" zones

Council Member Brook Brown discussed that she has had requests from a couple members of the community to look at "no parking" zones in areas where there is limited visibility, including on the steep hill on Timberline and the location at Riley and Rollingwood Drive where there are currently cones. She also discussed issues along Nixon and Park Hills Drive where yellow "no parking" curbs have not been repainted and are not allowing for tickets to be written. She discussed that she intends to find out how to go about designating new "no parking" areas, how

they would be evaluated, and that the Council needs to consider a program to repaint the existing curbs where parking is prohibited.

Mayor Gavin Massingill discussed that the city is in the process of hiring a new public works employee to perform all things maintenance including repainting curbs where needed.

Police Chief Jason Brady discussed traffic patterns in the city and ways to approach policy in the area of designated no parking zones. He discussed setting objective criteria to be followed going forward, the need to clean signs and trim trees away from signs and legal parking areas where the canopy is too low for all parking. He also discussed what criteria must be met in order to enforce “no parking” zones.

The City Council discussed areas in the city that should be considered for potential “no parking” zones.

Mayor Gavin Massingill suggested focusing on refurbishing existing “no parking” areas, and discussed the signage that would be required for enforcement of “no parking” zones.

The City Council discussed specific parts of the city that should be considered for “no parking” zones. They also discussed asking Chief Brady to visit these areas and see if there are characteristics in common that are causing the visibility issues in this area, stopping sight distance. The City Council further discussed traffic related safety concerns caused by construction vehicles and areas.

Mayor Gavin Massingill stated that this would be brought back at the next meeting.

18. 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, designation of a code compliance officer, actions with respect to repeat violations, periodic on-site inspection of permit activities and as-built construction

Mayor Gavin Massingill stated that this item was on the agenda last month when Development Services Director Carrie Caylor was not in attendance and was tabled.

Council Member Brook Brown asked for item 19 to be discussed with this item.

*Mayor Gavin Massingill called up item 19 to be discussed in conjunction with this item.*

Council Member Brook Brown discussed the concerns relating to these two agenda items, discussing gaps in what is required, what is enforced, and what our documents do in respect to what our ordinances require. She requested setting these two items for a special City Council meeting where these two items are addressed.

**Council Member Brook Brown moved to set a date for a special City Council meeting and take up the matters that have been posted for notice in items 18 and 19. Mayor Pro Tem Sara Hutson seconded the motion.**

Council Member Brook Brown discussed the timing of this meeting, and discussed that the concerns that have been relayed to her could be posted for public viewing and that the City Council could hear responses and solutions to those concerns at the special meeting. She

discussed that this special meeting be held as soon as reasonably possible and that the concerns would all be brought to this meeting ready to address.

Council Member Roxanne McKee discussed including Chief Brady because the police force is part of this effort.

Mayor Gavin Massingill stated that staff could poll the City Council to find when the best day is before the end of May for this meeting.

**The motion passed 5-0.**

19. 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

*This item was discussed in conjunction with Item 18.*

20. Discussion and possible action on the process for adoption of a Comprehensive Plan

Council Member Brook Brown discussed the review and approval process for the Comprehensive Plan. She discussed whether the City Council would make comments on the document before or after it goes to the Planning and Zoning Commission and the process of sending the document to the Planning and Zoning Commission.

City Attorney Charles Zech discussed Texas Local Government Chapter 213 requirements for approval of the Comprehensive Plan.

Council Member Brook Brown discussed the timeline and asked for City Council input on whether it goes to the Planning and Zoning Commission before or after Council review.

Mayor Gavin Massingill discussed that this could be sent to the Planning and Zoning Commission at their next regularly scheduled meeting for consideration and recommendation back to the City Council and the City Council discussed options for getting the Commission's input.

City Attorney Charles Zech further discussed the statutory requirements regarding the adoption of the Comprehensive Plan.

The City Council further discussed the timeline for adoption and the processes that would follow adoption of the plan. Mayor Gavin Massingill discussed that this could be sent to the Commission ahead of their next meeting to give them ample time to review the document ahead of their meeting on May 4.

Council Member Roxanne McKee asked a question regarding "granny flats" and whether having them would jeopardize single family zoning and City Attorney Charles Zech discussed that this would be a better discussion to have during the zoning process.

Mayor Pro Tem Sara Hutson discussed that there were important things that were not included the Comprehensive Plan regarding the residential zoning district and wanted to understand how the City Council could go about adding things to the document.

Mayor Gavin Massingill discussed the City Council's ability to add items to the plan after adoption and that he would not recommend this.

Council Member Brook Brown discussed the Comprehensive Plan's limitation on addressing the residential area and discussed that an option could be to adopt the Comprehensive Plan with the stated intent that the issues that were not addressed be addressed in a supplement to the plan.

**Council Member Brook Brown moved to send the Comprehensive Plan to the Planning and Zoning Commission to be placed on their next regular scheduled meeting for consideration and recommendation back to the Council. Council Member Roxanne McKee seconded the motion.**

The Mayor and City Council further discussed the review by the Planning and Zoning Commission.

**The motion passed 5-0.**

21. Discussion and possible action on revisions to the Rollingwood MoPac South Expansion Task Force Resolution

Council Member Brook Brown discussed that this resolution would add the Mayor as the Chair of the Task Force and increase the membership from 4 to 5.

**Council Member Brook Brown moved to adopt the amended Rollingwood MoPac South Expansion Task Force Resolution. Council Member Roxanne McKee seconded the motion.**

Mayor Gavin Massingill discussed that the Task Force has had a good organizational meeting.

**The motion passed 5-0.**

Mayor Gavin Massingill stated that Interim City Administrator Ashley Wayman will send the final resolution to the Task Force.

22. Discussion and possible action regarding request for a legal opinion on the use of bond funds and city funds for the relocation of water meters

Council Member Brook Brown discussed the ways that the city could use funds for the relocation of water meters, discussing a previous opinion the city had received. She discussed the constitutional and statutory sections that were cited at the time and requested that the City Council request an opinion from the City Attorney.

Mayor Gavin Massingill asked for the ability to include Bond Counsel in this discussion. He also discussed what he believes to be the intent of these sections and that there may be a different opinion if the city is requiring the customer to move their service line or meter.

The City Council further discussed the details of these constitutional and statutory sections and the questions that the city needs answered.



Mayor Gavin Massingill and Council Member Brook Brown discussed how these questions and this legal opinion came about.

Council Member Alec Robinson discussed the need for meter relocations if the city were to move to electronic water meters and Development Services Director Carrie Caylor discussed that the issue is more with lines breaking in backyards that the city cannot easily get to and isolate.

**Council Member Brook Brown moved to ask the Mayor to engage the City Attorney or Bond Counsel as appropriate to address the issues associated with the city paying for a relocation of a lateral in connection with a water line relocation, and specifically the requirements of the Texas Constitution and Texas Local Government Code chapter 552. Council Member Phil McDuffee seconded the motion.**

**The motion passed 5-0.**

23. Discussion and possible action regarding the process for final adoption of the City's official zoning map

Council Member Brook Brown discussed her recent work with the list of items to address on the zoning map and that most have been satisfied. She discussed that an outstanding issue is that there are non-addressed lots on the map and asked for Council input on whether those should be labeled with the TCAD ID numbers or be associated with abutting properties.

Council Member Brook Brown and the City Council discussed the items that were brought up for review in the past City Council meeting item related to the zoning map and how these items were addressed.

Council Member Brook Brown discussed the need to amend the city ordinance regarding the adoption of the zoning map and also that the Council needs to adopt an updated process for amending the city zoning map.

Council Member Brook Brown asked the Mayor to confer with the City Attorney regarding the best way to make these code amendments.

Mayor Gavin Massingill thanked Council Member Brook Brown and Development Services Director Carrie Caylor for their work on this and asked the City Council if they were generally in support of the map as presented. He also discussed the process that he sees following for the approval of this map, the changing of the code relating to the adoption of the zoning map and the amendment process.

City Attorney Charles Zech stated that he could draft something before the next meeting and send it to Council Member Brook Brown for her review.

Mayor Gavin Massingill stated that the proposed ordinance would be drafted and brought back to the meeting as well as the final zoning map.

Shanthi Jayakumar asked if “the bulge” near the park was corrected and the City Council and Development Services Director Carrie Caylor stated that it had been addressed.

Mayor Pro Tem Sara Hutson asked whether the city had property zoned park down on Dellana Lane and Development Services Director Carrie Caylor stated that it is designated park space in PUD zoning. They also discussed the un-zoned section of land near the church.

## **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.

24. City Administrator Report
25. Chief of Police Report
26. Municipal Court Report
27. City Financials for February 2022 - Fiscal Year 2021-2022
28. RCDC Financials for February 2022 - Fiscal Year 2021-2022
29. City Financials for March 2022 - Fiscal Year 2021-2022
30. RCDC Financials for March 2022 - Fiscal Year 2021-2022
31. City Stats for March 2022
32. Contract invoices through March 2022 - Crossroads Utility Services, Water and Wastewater Services, K. Friese & Associates - IIP & MS4, K. Friese & Associates, City Engineer
33. Crossroads Utility Services Report on Water and Wastewater for March 2022
34. City Engineer Report - K. Friese & Associates
35. Texas Central Appraisal District and Tax Assessor - Notices, Letters and Documents
36. Texas Gas Service - Notices, Letters and Documents

## **ADJOURNMENT OF MEETING**

The meeting was adjourned at 9:46 p.m.

**Minutes Adopted on the 18<sup>th</sup> day of May, 2022.**

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**Gavin Massingill, Mayor**

**ATTEST:**

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**Desiree Adair, City Secretary**