



CITY OF ROLLINGWOOD CITY COUNCIL MEETING MINUTES

Wednesday, May 17, 2023

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 May 17, 2023. 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 7:03 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, Finance Director Abel Campos, City Secretary Desiree Adair, Development Services Manager Nikki Stautzenberger, Interim Police Chief Kristal Muñoz, and Assistant to the City Administrator Makayla Rodriguez.

PUBLIC COMMENTS

The following individuals spoke during public comments:

- Shanthi Jayakumar, 3309 Park Hills Drive, spoke regarding the history of the building of Rollingwood City Hall, the building fund, the painting in City Hall, the fire station, and the City's nomination for a building award. She is excited for a new City Hall and would like to involve all of the citizens.

PRESENTATIONS

2. Presentation and discussion regarding a potential bond issuance timeline for General Obligation Bonds Series 2023

Mayor Gavin Massingill announced that the City of Rollingwood's bond rating has been upgraded to AA+.

James Gilley, of U.S. Capital Advisors, explained how Standard and Poor's (S & P) maintains and updates bond ratings. The City was upgraded from an AA to an AA+ rating due to several factors including a strong economy, conservative budgeting practices, cash reserves, and general fund balance.

Mr. Gilley proceeded to discuss the tentative timetable of events for a sale of general obligation bonds in July. Council discussed and asked questions regarding the amount of the bonds, rates, laddering, opportunities for funding, initial projects, call features, and cash flow.

City Council discussed timing of issuance, bond costs, and rating fees with Mr. Gilley. Council also discussed timing of the water improvements and of the bond issuance for a new City Hall.

Mr. Gilley discussed the timeline of bond sales with respect to the setting of the tax rate. He provided a recommendation of issuing the bonds as close to when the project would start and the tax cycle.

PUBLIC HEARING

3. Public hearing, discussion and possible action regarding the addition of a building height survey requirement to the City's Code of Ordinances

City Administrator Ashley Wayman discussed working with ATS, legal, and planning on local amendments to the building code and recommending the time at which inspections should occur.

Council Member Brook Brown discussed her edits to the building survey requirements and proposed adding a second height survey upon application for a Certificate of Occupancy.

Council Member Kevin Glasheen asked for a definition of "original native ground surface". Council Member Brook Brown read the definition of original native ground surface from the zoning code.

Development Services Manager Nikki Stautzenberger explained the survey requirements for permits and the determination of the highest adjacent grade which is tied to the foundation. Council discussed demolition permits and the requirement of a five-foot topographical line survey prior to demolition.

Mayor Gavin Massingill opened the public hearing at 7:44 p.m.

There were no public comments during the public hearing.

Mayor Gavin Massingill closed the public hearing at 7:44 p.m.

Mayor Gavin Massingill explained the difference between Draft 1 and Draft 2 in the agenda packet. Council discussed the different ways to determine elevation, the timing in the building process of the height surveys, and survey monuments.

Mayor Gavin Massingill discussed requiring the use of the City Engineers for the original survey as well as the height measurement at the time of the framing inspection for consistency. Council discussed ATS verification of the original survey. Council Member Kevin Glasheen discussed publishing the requirements for the original survey that city designated engineers could approve as part of the building permit application. Council Member Brook Brown would like on site property verification of the original survey.

Development Services Manager Nikki Stautzenberger responded to questions from Council regarding original surveys and benchmarks. Council discussed the history of issues with reference datum and height.

Council Member Brook Brown moved to ask staff to bring back to our agenda next month a new section 110.3.8.1 to the International Building Code and a new section R 109.1.5.2 to the International Residential Code that would require that there be a height survey for structures within five feet of the maximum height allowed by the zoning district regulations, to be performed by the City of Rollingwood or its representative at the following points in the construction process: (a) at the time of demolition, (b) prior to passing the framing inspection, and (c) upon application for an occupancy permit, and that we request ATS to address the (c) provision and give us their recommendation as to when is an appropriate time to verify the as-built if needed in addition to the at-framing survey. Mayor Pro Tem Sara Hutson seconded the motion.

The City Council discussed the format of the draft to be brought back. Mayor Gavin Massingill stated that staff would bring back an ordinance with everything in it so that Council can make decisions on what to include.

Council Member Kevin Glasheen suggested amending the language from two height surveys to two height measurements and staff agreed to discuss this language with ATS and bring back the appropriate options.

Mayor Pro Tem Sara Hutson stated that it would be best to have universally available monuments with established datum, and Mayor Gavin Massingill stated that we would invite ATS to the meeting next month to discuss this process.

The motion carried with 5 in favor and 0 against.

Council Member Brook Brown moved to ask ATS to bring forward a recommendation as to establishing monuments for Council’s consideration at next Council Meeting. Council Member Alec Robinson seconded the motion. The motion carried with 5 in favor and 0 against.

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.

4. Discussion and possible action on the minutes from the April 19, 2023 City Council meeting

Council Member Brook Brown moved to approve the Consent Agenda. Council Member Phil McDuffee seconded the motion. The motion carried with 4 in favor and 0 against, 1 abstention (Hutson).

REGULAR AGENDA

5. Discussion and possible action regarding the Right of Way License Agreement between the City of Rollingwood and Google Fiber Texas LLC

Council Member Phil McDuffee discussed the possible execution of the Right of Way License Agreement with Google Fiber that has been negotiated between the City of Rollingwood and Google Fiber, and he is excited by the prospect of Google Fiber providing great internet service.

Council Member Kevin Glasheen reported extensive citizen support of Google Fiber.

Council Member Phil McDuffee moved to approve the nonexclusive public Right of Way agreement between Google Fiber Texas LLC and the City of Rollingwood as currently drafted. Council Member Kevin Glasheen seconded the motion.

Council Member Alec Robinson inquired about gross revenues in the public Right of Way.

Sasha Petrovic, of Google Fiber, answered that assets in the Right of Way are not part of the 1% fee calculation.

Mayor Pro Tem Sara Hutson inquired about the trench installation providing any advantage for Oak Wilt trenching, the depth of the trenching, stub outs, and opportunity to have access for all residents. Council Member Alec Robinson asked if properties being developed would have the opportunity to have the box moved.

Council Member Brook Brown voiced concerns of coordination with the water project and a possible increase in the cost of the water line project for the City of Rollingwood. Mr. Petrovic said he has already provided plans of the water project to the engineers and they are working together to work around each other. She also asked about properties without Right of Way for the front of the property. Mr. Petrovic answered that the first default is Right of Way, then Public Utility Easement, then a drop between multiple properties. City Attorney Charles Zech mentioned that the agreement requires Google Fiber to move their lines if the City of Rollingwood is laying water lines for government purposes.

The motion carried with 5 in favor and 0 against.

6. Discussion and possible action regarding a recommendation on residential speed limits and explanation of radar reports

Interim Police Chief Kristal Muñoz discussed the focus of speeding areas on Rollingwood Drive, Timberline Drive, Riley Road, and Hatley Drive. They also focus on the Park Zone and Riley Road to Stratford Drive. She would like to see data to support these areas so she has requested an estimate from K. Fries + Associates for a traffic engineering study.

Council Member Kevin Glasheen reviewed the data and has noticed that flashing lights and speed limit signs are not slowing people down. Chief Muñoz reported that 85% have an average speed of 29 miles per hour which is 4 miles per hour over the speed limit. A speeding issue is considered to be 10 miles per hour over the speed limit with officer discretion. She is looking for a clear view of the speed data by compiling data from all over the City. Council Member Kevin Glasheen asked if the City could be more aggressive in enforcing traffic laws. He suggested that being hard on

speeders is a potential good reputation for Rollingwood. Interim Police Chief Kristal Muñoz explained that the goal is compliance with the speed limit and laws.

City Attorney Charles Zech explained that if you have a one-way road that is used for two-way traffic you can reduce the speed limit down to 10 miles per hour without a traffic study; otherwise, you can take it down to 25 miles per hour without a traffic study. There would need to be a finding that the prima facie is unreasonably dangerous.

Interim Police Chief Kristal Muñoz proposed moving the data collector weekly and providing the speed data next month. Interim Police Chief Kristal Muñoz supports the recommendation to make the speed limit 25 miles per hour throughout Rollingwood for areas currently with limits above 25 miles per hour. Mayor Gavin Massingill stated that staff will bring back a map with listed speed limits.

Shanthi Jayakumar, 3309 Park Hills Drive, would like to be in sync with nearby municipalities especially on shared roads.

7. Discussion and possible action regarding an amendment to the Code of Ordinances Section 107-3 Definitions, related to the definition of Building Height, Residential in the R- Residential zoning district

Council Member Brook Brown discussed this item as a high priority and explained portions of the definition including slope and building height. The recommendation would be that the change of slope be measured at the perimeter of the building. The second change would be that the original native ground surface be the existing grade on the lot prior to development. The purpose of this is to tie up loose ends pending more work of the CRCRC. There are 3 options: adopt amendment as proposed, adopt amendments to give effect only to the survey requirement, or allow this issue to be decided by the CRCRC. Council Member Brook Brown recommends adopting the proposal as proposed or go forward with the survey requirement and adopt this definition.

Council Member Brook Brown moved for adoption of ordinance 2023-05-17-07 as proposed. Mayor Pro Tem Sara Hutson seconded the motion.

Mayor Gavin Massingill explained that this proposal was sent to Planning & Zoning and it was not recommended to Council. This motion overrides the recommendation from Planning & Zoning so it requires a 4/5 vote.

City Council discussed sending this proposal to the CRCRC, clarifying the survey requirement, whether this is a reasonable first step, and how this will still be open for review.

The motion carried with 5 in favor and 0 against.

8. Discussion and possible action on an ordinance amending the City's Code of Ordinances Section 101-2 Adoption of codes, amending the building code local amendments related to wood shingles and the definition of building height

City Administrator Ashley Wayman explained this ordinance and the prohibition of wood shingles which is no longer allowed by state law.

Council Member Brook Brown moved for adoption of ordinance 2023-05-17-08. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

9. Update and discussion on the timing and work on the rehabilitation of Fields 3, 4, and 5

Council Member Kevin Glasheen updated the Council on the contractor proposals that should be delivered before the next meeting. He discussed dirt work, remediation, sod, and composted mulch. The resources needed include a required spreader for the composted mulch and the timeframe will be the of last week of June or anytime in July. Mr. Glasheen stated that working with Public Works Director Izzy Parra has been great.

10. Update and discussion regarding RCDC interest for capital expenditures on park improvements

Council Member Kevin Glasheen discussed ideas with the RCDC such as the proposed parking lot, drainage improvements to the park, a sidewalk along Edgegrove Drive, and economic development to encourage restaurants. RCDC requested a specific project or proposal.

Council Member Kevin Glasheen would like to bring back this item for action next month to discuss hiring an engineering firm to suggest ideas for capital improvements to the park. Mayor Gavin Massingill would like to have a tour.

11. Discussion and possible action on an ordinance amending the City's Code of Ordinances related to public hearing notice for zoning regulatory and classification changes

City Administrator Ashley Wayman discussed the intent of this ordinance, which is to lower the mailed notice requirement from 30 days to 20 days and to remove the newspaper notice for the Planning and Zoning Commission public hearings, but keep it for City Council public hearings, which is consistent with state law. This ordinance also brings special use permits into the same noticing requirements as zoning changes.

Council Member Brook Brown made two suggestions :

- 1) She would like to include the content from page 4, lines 123 to 131 to the new notice provision for special use permits – unstrike and move to line 192 on page 6.
- 2) Page 7 Line 204 - strike “or park district”. Notice must go to everyone in the City.

City Attorney Charles Zech explained his reasons for striking some of the language. The City is responsible for drafting the notices. Council Member Brook Brown would like this to apply for any zoning boundary classification.

Council Member Brook Brown moved for adoption of Ordinance 2023-05-17-11 as proposed with two amendments: to unstrike the language appearing on page 4, lines 123 to 131, and to move that language to paragraph (b), notice requirements, that begins on page 6 on line 192, and to leave it to legal counsel to draft appropriately as a subsection to paragraph (b), and to strike the words “or park district” on page 7 line 204. Mayor Pro Tem Sara Hutson seconded the motion.

Mayor Pro Tem Sara Hutson stated that she likes the change regarding the Park district because for a variance in the park district we require notice to all residents, so this is consistent.

Mayor Gavin Massingill asked if this ordinance needed to come back to Council with the proposed changes and Council Member Brook Brown stated that this did not need to come back.

The motion carried with 5 in favor and 0 against.

12. Discussion and possible action to approve the Fiscal Year 2023 - 2024 Budget Calendar

Mayor Gavin Massingill provided an overview of the budget and tax rate calendar. City Administrator Ashley Wayman explained the alignment of dates; however, dates could change dependent on the tax rate that is chosen.

Mayor Pro Tem Sara Hutson moved for adoption of proposed budget and tax rate calendar for Fiscal Year 2023 – 2024. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

13. Discussion and possible action on a resolution amending the Fee Schedule regarding general building fees including plan reviews

City Administrator Ashley Wayman discussed pass through fees for reviews requested to be brought back at the last meeting. She explained the ability already exists to collect payment for consultant fees and the proposal to explain what is included in the general fees in Section A2.001. City Administrator Ashley Wayman requested a future building fee study in their entirety including additions and other building fees. Development Services Manager Nikki Stautzenberger explained item (r) as a vacation of a plat fee.

Council Member Brook Brown moved for adoption of resolution 2023-05-17-13 as proposed. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.

Mayor Gavin Massingill recessed the meeting at 9:56 p.m.

Mayor Gavin Massingill brought the meeting back in to regular session at 10:00 p.m.

14. Discussion and possible action on a release and settlement agreement for the property located at 400 Farley Trail

David Smith, of David P. Smith LLC and representing Shapiro Homes LLC on this issue, explained an issue with an addition to the packet today. Council Member Brook Brown identified the document as her own. Mr. Smith described what he believes to be six factual errors with this document including incorrect statements of fact and conclusions of law. He explained the reasons for settlement for both his client and the City. His client has an approved plat and building permit.

Council Member Brook Brown responded to these issues with a picture of a for sale advertisement, the minutes from City meetings, and her review of the building file. She believes Mr. Shapiro needs to apply for a variance.

Council Member Kevin Glasheen pointed out that he thinks Council Member Brown did great research but doesn't feel that the City did everything right. He thinks that City Council should support the Mayor's actions in approving this building permit. He doesn't think that the City should revoke the permit.

Council Member Kevin Glasheen moved to authorize the City to enter into the settlement agreement as drafted as we did with the Roloson property. The motion failed for lack of a second.

Council Member Brook Brown and Council Member Kevin Glasheen discussed matters of the law regarding this permit. Council Member Phil McDuffee discussed the Planning and Zoning Commission meeting regarding the Roloson property and how this is a different situation.

Council Member Kevin Glasheen restated his motion. Council Member Alec Robinson seconded the motion. Mayor Gavin Massingill called for a roll call vote.

- **Council Member Brook Brown - No**
- **Council Member Alec Robinson - Yes**
- **Council Member Kevin Glasheen - Yes**
- **Council Member Phil McDuffee - Yes**
- **Mayor Pro Tem Sara Hutson - No**

The motion carried with 3 in favor and 2 against.

ADJOURNMENT OF MEETING

Mayor Gavin Massingill adjourned the meeting at 10:41p.m.

Minutes Adopted on the _____ day of _____, 2023.

Gavin Massingill, Mayor

ATTEST:

Desiree Adair, City Secretary