



## **CITY OF ROLLINGWOOD BUDGET WORKSHOP & CITY COUNCIL MEETING MINUTES**

**Wednesday, June 15, 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 June 15, 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 BUDGET WORKSHOP & REGULAR CITY COUNCIL MEETING TO ORDER**

1. Roll Call

**Mayor Gavin Massingill called the meeting to order at 6:02 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, Police Chief Jason Brady, Finance Director Abel Campos, City Secretary Desiree Adair, and Assistant to the City Administrator Makayla Rodriguez.

**Present Virtually:** Public Works Superintendent Ismael Parra and Brandon Melland, with K. Friese + Associates.

### **BUDGET WORKSHOP**

2. Update and discussion on the FY 2022-2023 Budget

Mayor Gavin Massingill provided the general overview of the budget structure including funds and associated departments. The funds included the General Fund, Water Fund, Street Maintenance Fund, Court Security Fund, Court Technology Fund, Court Efficiency Fund, Debt Service Funds, Drainage Fund, and Wastewater Fund. Mayor Gavin Massingill explained the source of fund revenues and limitations on expenditures and transfers.

The City Council and Finance Director Abel Campos discussed General Fund department budget action requests and expense reports by line item. Mayor Gavin Massingill and city staff answered questions posed by Council members.

## **PUBLIC COMMENTS**

The following individuals spoke during public comments:

- Shanthi Jayakumar, 3309 Park Hills Drive, thanked the City Council for their work and discussed Rollingwood's ranking regarding being the best place to live and that Rollingwood was just ranked the number one most expensive place to live. She discussed the new construction in the city, the grievances that have been generated, and that they needed to come together to protect the city.

*Mayor Gavin Massingill called up item number 8 at this time.*

## **PRESENTATIONS**

### 3. Update on the implementation of My Permit Now

Mayor Gavin Massingill thanked staff for their hard work on the implementation of My Permit Now in three weeks, discussing the transition in the building and development department and the new automation software in the permitting department.

Interim City Administrator Ashley Wayman thanked City Secretary Desiree Adair and Assistant to the City Administrator Makayla Rodriguez for their hard work in the past weeks and discussed the process of implementing My Permit Now.

Desiree Adair discussed the workflows that were built into the My Permit Now system in order to automate permit intake and processing. She also stated that all new permits would be entered into the system beginning next week.

Mayor Gavin Massingill discussed that this has been on the horizon and in the budget for the city for a while but that he is proud that it is now implemented.

Council Member Alec Robinson asked how this system integrates with the review process by outside firms and City Secretary Desiree Adair discussed how these are shared with those parties in the system. She also discussed the various reviews that are conducted with this system.

Council Member Brook Brown asked what parts of the submittals are available to the public and discussed the need for a member of the public to access the system and get an update on what permits are being filed.

The City Council and staff discussed the process of making information public in the system.

Council Member Brook Brown stated that she would send some links of other cities with public facing sections so that the city could do something similar with their implementation.

The City Council and staff further discussed the public-facing information available with My Permit Now, and how it integrates with fees and the city's accounting software.

Council Member Alec Robinson stated that he would like to see a demo next month and Mayor Gavin Massingill discussed the process of fine tuning the permitting system to the city's code and specific needs.

Mayor Gavin Massingill and staff thanked the Council and the community for their patience during this transition.

### **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 May 18, 2022 City Council meeting

**Mayor Pro Tem Sara Hutson motioned to approve the Consent Agenda. Council Member Phil McDuffee seconded. The motion passed 5-0.**

*Mayor Gavin Massingill called up item 3 at this time.*

### **REGULAR AGENDA**

5. Discussion and possible action related to the building permit process

Mayor Gavin Massingill discussed that the city has brought on temporary outside help to address the backlog in the department and that he would be discussing this further as well as a funding request to continue this temporary help.

Council Member Alec Robinson discussed the workflow of the permitting process asking about how the fees would work, and if there is a need for hard copies of plans to be submitted as the ordinances state.

Mayor Gavin Massingill discussed that Desiree and the temporary staff has been keeping a list of best practices and updates that need to be made, similar to what Council Member Alec Robinson is discussing, and stated that there would be more follow up on that soon.

Council Member Alec Robinson asked how we know that the engineering firms we use are following our rules.

Mayor Gavin Massingill discussed that they are professionals that are trained on our code and discussed the checks and balances that are in place.

Brandon Melland with K. Friese + Associates spoke regarding the work that he does for the city and how they ensure that the city's rules are followed.

Interim City Administrator Ashley Wayman discussed the role of Mundo and Associates in performing interim development services for the city, as well as their qualifications.

Mayor Gavin Massingill discussed how Mundo and Associates, a highly specialized temp agency, came into the picture and the services they are performing for the city. He also asked the City Council for the authority to spend \$15,000 on Mundo and Associates until full transition.

**Mayor Pro Tem Sara Hutson motioned to approve authority of the Mayor to spend another \$15,000 to continue with the temporary services of Mundo and Associates until such time as we fully transition to My Permits Now and bring all work back in house. Council Member Roxanne McKee seconded the motion.**

Council Member Brook Brown asked whether there was a written contract with Mundo and Associates and asked that it be shared with the Council before voting on this motion.

Interim City Administrator Ashley Wayman stated that she would print the contract.

Council Member Brook Brown asked what Mundo and Associates is doing for 301 Pleasant and City Secretary Desiree Adair explained the process and how Mundo and Associates is assisting.

Mayor Gavin Massingill announced a 5-minute break to allow the City Council to review the contract.

The City Council and City Attorney Charles Zech discussed the agenda postings for this and following items.

Council Member Brook Brown discussed the need for more information regarding the building and development process including how existing permits are being handled.

The City Council discussed how to proceed with proper review of this contract.

Staff and the City Council further discussed the roles of staff, Mundo and Associates, and reviewers in this interim building and development process.

Shanthi Jayakumar spoke regarding the notification process and access to submitted documents. She also discussed drainage issues and asked the Council to address them.

Mayor Pro Tem Sara Hutson discussed that the Council and staff are trying to address these and other development services related issues they just need consensus and collaboration to make further progress.

Mayor Gavin Massingill further discussed the contract and the need for Council authorization to continue utilizing this interim firm. He also further discussed the roles of staff and outside firms, and that once the new process is in place staff attention can be turned to code compliance in a more effective way.

Council Member Brook Brown raised issues of code violations in the city and asked how these were to be handled during this time.

Mayor Gavin Massingill and Council Member Brook Brown discussed the current code enforcement process.

Council Member Brook Brown discussed whether responsible party forms were being required and how they were used in the code enforcement process.

The City Council asked Police Chief Jason Brady questions regarding code enforcement and he spoke regarding current code enforcement policies.

The City Council and Police Chief Jason Brady discussed regrouping and coming up with a revised, updated code enforcement process. Council Member Brook Brown asked that the Council be kept apprised of the discussions and decisions had regarding the code enforcement process.

The City Council and Police Chief Jason Brady further discussed the code enforcement process.

**The motion passed 3 – 2.**

***Council Member Brook Brown and Council Member Alec Robinson noted that the reason for their disapproval was lack of notice for a budget amendment.***

*Mayor Gavin Massingill called up item 7 at this time.*

6. Discussion and possible action in regard to inspection and enforcement of building permits and ordinance requirements and designation of code compliance officer

Council Member Brook Brown discussed enforcement of building permit ordinances. She discussed a memo that she prepared and requested that the City Council discuss each item she has identified.

Council Member Brook Brown discussed instances of cantilevered buildings, discussing setbacks as applied to upper levels and cantilevered properties, and buildings that may be taller than the height limit.

**Council Member Brook Brown moved that the Council direct K. Friese to answer the questions as stated in her June 13, 2022 memo under the title “Building Code Questions” with respect to the interpretation and application of the ordinance today- how it is interpreted today, how it is applied today, and to inspect the two properties, 3225 Park Hills and 601 Riley to determine whether those two properties are in fact within the terms of our ordinances and their building permit. Council Member Roxanne McKee seconded the motion.**

Council Member Alec Robinson asked for the objective of this discussing action steps based on what is found.

The City Council and City Attorney Charles Zech discussed setback lines and whether they extend up to a second floor, and that he would defer to a building official who typically interprets those codes.

Shanthi Jayakumar spoke regarding an image on the city website depicting side setbacks as well as setback requirements in the code.

**The motion passed 5-0.**

Council Member Brook Brown discussed page 1 of her memo discussing 16 properties without a posted permit.

**Council Member Brook Brown moved that the city send a letter to each permit holder stating that the posting needs to be made by a date certain and that a citation or notice of violation may be issued if not posted before this date and that staff update the Council at the July meeting as to compliance with this requirement.**

City Secretary Desiree Adair stated that some of the properties listed are not actually permitted yet they are just pending and would not have a permit to post.

**Council Member Brook Brown amended her motion to remove 2500 Bettis from the list and change 305 Ashworth to 205 Ashworth. Council Member Phil McDuffee seconded for discussion purposes.**

Council Member Phil McDuffee discussed that there may need to be further research into each of these properties.

**Council Member Phil McDuffee recommended an amendment to the motion to include “upon review by city staff to notify those that are out of compliance.” Council Member Brook Brown accepted the amendment.**

Mayor Pro Tem Sara Hutson discussed the bandwidth issue and that this list is now something that staff can begin addressing but that it may be a better use of staff time to have them review this memo, start addressing this, and bring back an update at the next Council Meeting.

Council Member Brook Brown stated that she would like Interim City Administrator Ashley Wayman to report back to the Council regarding properties on the list with expired building permits.

City Attorney Charles Zech discussed that the city’s 365-day limit on building permits is not consistent with state law and counseled that the City can’t enforce the expired building permits of less than 2 years. He discussed that he has had this discussion with staff and intends to bring back an ordinance amendment.

Council Member Brook Brown asked what regulations apply to permits and City Attorney Charles Zech stated that whatever laws or regulations were in place at time of the permit being issued are what apply.

**Council Member Brook Brown withdrew her motion based on advice of Counsel.**

**Council Member Brook Brown motioned for staff to review the memo, items 1 through 8, and report back at the July City Council Meeting. Mayor Pro Tem Sara Hutson seconded the motion.**

The City Council further discussed the concerns brought up in this memo.

City Attorney Charles Zech stated that he would like to bring back proposed regulations to align the city’s code with state law.

**The motion passed 5-0.**

Council Member Brook Brown stated that she intends to bring back the designation of a code compliance officer to the July meeting.

*Mayor Gavin Massingill called up item 9 at this time.*

7. Discussion and possible action on a recommendation from the Park Commission to pursue possible installation of turf infield at Field 1 of the Athletic Field

Melissa Morrow stated that this item should have come back to the Park Commission.

*Mayor Gavin Massingill called for a five-minute break.*

Mayor Gavin Massingill discussed the agenda posting for this item and that he and Park Commission Chair Chad Smith had discussed the process for this request.

Park Commission Chair Chad Smith, 2606 Rollingwood Drive, discussed that the Park Commission voted to pursue next steps on this item and that WHLL moved forward with bringing this request to the Council per the athletic fields lease. He discussed that WHLL would spend \$100,000 to install the artificial turf if approved. He stated that artificial turf is safer and easier to maintain.

Melissa Morrow stated that she is in support of the pursuing of next steps and exercising due diligence regarding the installation of turf. She discussed the process for public notice of this item, the benefits of artificial turf, and that she wants to make sure there are no unintended consequences of this action.

Mayor Gavin Massingill discussed the process for project approval or disapproval by the City Council.

Chad Smith discussed the upkeep that would be put into the field and that there is a 6-week time period to obtain turf and a small window before the fall season.

Melissa Morrow discussed that she would like to have a public hearing on this request at the next Park Commission meeting.

Mayor Pro Tem Sara Hutson discussed issues regarding irrigation and whether there are annual capital improvement requirements.

Chad Smith discussed the installation of the turf and how it would improve the fields.

Council Member Phil McDuffee discussed that there is no more annual capital improvement requirement now that there is a lease payment.

The City Council and Chad Smith discussed the lease, season timing, installation timeline, timeline of approval and citizen input, a scheduled visit to Joseph Field, dog usage, and beautification of the park.

**Council Member Alec Robinson moved to refer the question to the Park Commission for further analysis. Mayor Pro Tem Sara Hutson seconded the motion.**

The City Council discussed holding a public hearing at the Park Commission on this item, additional notification to the community, visiting Joseph Field, drainage, who would pay the cost of disposal at the end of the life, cost of disposal at product lifespan, annual maintenance costs

and equipment, water usage for temperature regulation, group usage, and warranty of the product.

Melissa Morrow asked if this project would require permitting by the City and Mayor Gavin Massingill and City Attorney Charles Zech discussed that if there were requirements per city code the city would have to comply.

**The motion passed 5-0.**

The City Council discussed holding a work session to visit Joseph Field, open to the public.

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

8. Discussion and possible action regarding the annual Women's Club Fourth of July event and parade route

Macey Delcambre, 4809 Timberline Drive, asked for approval for the annual Women's Club July 4<sup>th</sup> event and parade route.

**Council Member Brook Brown motioned for approval of the event and parade route. Council Member Roxanne McKee seconded. The motion passed 5-0.**

*Mayor Gavin Massingill called up item 4 at this time.*

9. Discussion and possible action on an oak wilt action plan

Council Member Phil McDuffee spoke regarding his findings after a discussion with the Texas A&M Forest Service, suggesting that he would recommend sampling branches, doing oak wilt treatment and that homeowners also have the option to treat their trees.

Mayor Gavin Massingill suggested that the Council consider an amendment to the tree ordinance to not include oaks in the list of replacement trees if you have to remove a tree with oak wilt, or if the tree would be in a hot zone for oak wilt.

Mayor Gavin Massingill and Council Member Phil McDuffee agreed to meet to discuss recommendations and put some money in the budget for an exceptional item to further this discussion.

10. Discussion and possible action on an ordinance removing the fee schedule from the official printing of the City's Code of Ordinances and adopting a process for amending the fee schedule

City Attorney Charles Zech discussed the purpose of this ordinance to remove the fee schedule from the code of ordinances to remove the charges incurred with the codification of ordinances, explaining that the fee schedule will still be kept in the City Secretary's office, on the city website, and as otherwise directed in the Code.

Mayor Pro Tem Sara Hutson asked if certain fees were listed in the fee schedule or just in the ordinances and whether they needed to be removed.



Interim City Administrator Ashley Wayman stated that staff would review the code of ordinances for any fees that are not in the fee schedule and bring back an ordinance to get them in the fee schedule.

**Mayor Pro Tem Sara Hutson moved to approve the ordinance to remove the fee schedule from the city's Code of Ordinances. Council Member Phil McDuffee seconded the motion. The motion passed 5-0.**

11. Discussion and possible action on an ordinance amending the City's Code of Ordinances relating to delinquent utility accounts

Council Member Gavin Massingill discussed that late fees have not been being charged due to COVID but that it is now time to return to normal operations in this area. He discussed the inconsistencies found in the code when preparing to return to charging late fees.

Interim City Administrator Ashley Wayman explained that water and wastewater late fees are currently handled inconsistently in the city's code and discussed the staff recommendation to make these consistent with each other and more concrete for staff when charging late fees. She stated that they would like to get Council feedback and then bring back an ordinance to the next meeting.

The City Council and City Attorney Charles Zech discussed the consistent assessment of these fees, the grace period before late fees are charged, the interest percentage charged, and restrictions on late fees charged.

Mayor Gavin Massingill stated that an ordinance would be brought back to the next meeting.

12. Discussion and possible action on selection of types of expenditures to be included in a November bond election

Mayor Gavin Massingill explained that he is requesting Council discuss items to be included in a potential November bond election. He explained that based on this discussion, Bond Counsel could prepare ballot language and an ordinance.

The City Council discussed the different possible ballot propositions, the cost to each homeowner, affordability of the items, compliance with the ordinance regarding the capital improvement plan, and the various plans that have been prepared, including the IIP, CIP and Spatial Needs Assessment.

The City Council discussed the spatial needs of City Hall and that there is an opportunity to create an update to the prepared plan reflecting the current needs. Mayor Gavin Massingill stated that staff would work on preparing this plan.

The City Council further discussed the water and drainage needs in the city and possible bond funding as well as how the impact to the tax payer could be prepared by the city's financial advisor once amounts have been determined.

Gavin Massingill stated that he would, with the help of Bond Counsel, bring back something on water, drainage and facilities to the next meeting.

13. Discussion and possible action on report from legal counsel regarding use of bond funds or city funds for water meter relocations

City Attorney Charles Zech stated that he concurred with the previous attorney's legal opinion but that he would prefer to give his opinion in executive session.

*Mayor Gavin Massingill stated that he would plan to call this item back up at the end of the agenda for an executive session.*

*Mayor Gavin Massingill called up item 14 at this time.*

*Mayor Gavin Massingill adjourned the meeting into closed session at 1:15 a.m. for consultation with legal counsel.*

*Mayor Gavin Massingill reconvened the meeting into open session at 1:33 a.m.*

Mayor Gavin Massingill stated that no action was taken during executive session.

14. Discussion and possible action on adoption of amendments to City Ordinance 32-38 regarding No Parking Zones

**Council Member Brook Brown moved to approve the ordinance as presented. Council Member Alec Robinson seconded the motion.**

Mayor Gavin Massingill discussed the changes that have been made to the code as well as what has been done to bring the existing no parking areas into compliance.

Council Member Roxanne McKee pointed out a numbering issue with on the draft ordinance and that the correction be included in the motion.

**Council Member Brook Brown amended her motion to include the correction of the numbering issue.**

The City Council discussed the part of the curb by the lower park that has been posted as a no parking zone but was not reflected in the ordinance.

**The motion passed 5-0.**

15. Discussion and possible action on adoption of recommendations from the Comprehensive Plan

Council Member Brook Brown discussed how they would proceed with adoption of recommendations in accordance with the Comprehensive Plan. She suggested that the City Attorney draft a redline to the current commercial zoning ordinances to implement the changes that are recommended in the Comprehensive Plan. She also asked the Council about the process for adoption of those changes.

Council Member Brook Brown also discussed the need to adopt a fiscal policy in accordance with the city's code of ordinances.

Mayor Gavin Massingill and the City Council discussed the fiscal policies that are in place and that he would look into previous action on this. Council Member Brook Brown stated that she would also work with Finance Director Abel Campos to understand what is currently in place.

Council Member Brook Brown asked whether the RCDC could fund the zoning code rewrite for the commercial corridor and City Attorney Charles Zech discussed that this would be eligible if the Board finds that it promotes new or expanded business development.

Mayor Gavin Massingill stated that both MoPac Legal and Commercial Zoning Legal would be added to the RCDC agenda for discussion of possible RCDC funding.

Council Member Brook Brown discussed that the third item for this agenda topic is to address residential considerations that did not get considered during the comprehensive planning process.

Mayor Pro Tem Sara Hutson stated that she would bring back a list of residential considerations to the July Council Meeting to be sent on to the Planning and Zoning Commission.

16. Discussion and possible action regarding adoption of a burn ban ordinance

Council Member Brook Brown discussed that at the presentation by Travis County ESD No. 9 at the last meeting, they recommended that the city adopt a burn ban ordinance. She discussed the ordinance that she has proposed.

**Council Member Brook Brown moved adoption of this language to be sent to general counsel to be drafted into an ordinance to be brought back for adoption. Mayor Pro Tem Sara Hutson seconded the motion.**

Mayor Pro Tem Sara Hutson discussed whether gas water heaters would be allowed under this code and City Attorney Charles Zech stated that he would review this.

Council Member Alec Robinson stated that this is a low risk item that the Council doesn't need to pursue and that the residents should be able to use outdoor fireplaces if they want to. He also discussed that the city shouldn't just automatically follow what Travis County does and that the city should make these decisions. He also discussed potential enforcement issues.

Council Member Brook Brown discussed the risks involved with outdoor welding under current drought conditions.

Council Member Alec Robinson further discussed his opposition to limiting certain activities under this ordinance.

**Council Member Brook Brown withdrew her motion and stated that she would review other ordinances to see what they do with respect to outdoor grilling.**

The City Council further discussed the proposed regulations in this ordinance and fire risk in the city.

Council Member Brook Brown stated that she would bring back an updated ordinance draft.

17. Discussion and possible action on the appointment of a City Administrator

**Mayor Pro Tem Sara Hutson moved appointment of Ashley Wayman as City Administrator. Council Member Phil McDuffee seconded the motion. The motion passed 5-0.**

Mayor Gavin Massingill thanked the Council for this action.

18. Discussion and possible action to authorize the Mayor to negotiate an employment agreement with the City Administrator for a period beginning upon date of appointment to be presented to Council for final approval in July 2022

Mayor Gavin Massingill discussed that he would like to work off of a base contract, negotiate with Ashley Wayman, and bring back a contract for approval at the next meeting.

**Council Member Roxanne McKee moved to authorize the Mayor to negotiate an employment agreement with Ashley Wayman for the position of City Administrator to be brought back at the July Council meeting. Council Member Phil McDuffee seconded the motion. The motion passed 5-0.**

*Mayor Gavin Massingill returned to item 13 at this time.*

## **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.

19. City Administrator's Report
20. Chief of Police Report
21. Municipal Court Report
22. City Financials for May 2022 - Fiscal Year 2021-2022
23. RCDC Financials for May 2022 - Fiscal Year 2021-2022
24. City Stats for May 2022
25. Contract invoices through May 2022 - Crossroads Utility Services, Water and Wastewater Services, K. Friese & Associates - IIP & MS4, K. Friese & Associates, City Engineer
26. Crossroads Utility Services Report on Water and Wastewater for May 2022
27. City Engineer Report - K. Friese & Associates
28. Texas Central Appraisal District and Tax Assessor - Notices, Letters and Documents
29. Texas Gas Service - Notices, Letters, and Documents

## **ADJOURNMENT OF MEETING**

**MGM adjourned the meeting at 1:33 a.m. on Thursday, June 16, 2022.**

**Minutes Adopted on the 20<sup>th</sup> day of July, 2022.**

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**Gavin Massingill, Mayor**

**ATTEST:**

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**Desiree Adair, City Secretary**