



CITY OF ROLLINGWOOD CITY COUNCIL MEETING MINUTES

Wednesday, February 15, 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 February 15, 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 7:01 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, City Secretary Desiree Adair, Development Services Manager Nikki Stautzenberger, Sergeant Greg Duarte, and Assistant to the City Administrator Makayla Rodriguez.

PUBLIC COMMENTS

The following individuals spoke during public comments:

- Thom Farrell, 3223 Park Hills Drive, thanked the Council for their service and considering the citizen task force on the residential code.

PRESENTATIONS

2. Mayor's State of the City Address

Mayor Gavin Massingill stated that the City of Rollingwood is strong and stable. He is proud of the team that has been assembled and highlighted what staff has completed over the past year:

- City Administrator Ashley Wayman is doing a wonderful job with leadership and is a hard worker. She has worked on succession planning, cross training staff, and serves on roles with Texas Municipal League and other state-wide organizations. She has implemented

- the Council message board, created a fully functional operations chart for all departments in the City, and has worked on a 5-year plan.
- Assistant to the City Administrator Makayla Rodriguez has great enthusiasm and willingness to learn. She served as Interim Utility Billing Manager, has cross trained departments, and takes on key projects that interface with the community. She handles all pavilion and park rentals.
 - City Secretary Desiree Adair brings teamwork, leadership, and calm. She handles public information requests, serves as the elections administrator, and worked with City Administrator Ashley Wayman to take on the HR Coordinator role including onboarding and exit interviews.
 - Finance Director Abel Campos offers stability and institutional knowledge. He oversees audits and financial training, is very accurate with budget projections, and is integral to the budget process.
 - Municipal Court Clerk Kim Wood keeps the judicial system going in Rollingwood. She had 124% increase in citation workload this year and was a large part of the decline in special event parking citations.
 - Interim Police Chief Kristal Muñoz has implemented the Code Compliance Officer position, utilized resources as prescribed by City Council, oversaw National Night Out, made sure officers are trained in carrying Narcan, and oversaw the department taking tactical medical training.
 - Development Services Manager Nikki Stautzenberger brings knowledge, experience, and fresh eyes to the department. She helped implement My Permit Now, keeps track of the permits in that system, and resolved a large back log of permits.
 - Public Works Superintendent Izzy Parra has built a great team in the Public Works department. He has brought in Carlos Bolaños who has knowledge in electrical and wastewater issues, and Johnny and Fidel are extremely hard workers. Izzy is proactive, provides emergency preparedness, and plans clean up in the City after storm events.
 - Utility Billing Manager Veronica Hernandez has taken the Utility Billing Department to the next level, has collected on the delinquent accounts to clean up the entire system, and stays on top of the billing system.

Staffing was the number one issue last year, and the City has accomplished a great deal on that front. The second issue was systems review which was forced with the Utility Billing and Development Services departments. City Administrator Ashley Wayman's operations chart reflects the continuation of the systems review. The third issue was bonds, and the bond election was successful. The Mayor stated that the year ahead should focus on:

- Diligence and staff focus on internal systems, fine tuning these systems towards excellence, and executing and committing systems into an archival, consistent format.
 - The next phase of the bonds that were passed, including thoughtful planning, smart execution in resource allocation, and looking for efficiencies and crossover areas in how dollars are spent.
 - Rising from disagreement to constructive common ground with discussion, dialogue, and understanding.
3. Presentation on purpose and requirements of the city's MS4 permit and how we are handling compliance with those requirements

Greg Blackburn, of K. Friese + Associates, provided a brief overview of Municipal Separate Storm Sewer Systems (MS4) and how it is tracked. The purpose is to prevent pollutants from entering MS4s. There are TCEQ required permits and reports based upon the EPA Clean Water Act and the Texas Water Code. These include a Storm Water Management Program and Minimum Control Measures (MCM). Development Services Manager Nikki Stautzenberger discussed her site visits, and how compliance is achieved. City Administrator Ashely Wayman mentioned that Ms. Stautzenberger and a few of the Public Works employees are now certified in inspecting silt fences. City Council asked questions about issues seen around the City, commercial inspections, citations, and education of contractors.

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 to approve the dates for the Rollingwood Women's Club Easter Egg Hunt, on Saturday, April 8, 2023 and Fourth of July Parade on Tuesday, July 4, 2023
5. Discussion and possible action on an ordinance affirming the name of "Bee Cave Road" for the portion of TxDOT Highway RM 2244 located within the corporate limits of the City of Rollingwood
6. Discussion and possible action on timetable for the initial draft commercial zoning ordinance by Denton, Navarro, Rocha, Bernal and Zech, as recommended in the Comprehensive Plan, public workshops, and schedule for public hearings and meetings before the Planning and Zoning Commission and the City Council
7. Discussion and possible action on the minutes from the January 18, 2023 City Council meeting

Council Member Brook Brown pulled item 6 and 7 from the Consent Agenda.

Council Member Brook Brown moved to approve items 4 and 5 of the Consent Agenda. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

For item 6, Council Member Brook Brown handed out pages 44-46 of the Comprehensive Plan with 21 items for implementation for the commercial corridor. She stated the number of public hearings already held on these 21 policies. All policies are ready to be implemented except numbers 5, 8, 15, 16, and 20 which need more development. She shared a modified schedule for dates of joint workshops and public hearings, and postponed for further development the policies listed.

Council Member Brook Brown moved to adopt the Comprehensive Plan commercial corridor code update project with the timelines as shown on her handout. Mayor Pro Tem Sara Hutson seconded the motion.

Bryce Cox, of Denton, Navarro, Rocha, Bernal, and Zech (DNRBZ), commented on the process and timing of the workshops, the concepts, writing code, developing language, and building upon work that has already been done. He suggested meeting with smaller subcommittees to

accomplish the draft language. Mayor Gavin Massingill suggested a meeting between Council Member Brown and Mr. Cox to agree on a schedule.

Council Member Brook Brown withdrew her motion and would like to have a meeting with Mr. Cox, City Administrator Ashley Wayman, and Thom Farrell.

Council Member Brook Brown moved to adopt agenda item 7 as amended. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.

REGULAR AGENDA

8. Discussion and possible action regarding special parliamentary rules for Rollingwood City Council meetings

Mayor Gavin Massingill discussed his proposal of Special Parliamentary Rules and highlighted the regular order of business, time limits, and vote thresholds for extensions. Council Member Brook Brown discussed the current ordinances that describe the order of procedure and their conflicts with the proposed special parliamentary rules. Council Member Kevin Glasheen commented on having a set of rules in place and improving the length of time of the meeting.

Shanthi Jayakumar, 3309 Park Hills Drive, commented on Robert's Rules of Order and how they have worked for the City of Rollingwood in the past.

Mayor Gavin Massingill discussed bringing back a version of this item possibly for the next Council meeting.

9. Discussion and possible action on a work order for design of packages 1-4 of the Water CIP

Greg Blackburn, of K. Friese + Associates, discussed the proposed work authorization for the Water CIP Bond Program – design of packages 1 – 4.

Mayor Pro Tem Sara Hutson abstained from the discussion and potential vote on this item.

Council Member Kevin Glasheen asked questions about RFQs, the percentage of the project that the packages cover, the overall cost estimate, typical rates for fees, and survey costs. He requested a price check on bidding and inspection costs. Mr. Blackburn explained that the bid does not include subsurface utility engineering. Council Member Phil McDuffee asked for clarifications of cost and scope of work in the surveying section. Council Member Kevin Glasheen would like to negotiate this contract. City Attorney Charles Zech explained that Professional Services Agreements are utilized for these types of work authorizations.

10. Discussion and possible action to create a comprehensive residential code review committee and appoint committee members

Council Member Kevin Glasheen discussed gathering consensus, community input and use of the Council message board.

Council Member Kevin Glasheen moved to create a residential code review task force made up of Jeff Marx, Ryan Clinton, Thom Farrell (who has agreed to serve as Chairman),

Dave Bench, Alex Robinette, Duke Garwood, and a representative from Council, to gather community input and measure public support for any residential building code reform and recommend back to Council next steps, if any. Council Member Phil McDuffee seconded the motion.

Council Member Alec Robinson reminded Council that this was sent to Planning and Zoning Commission at the last meeting. Mayor Pro Tem Sara Hutson expressed concern about discussion not in a public arena.

Dave Bench, 1 Randolph Place, commented on a perceived need for urgency and an inability to move forward. He thinks this is more of a data gathering effort based on the input of people.

Council Member Brook Brown, Dave Bench, and Council Member Kevin Glasheen discussed how the task force will meet and work, their timeframe, reporting to Council, defined duties and goals, and issues already in front of the Planning and Zoning Commission.

The motion failed with 2 in favor (Glasheen, McDuffee) and 3 against (Robinson, Brown, Hutson).

11. Discussion and possible action on an ordinance allowing the City Council and Planning and Zoning Commission to hold joint public hearings

City Administrator Ashley Wayman introduced draft ordinance 2023-02-15-11 that could allow Council and Planning and Zoning to hold joint public hearings. Council asked questions regarding votes in joint hearings and meetings and scheduling public hearings.

Amy Pattillo, 3 Rock Way Cove, commented on zoning code stability and the time between meetings enabling the public to have two different opportunities to comment. She asked about zoning code being required to go through the Planning and Zoning commission. City Attorney Charles Zech explained that this is not a change to the process and does not need to go through Planning & Zoning.

Council discussed separation between meetings and the opportunity to have joint public hearings.

Council Member Brook Brown moved for approval of the ordinance as presented. Mayor Pro Tem Sara Hutson seconded the motion. The motion passed with 4 in favor and 1 against (Robinson).

Mayor Gavin Massingill pulled up item 15 at this time.

12. Discussion and possible action to change public notice requirements for public hearings

Council Member Kevin Glasheen discussed the current noticing requirements and the possibility of shortening the time period for public notice. City Attorney Charles Zech explained state law requirements.

Council Member Kevin Glasheen motioned to make all of our notice requirements conform to the minimums of state law and then have City policy developed by staff and recommended to us on what they might do to go above and beyond the state required minimums as a matter of policy but not a matter of ordinance.

Council Member Brook Brown would like to amend to exclude from the sweep of that motion the provisions applying to the Board of Adjustment. Mayor Pro Tem Sara Hutson seconded the motion.

Deets Justice, 310 Pleasant Drive, asked if this is an action item. He prefers the 30 days' notice because he believes doing things slowly produces a better result.

Tony Stein commented on the length of time it takes in City government to get things done. His general thought is that noticing shouldn't be shortened. He stated concerns with an ordinance stating one thing and a policy stating another.

City Attorney Charles Zech read from the Code of Ordinances Section 107-518 Hearing and Notice in front of your Planning and Zoning Commission, and stated the differences between state law and City code. These are also requirements for public hearings for City Council.

Amy Pattillo commented on the comprehensive planning process and the stability of the zoning code. Only once the residential comprehensive planning process is complete, she would be in favor of changing the code.

Council Member Kevin Glasheen amended his motion to reduce the notice requirement to 20 days, eliminate any mailing or public newspaper notices that are not required by state law. Council Member Phil McDuffee seconded the motion.

Council Member Brook Brown asked if this would apply to all notices for all hearings or just 107-518. City Attorney Charles Zech interjected that the agenda item is broad enough to encompass any public hearing and an ordinance could be brought back in a future meeting with direction.

Dana Hollingsworth, 303 Almarion Drive, is opposed to changing notice requirements and taking away mailing notices.

Tony Stein encouraged exploring the use of SWIFT for noticing for Planning and Zoning.

Council Member Phil McDuffee liked the suggestion for the applicant to provide a sign at the applicant's expense in front of the property address.

The motion failed with 1 in favor (Glasheen) and 4 against.

Council Member Brook Brown requested that we bring back a modest recommendation with respect to Section 107-518 regarding notices for public hearings for the Planning and Zoning Commission and City Council. Mayor Gavin Massingill stated that we will bring this item back with options for a number of days and including Section 107-399 Special Use Permits.

13. Discussion and possible action on scheduling of public hearings before the Planning and Zoning Commission and City Council in regard to proposed amendments to the City of Rollingwood Code of Ordinances regarding building projections into required yards and building height in the R – Residential zoning district

Council Member Brook Brown requested advice of counsel about the scope of notice, and she requested that the notice include the 4 sections of the Code that were originally requested by Council to go to Planning and Zoning. She asked if City Council can direct notice for a hearing

to be held before Planning and Zoning. City Attorney Charles Zech explained that City Council can request that Planning and Zoning address specific items.

Council Member Brook Brown moved to direct that a Public Hearing be held, and the notice for that Public Hearing to encompass all 4 sections of the Code as originally sent to Planning and Zoning for consideration. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.

Council Member Brook Brown moved to schedule a Public Hearing for Planning and Zoning with that agenda item for the regular April meeting date, Wednesday, April 5, 2023. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.

City Attorney Charles Zech advised on the topic of joint public hearings.

Council Member Brook Brown moved to request the Planning and Zoning Commission to advise whether they would consider that public hearing to include a public hearing with the City Council. Mayor Pro Tem Sara Hutson seconded the motion.

Amy Pattillo discussed Section 107-516 of the Code. She stated that August and September Council meeting motions didn't support a zoning change. She asked for clarification on the agenda items based on motions.

Council Member Brook Brown responded with sections of Code cited in the agenda item with an attached 3-page memo that addressed the issues with respect to required yards. There was a second memo that was sent to Planning and Zoning Commission with those sections attached and suggested language.

Ms. Pattillo requested that the motion be clear in terms of the zoning changes that are being considered including the sections of Code.

Council Member Brook Brown responded with the following sections of Code for Planning and Zoning to take up :

- 107-3 Defining required yards,
- 107-71 Defining maximum permissible height of a residential building,
- 107-75 Defining yards generally, and
- 107-76 Defining minimum required depth and width of yards.

The motion carried with 5 in favor and 0 against.

Dana Hollingsworth suggested that both the Code section and the subject be listed on the notice. She also commented on the citizen committee that she doesn't think that there should be a Council Member on the committee. She requested that half the members of the committee have flat lots and half have sloped lots, and that more women be members on the committee.

14. Update on the Nixon/Pleasant drainage project

City Administrator Ashley Wayman discussed the updated plans, the easements proposed, the need for citizen agreement, and then the distribution to those homeowners.

15. Discussion and possible action on a recommendation from the Park Commission regarding park rental rates

City Administrator Ashley Wayman explained that the Park Commission discussed the park rental rates in their last meeting and changes that they have proposed for these rates.

Nicole Mauricci, 4906 Timberline Drive, explained why changes to the park rental rates have been proposed. She discussed past and current vendors and their size and type of classes. She commented on rates based upon the size of the fields and presented the proposed new park rental rates of \$10 per hour for non-field activities.

Council Member Alec Robinson moved to approve the proposed rates and regulations as outlined in this agenda item. Mayor Pro Tem Sara Hutson seconded the motion.

Council Member Phil McDuffee commented on reaching out to Justin and having a discussion regarding people not being allowed on fields for a period of time when new sod has been placed.

Council discussed the rates and their application with Ms. Mauricci. Mayor Pro Tem Sara Hutson would like the proposed rates and regulations to state “Rental of Fields 1 or 2.” Council asked about written agreements and signed documentation for rented Park spaces.

Council Member Alec Robinson moved to amend his motion to adopt the proposed rates change to read “Fields 1 or 2” instead of “Fields 1 and 2”. Mayor Pro Tem Sara Hutson seconded the motion. The amended motion carried with 5 in favor and 0 against.

Council Member Alec Robinson moved to adopt resolution 2023-02-15-15 with the amended language from the previous motion which is changing the words “Fields 1 and 2” to read “Fields 1 or 2”. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.

Mayor Gavin Massingill moved back to item 12 at this time.

16. Report on storm impacts to the city and clean up efforts, and discussion on steps needed to address issues identified including but not limited to poor city-wide cell phone service

Mayor Pro Tem Sara Hutson discussed her concern regarding when she had no power and no communication during the storm. She expressed that this is a public safety issue.

Mayor Gavin Massingill pulled up item 17 at this time.

Council Member Phil McDuffee discussed the different cellular providers, their coverage, Wi-Fi calling, and improvements in technology.

Council and City Administrator Ashley Wayman discussed options for sending out the survey and receiving the responses.

Council Member Phil McDuffee moved to approve the draft survey questionnaire and he will provide clarity to the Utility Commission on the variety of ways that may be collected. Mayor Pro Tem Sara Hutson seconded the motion.

Council Member Kevin Glasheen suggested adding a question about cellular service when power is out and there is no Wi-Fi available.

The motion carried with 5 in favor and 0 against.

17. Discussion and possible action on a recommendation from the Utility Commission regarding a cellular service and coverage survey

This item was covered in conjunction with item 16.

18. Discussion and possible action to schedule a public workshop or other process for further public input on eligibility for appointment to City Board and Commissions for non-US citizens

Council Member Brook Brown has received feedback from the community to consider providing an opportunity for non-US citizens to serve on boards and commissions. She would like to request, along with City Administrator Ashley Wayman, to hold an informal public meeting to discuss this issue, and then based on those discussions, bring back to Council an item on this topic for consideration.

Council discussed the requirements for being appointed to a board or commission.

Council Member Brook Brown moved to authorize herself to work with City Administrator Ashley Wayman to set up a time for an informal public discussion of this topic here at City Hall. Council Member Kevin Glasheen seconded the motion. The motion carried with 5 in favor and 0 against.

19. Discussion and possible action to reschedule the March City Council meeting

City Administrator Ashley Wayman explained that the regularly scheduled Council meeting on March 15 is in the middle of spring break for Eanes ISD.

Council Member Kevin Glasheen moved to move the March meeting to March 22. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

20. Discussion and possible action to schedule the Spring Clean-Up Event

City Administrator Ashley Wayman explained the traditional Spring Clean-Up Event and mentioned the dumpster limit with Waste Connections.

Council Member Brook Brown moved to authorize the City Administrator to schedule the Spring Clean-Up Event. Council Member Alec Robinson seconded the motion.

Council discussed mulching the winter storm debris and the cost of removal.

The motion carried with 5 in favor and 0 against.

21. Discussion and possible action on a resolution of the City of Rollingwood to join with the State of Texas and political subdivisions of the state as a party in the Texas Opioid Settlement Agreement secured by the Office of the Attorney General with opioid manufacturers Allergan, CVS, Walmart and Walgreens

Mayor Gavin Massingill explained that this is a second settlement with additional companies.

Council Member Brook Brown moved for approval of the resolution. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

22. Request for legal advice and discussion and possible action with regard to building permit applications, and purported issuance of building permits, where the Building Official has determined that the applications do not conform to the setback requirements of the zoning code and zoning variances for the non-conformities have not been sought from the Board of Adjustment; determination of appropriate action with regard to such applications; and identification of any other similar issues in connection with any other Rollingwood permit applications, if any, in progress at this time

Council Member Brook Brown stated that she would like to consider item 22 in Executive Session for legal advice.

The City Council discussed how to proceed with hearing from the resident that was present, and then proceeding into Executive Session.

Kendra Roloson, 304 Vale Street, asked that the Council consider the remaining items today to provide clarity for her family. She discussed her family's perspective on what has transpired regarding the plat and building permit for 304 Vale Street.

Mayor Gavin Massingill asked for a vote regarding whether to go into executive session and the motion carried with 5 in favor and 0 against.

Mayor Gavin Massingill convened into executive session at 12:32 a.m. on Thursday, February 16, to receive consultation with legal counsel pursuant to Section 551.071 of the Texas Government Code.

Mayor Gavin Massingill reconvened into open session at 1:35 a.m. and stated that no action was taken in closed session.

Council Member Brook Brown moved that no action be taken on the building permit issued for 304 Vale. Mayor Pro Tem Sara Hutson seconded the motion.

The City Council discussed working towards a potential resolution of the issue for the homeowners.

Council Member Brook Brown withdrew her motion.

Council Member Kevin Glasheen move to ask the City Attorney to draft an ordinance that would provide that any setbacks shown on plats previously approved by Planning and Zoning be considered the legal setbacks for those properties. Council Member Alec Robinson seconded the motion.

The City Council discussed the implications of the proposed motion and additional options. They discussed the circumstances of the permit issued for 304 Vale Street.

Mayor Gavin Massingill called for a roll call vote.

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

The motion passed with 3 in favor and 2 against.

23. Discussion and possible action with regard to the issuance of building permits for the 304 Vale and 400 Farley properties and any other building permits issued by executive direction, if any
24. Discussion and possible action regarding the scope of the Mayor's authority to issue or direct the issuance of any building permit

Council Member Brook Brown withdrew items 24, 25, and 26.

25. Discussion and possible action regarding the authority of the Mayor to settle threatened litigation without prior council approval
26. Discussion and possible action regarding the role of Mayor and other members of the City Council in working with city staff

ADJOURNMENT OF MEETING

Mayor Gavin Massingill adjourned the meeting at 1:51 a.m. on Thursday, February 16, 2023.

Minutes Adopted on the _____ day of _____, 2023.

Gavin Massingill, Mayor

ATTEST:

Desiree Adair, City Secretary