



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

**Wednesday, August 17, 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 August 17, 2022. Members of the public and the City Council were able to participate in the meeting virtually, as long as a quorum of the City Council and the presiding officer were physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. A video recording of the meeting was made and will be posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request.

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

1. Roll Call

**Mayor Gavin Massingill called the meeting to order at 6:01 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:** City Administrator Ashley Wayman, City Attorney Charles Zech, Finance Director Abel Campos, City Secretary Desiree Adair, Development Services Director Nikki Dykes, Police Sergeant Greg Duarte, and Assistant to the City Administrator Makayla Rodriguez.

**Present Virtually:** Public Works Superintendent Ismael Parra, Brandon Melland, of K. Friese + Associates, and Dondi Atwell, of ATS.

### **BUDGET WORKSHOP**

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

Mayor Gavin Massingill discussed the budget and tax rate calendar, budget worksheets, revenues, expenditures, and exceptional items. City Administrator Ashley Wayman discussed calendar dates, notices, public hearings, changes to the tax rate calendar, and filing of the budget.

Mayor Gavin Massingill discussed budget action requests, revenues, and expenditures. City Administrator Ashley Wayman explained proposed exceptional items, unexpended balances, and the No New Revenue and Voter Approval rates.

Council discussed a COLA option of 4% and the proposed exceptional items with their effects on fund balances. The draft proposed budget will be posted to the City website.

**The meeting went into recess at 7:24 p.m.**

**The meeting was called back to order at 7:38 p.m.**

### **PUBLIC COMMENTS**

The following individuals spoke during public comments:

- Thom Farrell, 3223 Park Hills Drive, asked Council to consider making Edgegrove Drive a no parking zone. He expressed appreciation for Council and staff.
- Shanthi Jayakumar, 3309 Park Hills Drive, thanked all for their service, thanked Council for passing the Burn Ban, and asked for a SWIFT message to be sent out and posted to the City website. She discussed a past City newsletter from City Hall and presented a question regarding citizen comment on the Consent Agenda.

### **PRESENTATIONS**

#### 3. Demo of My Government Online Permitting Software

Development Services Manager Nikki Dykes provided a presentation regarding the City's new My Government Online permitting software. She showed how to create an account and see the public project report for a list of active permits and pending projects. She provided instructions for different requests from citizens and other users of the software.

Shanthi Jayakumar thanked Development Services Manager Nikki Dykes for her email regarding construction fences.

Mayor Gavin Massingill thanked Nikki Dykes for her presentation.

#### 4. Presentation, discussion and possible action on the City of Rollingwood's Annual MS4 report

Lauren Winek, of K. Friese + Associates, gave a presentation regarding Municipal Separate Storm Sewer Systems (MS4) including the stormwater management program and minimum control measures. Mayor and Council asked about grant funding for any of these programs and education of citizens.

**Council Member Phil McDuffee moved to accept the MS4 report. Council Member Brook Brown seconded the motion. The motion carried with 5 in favor and 0 against.**

#### 5. Presentation in regard to Building Code Questions as applied to properties at 601 Riley and 3225 Park Hills, as follows:

Address residential setbacks (see "yard" limits, as defined in Ord. 107-3, 1-7-75, and 107-76) and residential height limitations (Ordinance 107-2 and 107-71) as applied to properties at 601 Riley and 3225 Park Hills

Council Member Brook Brown requested a report with these 2 properties in respect to building height and residential setbacks. Lauren Winek explained the form surveys and height surveys for the two properties. Council Member Brook Brown asked questions about the report regarding reference datum points and grade.

Brandon Melland, of K. Friese + Associates, discussed Code definitions of grade and the reference datum, the processes prior to and post construction, and as-built surveys with Council. City Attorney Charles Zech described building official interpretations and decisions, appeals, the Board of Adjustment, and the Code.

Council Member Brook Brown also asked questions regarding setback compliance. Lauren Winek discussed the onsite inspections. Council Member Brook Brown would like a second review of her questions from the June 15<sup>th</sup> meeting and an as-built survey. She would like to know if the building meets the Code and the building permit. She would like it in advance of the next meeting for time to review.

Shanthi Jayakumar asked about the number of stories allowed in the residential zone.

## **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.

6. Discussion and possible action on the minutes from the June 15, 2022 City Council Meeting
7. Discussion and possible action on the minutes from the July 20, 2022 City Council meeting
8. Discussion and possible action on the minutes from the August 10, 2022 Special City Council meeting
9. Discussion and possible action on Ordinance No. 2022-08-17-09 calling the General Election to elect two (2) Council Members and the Mayor on the General Election Date of November 8, 2022
10. Discussion and possible action on an agreement with Travis County to conduct the City of Rollingwood's Elections
11. Discussion and possible action on a Joint Election Agreement with Travis County
12. Discussion and possible action to accept Jennifer Meyer's resignation from the Park Commission

**Council Member Brook Brown pulled number 7 and number 10 from the Consent Agenda.**

**Council Member Brook Brown moved to approve items 6, 8, 9, 11, and 12 of the consent agenda. Council Member Roxanne McKee seconded the motion. The motion carried with 5 in favor and 0 against.**

**Council Member Brook Brown moved to approve the July 20, 2022 minutes with the addition of 2 paragraphs from her circulated memo added to the minutes on page 3 at the end of paragraph 6 before the last sentence of that paragraph. Council Member Roxanne McKee seconded the motion. The motion carried with 5 in favor and 0 against.**

**Council Member Brook Brown moved to approve Consent Agenda item 10 and reconsider approval item 9. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.**

Council Member Brook Brown raised a concern with respect to section 3 of the election ordinance when the main location is listed as the voting location. City Administrator Ashley Wayman explained that the main early voting location must be listed in the ordinance.

**Council Member Brook Brown moved to amend Section 3 of Ordinance 2022-08-17-09 to add that the early voting by personal appearance will be conducted at the Wilhelmina Delco Center or any Travis County early voting site. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.**

## **REGULAR AGENDA**

13. Discussion and possible action to accept Police Chief Jason Brady's Resignation effective August 13, 2022

Mayor Gavin Massingill thanked Chief Brady for his time serving the City of Rollingwood.

**Council Member Brook Brown moved to accept the resignation of Police Chief Jason Brady as of August 13, 2022. Mayor Pro Tem Sara Hutson seconded the motion.**

Mayor Gavin Massingill explained that until this date, Chief Brady's resignation had not become effective and an interim Police Chief had not been appointed.

**The motion carried with 5 in favor and 0 against.**

Council Member Brook Brown thanked the RCDC for agreeing to fund the 3 projects on this agenda.

14. Discussion and possible action on the appointment of Interim Police Chief and consideration of a future permanent selection and appointment

*Mayor Gavin Massingill pulled up agenda item number 24 in conjunction with this item at this time.*

Mayor Gavin Massingill discussed procedures for hiring a Police Chief, the pros and cons of different processes, and upward movement within a department. He also discussed the experience of Officer Dan Arispe.

Mayor Gavin Massingill recommended to promote Assistant Chief Kristal Munoz to the Interim Police Chief role for a period of one year.

*Mayor Gavin Massingill returned agenda item number 24 back to the agenda order.*

**Mayor Pro Tem Sara Hutson moved to appoint Kristal Munoz to the position of Interim Police Chief for the period of one year effective immediately. Council Member Brook Brown seconded the motion.**

Mayor Gavin Massingill discussed his interpretation of the motion including intent to promote at the end of the one-year period with a good evaluation, and Mayor Pro Tem Sara Hutson expressed her thanks for the officers and their role in community policing and would like to support them. She pointed out that the two previous police chiefs endorsed Kristal Munoz for the position of Police Chief. Council Member Roxanne McKee discussed Kristal Munoz's qualifications.

Sergeant Greg Duarte discussed the dedication and capabilities of Kristal Munoz and recommended Kristal Munoz for Police Chief.

Shanthi Jayakumar recommended Kristal Munoz for Police Chief and her kind treatment of senior citizens.

Mayor Gavin Massingill gave full support and endorsement to Kristal Munoz but asked the community to speak with him about concerns in the Police Department.

**The motion carried with 5 in favor and 0 against.**

15. Discussion and possible action on an Ordinance calling a Bond Election to be held within the City of Rollingwood, Texas; making provisions for the conduct and the giving of notice of the election; and containing other provisions related thereto

Mayor Gavin Massingill opened up the bond election for discussion.

Thom Farrell, 3223 Park Hills Drive, provided information on the insurance aspect of water improvements, and City Hall expanding to include Emergency Services. He discussed insurance ratings and wildfire districts. The tax increase will be partially offset by the insurance decrease.

Mayor Gavin Massingill recommended all of the propositions going to the ballot.

Council Member Alec Robinson discussed his concerns with the costs to a typical household in Rollingwood and the debt per capita.

Council Member Roxanne McKee discussed the water line improvement bond and the importance of fire flow improvements.

Mayor Pro Tem Sara Hutson discussed reasons why the bond amounts are so high at this time and the need for informational packets.

Council Member Brook Brown discussed her thoughts on the three propositions and her concerns with the drainage proposition.

Council Member Phil McDuffee discussed the need to show the citizens that we had exhausted all other funding options, both State and Federal, before asking them to fund these projects through adoption of the bonds.

Mayor Pro Tem Sara Hutson discussed concerns with not putting the drainage proposition on the ballot.

Mayor and Council discussed options for ballot propositions.

Shanthi Jayakumar spoke regarding City Hall as the most favorable proposition and the importance of fire safety and the water proposition. She was not in favor of the drainage proposition.

Kevin Schell discussed drainage and a commitment to keep working on drainage.

Mayor Gavin Massingill asked Council for their thoughts on Propositions A, B, and C and then discussed dollar amounts for Proposition A and Proposition C.

Ben Morse, bond counsel, discussed the requirements for the bond motion.

**Council Member Brook Brown moved to adopt the ordinance 2022-08-17-15 as drafted, with the exception of deleting the paragraph the City of Rollingwood, Texas - Proposition B, and renumbering the City of Rollingwood, Texas- Proposition C as City of Rollingwood, Texas - Proposition B. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.**

Ben Morse discussed legal next steps in the bond election process. James Gilley, of US Capital Advisors, discussed financial next steps for the process.

16. Discussion and possible action on a resolution approving a project of the Rollingwood Community Development Corporation for a Mobility, Connectivity and Safety Plan

City Administrator Ashley Wayman discussed projects brought forward from RCDC for City Council approval. The City Council must approve expenditures of the RCDC. Council Member Phil McDuffee discussed the reasons why RCDC brought these projects at this time and recommended all three projects. Council Member Brook Brown mentioned that two of these projects were from the Comprehensive Plan.

**Council Member Alec Robinson moved to approve resolution 2022-08-17-16 improving the RCDC Mobility, Connectivity and Safety Plan. Council Member Roxanne McKee seconded the motion. The motion carried with 5 in favor and 0 against.**

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

City Administrator Ashley Wayman discussed the Park Amenities and Promotion project. Council Member Alec Robinson discussed that the Park Commission should look at this resolution.

**Council Member Alec Robinson moved to refer this matter to the Park Commission and let them have a chance to bring it back to the next Council meeting. Mayor Pro Tem Sara Hutson seconded the motion.**

Discussion ensued. City Attorney Charles Zech explained his interpretation of the resolution.  
**Council Member Alec Robinson withdrew his motion.**

**Council Member Alec Robinson moved to send this resolution back to RCDC for further clarification about frequency and types of events and necessary approval of planned events. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.**

18. Discussion and possible action on a first reading of a resolution approving a project of the Rollingwood Community Development Corporation for Commercial Zoning Code Updates as identified in the City's Comprehensive Plan

City Administrator Ashley Wayman described the resolution.

**Council Member Brook Brown moved for approval of item 18 as presented. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.**

19. Discussion and possible action on amending the City's Code of Ordinances regarding information to be included on plats

Mayor Gavin Massingill discussed the city's code regarding what is required to be shown on plats. He also discussed that there may be additional amendments to the code to clear up other issues but that this amendment was an immediate need.

**Mayor Pro Tem Sara Hutson moved to approve Ordinance 2022-08-17-19 to amend the ordinances related to the requirements that setback lines be placed on plats. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.**

20. Discussion and possible action in regard to designation of a code compliance officer

Council Member Brook Brown discussed the need for action and principal duties of the officer.

Council Member Alec Robinson discussed his concerns with having a Code Compliance Officer.

The Mayor and Council discussed this resolution and how it allows the City Council to designate a police officer as a code compliance officer.

Council Member Brook Brown further explained the stipulations of the proposed ordinance and the duties that the officer would have. She recommended that the Police Chief and City Administrator designate an officer.

Mayor Gavin Massingill explained that he understood both the intent of the resolution and the concerns of Council Member Alec Robinson. He believes both can be solved with the type of structure proposed.

Mayor Gavin Massingill would like section three to read the “code compliance process” instead of identifying the code compliance officer.

Development Services Manager Nikki Dykes discussed the needs of this resolution in terms of enforcement and compliance.

**Council Member Brook Brown moved for approval of a resolution designating a code compliance officer and specifying the duties of the position. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.**

*Mayor Gavin Massingill called up item 23 at this time.*

21. Discussion and possible action to approve the City of Austin Health and Human Services Interlocal Agreement for public health services

City Administrator Ashley Wayman stated that the schedule that was supposed to be enclosed with this document was not provided to the City and that she would ask the Council to postpone this item to the next city Council Meeting.

**Council Member Phil McDuffee moved to table this item to a time certain at the September City Council Meeting. Council Member Roxanne McKee seconded the motion. The motion carried with 5 in favor and 0 against.**

22. Discussion and possible action to review applications and make appointments to the Park Commission

City Administrator Ashley Wayman discussed that there is an opening on the Park Commission and two applicants for the Commission.

**Council Member Alec Robinson moved to appoint Victoria Johnson to the Park Commission. Council Member Phil McDuffee seconded the motion.**

The City Council further discussed the applicants and appointment.

**The motion carried with 5 in favor and 0 against.**

23. Discussion and possible action in regard to residential zoning ordinances including building height ordinances and minimum required depth and width of yards

Council Member Brook Brown discussed that she brought this back from last month’s meeting to refer these items to the Planning & Zoning Commission for action but that a meeting had not been scheduled.

Mayor Gavin Massingill stated that they were not able to get a quorum of the Planning and Zoning Commission together.

Council Member Brook Brown had concerns with not taking action on this soon and discussed that she wanted to see if the Council is interested in passing an amendment to zoning code that would modify the definition of yard such that there is some limitation on how far projections can extend into the setback.



The City Council and City Attorney discussed the process of this item going through the Planning and Zoning Commission.

Council Member Brook Brown recommended that the City Council send a recommended ordinance change that would put a limit on how far a permitted projection can extend into yards. She discussed similar ordinances of other cities that she would recommend.

**Council Member Brook Brown moved to send to the Planning and Zoning Commission a recommendation to adopt an amendment to the zoning code that would place a limit on projections into side yards of two feet. Council Member Phil McDuffee seconded the motion.**

Council Member Brook Brown stated that she could draft something to send to the City Attorney for review.

Council Member Brook Brown asked whether this would be a time to discuss other things being constructed in the setbacks and continued to state that she felt that was a bigger issue to be brought up with the Planning and Zoning Commission.

Council Member Gavin Massingill stated that the Planning and Zoning Commission would hear this item at their next meeting and publicize it.

Council Member Brook Brown discussed that per state law, this would only apply to permit applications that were submitted after the ordinance is finally approved by the City Council.

**The motion carried with 5 in favor and 0 against.**

*Mayor Gavin Massingill returned to item 21 at this time.*

24. Discussion and possible action to approve a cost saving measure related to the early payout of accrued sick leave and comp time to qualified employees

Mayor Gavin Massingill called this item back up at the conclusion of item 22.

Mayor Gavin Massingill discussed his intent to review the systems in the city, and that in that process concerns with the personnel handbook were raised in regards to the accrual and pay out options for vacation, sick leave and comp time. He discussed that there was some type of action taken on this in the past but that there are conflicting records of what was determined.

He discussed the current policy regarding sick leave payout for employees who meet certain criteria and discussed that he would work with staff to come up with a way to be fair to the staff that qualify or are close to qualifying for payout under this policy. He also discussed a request from officer Dan Arispe for early payout of accrued time ahead of him retiring as an incentive for staying on with the City of Rollingwood. He also discussed the retirement payout reserve that has been budgeted for in this and past years.

Council Member Roxanne McKee discussed that she has been in favor of eliminating this policy as long as employees are grandfathered in appropriately.

Mayor Gavin Massingill discussed that the recent turnover has created a good opportunity to fix this issue with the policy. He also discussed possible ideas for the policy including a delayed start,

a freeze on hours and then possible annual buyout of leave accrued under the policy. He asked for a motion to authorize him to negotiate some sort of early buyout of sick leave with Dan Arispe in an amount up to \$30,000.

The Mayor and City Council further discussed possible models for this policy and payout of qualified employees.

Mayor Gavin Massingill also discussed the current policy on vacation accrual and that the current language allows the Mayor to authorize employees to exceed the cap. He discussed that this is also something that needs attention.

Mayor Massingill and City Administrator Ashley Wayman discussed the current policy and how it is applied, as well as how time is tracked and approved.

**Council Member Roxanne McKee moved to negotiate a payout of accrued comp time and sick leave to Dan Arispe not to exceed \$30,000. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.**

Mayor Gavin Massingill stated that he would bring back to Council a proposed framework for a future policy discussion.

## **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.

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

**ADJOURNMENT OF MEETING**

**Mayor Gavin Massingill adjourned the meeting at 12:54 a.m. on Thursday, August 18, 2022.**

**Minutes Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.**

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**Gavin Massingill, Mayor**

**ATTEST:**

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**Desiree Adair, City Secretary**