



CITY OF ROLLINGWOOD CITY COUNCIL MEETING MINUTES

Wednesday, September 21, 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 September 21, 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 6:03 p.m.

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

Also Present: City Administrator Ashley Wayman, City Attorney Megan Santee, Finance Director Abel Campos, Interim Police Chief Kristal Munoz, Development Services Manager Nikki Dykes, and Assistant to the City Administrator Makayla Rodriguez.

PUBLIC COMMENTS

There were no public comments.

BUDGET AND TAX RATE

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

Mayor Gavin Massingill brought up the budget documents discussed at the previous budget workshops. He also discussed the two budget documents that are presented to the Council at this meeting.

Council member Brook Brown joined the meeting during this item.

Council Member Phil McDuffee stated that he is leaning toward the No New Revenue rate given that Council has chosen to go out for a bond election.

Council Member Alec Robinson discussed the amount spent year over year from last year to this year as well as what each rate would cost each homeowner with the No New Revenue rate.

The City Council discussed the impact of the tax rate to homeowners in Rollingwood.

Finance Director Abel Campos explained why there can be a difference in the amount raised from taxes over the last year's budget and the amount that is due to new properties that were added to the tax roll.

Mayor Gavin Massingill discussed that he also agrees that the No New Revenue rate shows that they are being good stewards of City tax dollars.

3. Public hearing on the FY 2022-2023 Budget

Mayor Gavin Massingill opened the public hearing at 6:22 p.m.

No individuals spoke during the public hearing.

Mayor Gavin Massingill closed the public hearing at 6:23 p.m.

4. Discussion and possible action on an ordinance of the City of Rollingwood, Texas adopting the fiscal year 2022-2023 budget beginning October 1, 2022, and ending September 30, 2023, in accordance with Texas local government code chapter 102; providing for the filing of the budget; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; and providing an effective date

Mayor Pro Tem Sara Hutson moved to approve the ordinance adopting the fiscal year 2022-2023 budget beginning October 1, 2022, and ending September 30, 2023, that adopts the No New Revenue Rate. Council Member Phil McDuffee seconded the motion.

Roll Call Vote:

- **Council Member Brown - Aye**
- **Council Member Robinson - Aye**
- **Council Member McKee - Aye**
- **Council Member McDuffee - Aye**
- **Mayor Pro Tem Sara Hutson - Aye**

The motion carried with 5 in favor and 0 against.

5. Public hearing on the FY 2022-2023 Tax Rate

Mayor Gavin Massingill opened the public hearing at 6:25 p.m.

No individuals spoke during the public hearing.

Mayor Gavin Massingill closed the public hearing at 6:26 p.m.

6. Discussion and possible action to postpone the final vote on the Ad Valorem Tax Rate for Fiscal Year 2022-2023 until Tuesday, September 27, 2022 at 6:00 p.m.

Mayor Pro Tem Sara Hutson moved to postpone the final vote on the Ad Valorem Tax Rate for Fiscal Year 2022-2023 until Tuesday, September 27, 2022 at 6:00 p.m. Council Member Roxanne McKee seconded the motion. The motion carried with 5 in favor and 0 against.

PRESENTATIONS

7. Update and discussion regarding building height issues at 3225 Park Hills Drive

Mayor Gavin Massingill reported the results of the height survey that the City ordered for this property and discussed the City's potential courses of action.

Council Member Brook Brown discussed the surveyed height of this property.

Mayor Gavin Massingill discussed several options to pursue in terms of enforcement but that he would like to have discussion and buy-in of the Council. He stated that he is open to dialogue from Council about how to proceed.

Council Member Phil McDuffee asked whether the Park Hills home was a spec home or a custom home, and Mayor Gavin Massingill stated that he believes that Park Hills is a spec home and Pleasant Drive is a custom home.

Council Member Brook Brown discussed that she would need to know what specific additional remediation would be in order to make a decision on this. She discussed that we need to state what the code requires and that the code is clarified going forward in terms of permits. She stated that we need to have our engineer do inspections of properties before any work is done at the expense of the builder. She also stated that we need to adopt something in our code to use the reference datum and do an inspection at the expense of the builder to establish the height of the building.

Council Member Brook Brown continued to state that we need to show the community that this is not the course we will follow in the future. In the future, the course we follow will be a stop work order and the issue will have to be fixed. She also discussed that there is nothing in the code that establishes how high the foundation can be other than the overall building height and that when the height limitation is addressed, foundation height needs to be addressed too.

Council Member Brook Brown stated that she would be reluctant to go along with options until it is known what the mitigation would look like and that it was to the benefit of the community. She also discussed that she would like to speak with the surveyor, Mr. Warrick, about how he found the different reference datum and different height data.

Mayor Gavin Massingill stated that staff would set up that meeting with Mr. Warrick. He also discussed that Mr. Warrick had some ideas about setting benchmarks in the community.

Mayor Pro Tem Sara Hutson stated that she agrees with the establishment of benchmark points in the City that are on the City's GIS map. She also agreed that it seems unreasonable to make

Mr. Waters lower his roof but that the mitigation should be done on that property, not on an additional property.

The City Council further discussed these two properties and drainage considerations.

Danny Waters, builder at 3225 Park Hills, discussed that he realizes that the home he built is taller than what many would like to see there and that he did not intend to upset people. He discussed the construction work that he has already completed at the property. He discussed that he is willing to work with the City as well as the currently planned drainage features for this property. He also explained that he wouldn't want to or be able to obligate the owners of 301 Pleasant to additional mitigation. He discussed that there have been multiple site visits and surveys conducted on his property. He reiterated that he wants to help the City and work with the community and stated that he thinks the code should be re-written so that this doesn't happen again.

Kevin Schell, 300 Pleasant Drive, stated that he was surprised to see this discussion at this meeting when there is still a drainage project at Nixon/Pleasant that needs to be completed and has been delayed.

Shanthi Jayakumar, 3309 Park Hills Drive, discussed that she has documented the before and afters of every house in Rollingwood and further discussed this property and others that people in the community are not happy with. She also read a document from 1988 that used to be distributed regarding the requirements to move into Rollingwood. She discussed that residents are losing hope that issues with new builds will be corrected.

Council Member Phil McDuffee agreed with Council Member Brook Brown that before considering voting on this topic, they need specifics and that when building to the limits of the code, one can't be surprised when it goes over the line. He also stated that he thinks the City needs to get their own independent surveys, not let the builders provide those.

Mayor Gavin Massingill stated that he thinks he had a level of clarity on how to move forward.

Council Member Roxanne McKee agreed that they need to know what the drainage mitigation parameters are before making a decision.

The City Council discussed how changes to the code would be handled.

Council Member Brook Brown asked how we were going to go about getting a formal interpretation of the height requirement in a timely fashion, and that after this meeting City Administrator Ashley Wayman should set up a meeting for her to speak to Mr. Warrick, but we also need to know how the code is being interpreted now and how we fix concerns regarding the datum reference.

Council Member Brook Brown stated that we need to set up a special meeting with someone at K. Friese + Associates who has read the residential height requirement in the code, given us a memo on that in advance of the meeting, and a recommendation from staff regarding how to verify the datum reference.

Council Member Brook Brown asked to set a special meeting soon within the next 10 days to get this report from K. Friese + Associates plenty ahead of time, discussing previous meeting attempts that have been canceled due to quorum loss.

Mayor Gavin Massingill stated that they would get a memo with K. Friese + Associates, get a staff recommendation, retain the surveyor to have a meeting with Council Member Brook Brown and that he may be able to give some ideas on how to update the code. He stated that City Administrator Ashley Wayman would send out a doodle poll for the joint meeting.

Mayor Pro Tem Sara Hutson asked whether the City could add alternates to the Planning & Zoning Commission to alleviate quorum issues and Mayor Gavin Massingill stated that we would look into that.

Danny Waters stated his building height was established by the current code and approved permit, and that it would not be right to change the codes in the middle of his project.

8. Update regarding November 8, 2022 Bond Election for (1) waterworks system facilities and improvements and (2) improvements and additions to a combined City Hall and Public Safety Building

Mayor Gavin Massingill updated council that they have had a productive discussion with the Emergency Services District (ESD) and have asked them to provide an idea of intent of what they are willing to share with the community if the bond passes. He discussed that Council has made responsible budget decisions and that staff would combine everything into concise one-pagers. The ESD board will add to the informational material that can be distributed.

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.

9. Discussion and possible action on the minutes from the August 17, 2022 City Council meeting
10. Discussion and possible action on a second and final 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 under 501.158 of the Texas Local Government Code
11. Discussion and possible action to accept Ronald Hasso's resignation from the Utility Commission

Mayor Pro Tem Sara Hutson asked that item 9 be removed from the Consent Agenda

Mayor Pro Tem Sara Hutson moved to approve items 10 and 11. Council Member Roxanne McKee seconded the motion. The motion carried with 5 in favor and 0 against.

Mayor Pro Tem Sara Hutson discussed that she had two corrections for the minutes, and she will send to staff after the meeting and bring them back at the next meeting. Council Member Brook Brown stated that she also had an addition to the minutes.

City Administrator Ashley Wayman stated that staff would follow back up with Council Members Brown and Hutson for their corrections and bring it back at the next meeting.

REGULAR AGENDA

12. Update and discussion regarding the City's current building inspection and survey requirements pertaining to new residential construction projects

Council Member Alec Robinson discussed that his intention for this item was to discuss foundations and how the City knows that the foundation is poured where it is supposed to be.

Mayor Gavin Massingill stated that the City gets a form survey for the foundation and it is reviewed and inspected by ATS.

Development Services Director Nikki Dykes discussed the process of form survey submittal and form inspection by ATS.

Council Member Brook Brown asked whether the form survey is provided to the City and to ATS, and what they are inspecting.

City Administrator Ashley Wayman discussed that the City has form surveys in the files and that she will look at whether we have been requiring form surveys in our building process. Mayor Pro Tem Sara Hutson discussed that she believed this has previously been required in the process.

Council Member Brook Brown stated that she thinks that the code says the City can require any inspection or survey required, and to direct ATS to confirm that forms are in alignment with the setbacks and plans.

Shanthi Jayakumar discussed she has a picture of forms that she would like to send to the City Council.

Council Member Brook Brown stated that this process should include a reasonable height requirement.

Council Member Alec Robinson stated that he wanted to make sure that we are getting the surveys and to make sure that it is being verified before the slab is poured.

Mayor Pro Tem Sara Hutson and Council Member Phil McDuffee clarified that what needs to happen is that the form survey is sent to the City and that it is in compliance and matches the approved plans.

13. Discussion and possible action on an ordinance amending Ordinance No. 2021-09-15-05, adopting and approving amendments to the budget for the fiscal year beginning October 1, 2021 and terminating September 30, 2022, providing for adjustments of spending authority among budget line items, and providing for immediate effectiveness

City Administrator Ashley Wayman discussed the line item adjustments for the end of the fiscal year to the general fund, water fund, drainage fund, and wastewater fund.

Finance Director Abel Campos discussed the wastewater fund adjustments.

Council Member Brook Brown moved to approve ordinance 2022-09-21-13 end of year budget amendment and attached exhibit A. Council Member Roxanne McKee seconded the motion. The motion carried with 5 in favor and 0 against.

14. Discussion and possible action to review the City of Rollingwood's Investment Policy and to approve an ordinance requiring the annual review of the Investment Policy

City Administrator Ashley Wayman discussed this ordinance regarding the annual Investment policy. Nothing has changed other than dates from last year.

Finance Director Abel Campos discussed the amount of money that the City invests.

Council Member Roxanne McKee moved to approve the ordinance requiring the review of the City of Rollingwood's investment policy 2022-09-21-14 and its attached exhibit A which contains the investment policy dated September 21, 2022. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

15. Status report on the Hubbard Circle and Nixon/Pleasant Drive drainage projects

Mayor Gavin Massingill gave a status update of the Hubbard Circle and Nixon/Pleasant drainage projects. Regarding the design of these projects, he discussed that the City has made great progress on these projects.

For the Nixon/Pleasant project, he discussed the easement needs and that the City has been working in good faith towards obtaining those easements. The utility pole relocation is moving forward in conjunction with Austin Energy. The City may have to look at other options including eminent domain as we continue to try to make progress. The City has worked with K. Friese + Associates and the ground had been marked with spray paint for the actual improvements and where the voluntary easement would be located. This was not acceptable to two stakeholders so K. Friese + Associates has been asked to try to trim the needed easement to the minimum workable size.

Mayor Gavin Massingill thanked Council Member Sara Hutson for her work alongside of him on this project.

Duncan Ashworth, 2910 Hatley Drive, discussed that he has asked K. Friese + Associates to make a site visit to determine where the improvements would be acceptable. Mayor Gavin Massingill stated that he has asked Abe Salinas to go back to the plan and trim as much of the extended easement as possible.

Council Member Brook Brown asked whether K. Friese + Associates would be responding to Jerry Fleming. Mayor Gavin Massingill said yes, but that they are behind the more difficult issue of what to do on the channel issue.

Council Member Brook Brown asked how the property at 301 Pleasant affects the drainage in this area. Mayor Gavin Massingill discussed that K. Friese + Associates was directed to take the drainage project into consideration when reviewing the drainage plans of 301 Pleasant Drive.

City Administrator Ashley Wayman will circulate the September 16th letter from the Flemings.

Council Member Brook Brown asked if there was a timeline to get this information from K. Friese + Associates and Mayor Gavin Massingill stated that we would follow up with them tomorrow.

Council Member Brook Brown also asked for this to be on the next council meeting for another report.

Mayor Pro Tem Sara Hutson asked if we could contact the school district transportation department to relocate a school bus stop that is in a high water area during rain storms. Kevin Schell, 300 Pleasant Drive, discussed that this bus stop does need to relocate and the City Council further discussed this needed change. Mayor Gavin Massingill stated that the City would reach out to Dr. Arnett regarding this stop.

Kevin Schell discussed that this project has taken a long time and that he understands that the City is busy, but he would feel better if there was a more defined process to bring this to completion. He discussed that he came to the Council two years ago to ask for a liaison on this project.

Council Member Brook Brown stated that in the Engineer's report that K. Friese is on hold.

Mike Marin, 303 Nixon, stated that his house is the most affected house by this drainage issue and that he is very frustrated at the time this project has taken.

Mayor Gavin Massingill asked whether he is happy with the easement that he has been requested to give from a functional engineering standpoint. Mike Marin stated that there are still issues with the way the drainage channel cuts the corner of his property and that he would like it further back.

Duncan Ashworth stated that if the fixing of that corner comes at the expense of his property, he would not be okay with that.

Council Member Brook Brown discussed that there needs to be another stakeholder meeting in order to come to a solution.

Mike Marin stated that he would like a deeper channel on both sides.

Duncan Ashworth stated that he thinks there needs to be a Stakeholder meeting with K. Friese + Associates present to discuss the various issues.

Shanthi Jayakumar asked if the water is coming from 3225, and Mayor Gavin Massingill stated that this is the City's largest basin in the City's boundaries.

The council further discussed this drainage project.

16. Status report from City Administrator and Police Chief in regard to implementation of the Code Compliance Officer resolution

Interim Police Chief Kristal Munoz stated that Dan Arispe has been designated as the City's official code enforcement officer, is presented on the City website with this title, and discussed the process of resolving code complaints. The website form and other officers forward the issues to Dan, he patrols daily, and he is working with Ms. Dykes to resolve the complaints.

Council Member Alec Robinson thanked staff for the corrected construction fences. Mayor Gavin Massingill recognized Ms. Dykes and her efforts towards a focus on compliance, letting builders know how to comply, and when the City would begin enforcing requirements.

Mayor Pro Tem Sara Hutson discussed the stormwater issues and MS4 requirements and asked whether someone from K. Friese + Associates had worked with Nikki and Dan yet to show them what they need to be looking for in regards to silt fences.

Mayor Gavin Massingill in the process of talking to ATS to do system-wide inspections where the City can call in full City inspections of things such as silt fences.

Shanthi Jayakumar thanked Brook Brown, the Mayor, and Ashley Wayman for pursuing this matter.

17. Discussion and possible action on an interlocal agreement between the City of Rollingwood and Travis County for an update to the Hazard Mitigation Action Plan

Police Chief Kristal Munoz discussed this request for contribution to an interlocal agreement for a Hazard mitigation plan. This is a one-time fee that will identify hazards that we as a City could possibly have, including wild fires, and she recommends approval. Mayor Gavin Massingill expressed that he thinks this is something the County should provide.

Council Member Brook Brown moved to approve the interlocal agreement between the City of Rollingwood and Travis County for an update to the Hazard Mitigation Action Plan. Council Member Roxanne McKee seconded the motion. The motion carried with 5 in favor and 0 against.

18. Discussion and possible action regarding the adoption of a Capital Improvements Plan in accordance with Section 2-338 of the City's Code of Ordinances

City Administrator Ashley Wayman discussed that this section requires the City to adopt and maintain a Capital Improvements Plan that lists all of our projects. These projects have been listed with funding sources.

Council Member Brook Brown's only recommendation is to move drainage infrastructure to the unscheduled projects list.

Mayor Gavin Massingill stated that we would make sure that project is moved based on the motion. It is on the operational timeline to be done this time of year every year.

Council Member Brook Brown moved to adopt a Capital Improvements Plan in accordance with Section 2-338 of the City's Code of Ordinances with one amendment to move the Drainage IIP as shown on page 2 from approved capital projects to the unscheduled projects list. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.

19. Discussion and possible action on an amendment to the Management Services Agreement between the City of Rollingwood and the Rollingwood Community Development Corporation

City Administrator Ashley Wayman discussed the agreement between RCDC and the City for the administration of RCDC. This agreement includes use of city facilities, staff time, services,

meeting technology, software, and audits. The only change with this amendment is the way in which the amount is determined in the agreement. Legal services will not be included in this amount.

Council Member Roxanne McKee moved to approve the amendment to the Management Services Agreement between the City of Rollingwood and the Rollingwood Community Development Corporation as laid out by our City Administrator. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

20. Discussion and possible action on a resolution approving a budget for the Rollingwood Community Development Corporation, Rollingwood, Texas, for the fiscal year beginning October 1, 2022, and ending September 30, 2023

City Administrator Ashley Wayman discussed the budget for the RCDC which must be approved by City Council.

Council Member Phil McDuffee moved to approve the budget for RCDC as laid out by Ms. Wayman with the amendment as presented. Council Member Roxanne McKee seconded the motion. The motion carried with 5 in favor and 0 against.

21. Discussion and possible action on an ordinance amending section 101-247 of the City's Code of Ordinances to allow for the designation of holidays in which construction is permitted

City Administrator Ashley Wayman discussed the allowance of designated city holidays as days in which construction could be permitted.

Council Member Roxanne McKee moved to approve an ordinance amending section 101-247 of the City's Code of Ordinances to allow for the designation of holidays in which construction is permitted. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.

22. Discussion and possible action on the 2022-2023 Holiday Calendar for the City of Rollingwood, Texas

Mayor Gavin Massingill discussed the potential City Holiday calendar for 2022 – 2023.

Mayor Pro Tem Sara Hutson stated that the 23rd during the Christmas holiday should also be included as a day that construction is not permitted.

Council Member Brook Brown moved to approve the 2022-2023 Holiday Calendar for the City of Rollingwood as presented with the amendment that we add Friday, December 23 to the list of designated construction holidays. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

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

City Administrator Ashley Wayman discussed the annual renewal of our health inspection services with the City of Austin for our commercial business inspections.

Council Member Brook Brown moved to approve the City of Austin Health and Human Services Interlocal Agreement for public health services. Council Member Roxanne McKee seconded the motion. The motion carried with 5 in favor and 0 against.

24. Discussion and possible action on an ordinance designating the Austin American Statesman as the City's official newspaper

City Administrator Ashley Wayman discussed how the Westlake Picayune has closed. This ordinance amends our current ordinance now designating the Austin American Statesman as our official newspaper.

Mayor Gavin Massingill explained that this is a statutory requirement to have a designated paper on record though it is a far more expensive option for publication which could pose a budgetary issue so we will continue to look for other options.

Shanthi Jayakumar discussed that she will miss the Westlake Picayune for the local publications and that they really need to find another option. She included that a City newsletter may be helpful at this time and would like to inform the citizens when a Rollingwood publication is posted. She suggested copying anything to our website that is published in the Statesman.

Mayor Pro Tem Sara Hutson moved to approve an ordinance designating the Austin American Statesman as the City's official newspaper. Roxanne McKee seconded the motion. The motion carried with 4 in favor and 0 against.

Council Member Phil McDuffee was off the dais for this vote.

25. Discussion and possible action in regard to adoption of ordinance addressing eligibility requirements for Rollingwood boards and commissions

Council Member Brook Brown discussed that this ordinance would reinstate language that existed before the pandemic requiring board and commission members to have the same eligibility requirements as the City Council.

Mayor Pro Tem Sara Hutson thanked Council Member Brook Brown for bringing this topic back.

Council Member Brook Brown moved to approve an ordinance adding section 2-193 of the City's code of ordinances that would establish membership requirements for service on City boards and commissions. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.

Mayor Gavin Massingill returned to this item after item 26.

Council Member Brook Brown moved for approval of the ordinance as contained in our packet to amend the code of ordinances by adding section 2-193 addressing membership requirements for boards and commission and ask that the approval be with the understanding that this ordinance as contained in the packet will be put in proper format with proper numbering and signature lines. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.

26. Discussion and possible action to review applications and make appointments to the Utility Commission

City Administrator Ashley Wayman discussed that there is currently an opening on the Utility Commission and included in the packet are two applications, one from Wendi Hundley and one from Walt Roloson.

Council Member Brook Brown stated that as she has thought about these appointments, having just adopted an ordinance that sets requirements, that the applicants should be asked to resubmit their applications based on the new requirements.

Council Member Brook Brown moved to pass on this action and consider it at next month's meeting and that we ask anyone with a pending application to resubmit it based on the newly adopted criteria and that we show the applicants original application date and their resubmittal date.

Mayor Pro Tem Sara Hutson discussed that the original submission dates should be preserved.

Council Member Brook Brown restated her motion to move that we postpone any action on any appointment at this meeting and that we request the pending applicants for boards and commissions to resubmit applications based on the new criteria and that we show in the summary that is presented to the council both the applicant's original application date and the resubmittal date. Mayor Pro Tem Sara Hutson seconded the motion.

Council Member Alec Robinson asked about the adoption of the ordinance in item 25 and whether it would come back.

City Attorney Megan Santee stated that the proponent of the motion on item 25, in the same meeting, could revise or amend their motion to authorize approval of the ordinance to authorize the City Administrator and the City Attorney to put it in the proper format and numbering, then the movant can make that motion and the person who seconded it agrees to that amendment, then it can be voted on to pass or could be redone entirely.

Mayor Gavin Massingill stated that he will return to item 25 at the conclusion of this item.

The motion carried with 5 in favor and 0 against.

Council Member Brook Brown moved to reconsider the vote by which item 25 was adopted. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

Mayor Gavin Massingill called up item 25 at this time.

27. Discussion and possible action to appoint Mayor Gavin Massingill as the City's representative on the General Assembly for the Capital Area Council of Governments

City Administrator Ashley Wayman discussed how the previous mayor was the City's representative for CAPCOG. This would update our representative to be Mayor Massingill.

Council Member Roxanne McKee moved to appoint Mayor Gavin Massingill as the City's representative on the General Assembly for the Capital Area Council of Governments. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.

28. Discussion and possible action to cast a ballot for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

City Administrator Ashley Wayman discussed that the Texas Municipal League Intergovernmental Risk Pool is what we use for insurance and workers compensation services. This is the election of officers who serve six years on the board of directors.

Council Member Brook Brown asked if we vote on all places or only ones for our region.

City Administrator Ashley Wayman will research this and this item will be brought back at the special City council meeting. Council Member Brook Brown asked the City Administrator to make a recommendation of for whom Council should cast their vote.

29. Discussion and possible action to schedule a joint meeting with the Planning and Zoning Commission to address updates to the Commercial Zoning Code and the Residential Zoning Code

Council Member Brook Brown discussed the history of trying to schedule this meeting with the Planning and Zoning Commission, and the comments the council received from Dave Bench regarding an exception for eaves to extend 4 feet. Mayor Pro Tem Sara Hutson discussed how water falls from eaves depending on the height of the building into the setback or other property.

Council Member Alec Robinson asked about HVAC and pool equipment structures as well as pools and their qualifications with this setback requirement.

City Administrator Ashley Wayman asked whether this was one or two joint or special meetings.

Council Member Brook Brown stated that we should have one joint meeting and cover both building heights and setbacks.

Council Member Brook Brown moved to ask the City Administrator to set up a joint meeting with the Planning and Zoning Commission and the City Council as soon as possible to address this amendment to the yard length in the code as well as the height issues that we discussed earlier in the meeting. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

30. Update regarding the cost saving measure related to the payout of accrued sick leave and comp time to Dan Arispe

Mayor Gavin Massingill stated that the City Council would be going into executive session at 9:43 p.m. pursuant to Texas Local Government Code 551.074 to discuss personnel matters.

Mayor Gavin Massingill reconvened the meeting into open session at 9:56 p.m. and stated that no action had been taken in Executive Session.

31. Discussion and possible action on a resolution amending to the Personnel Policies Handbook

Mayor Gavin Massingill discussed the proposed amendments to the Personnel Policies Handbook.

City Administrator Ashley Wayman discussed clean ups and items to the benefits section of the Personnel Handbook. She discussed vacation, sick leave, military and bereavement leave, jury duty, holidays, accrual, caps, payout provision, and City Administrator approval.

Mayor Pro Tem Sara Hutson discussed benefits for part time regular employees and suggested receiving pro-rated amounts of holiday pay.

City Council discussed language and definitions of these amendments, tracking of time and accruals, disability, continuous service, retirement eligibility, incentives, encouragement of longevity, overtime pay, compensatory time, a grandfather clause, FMLA subjectivity, and workers compensation.

Council Member Roxanne McKee asked about encouragement of utilizing compensatory time instead of overtime pay.

City Administrator Ashley Wayman discussed the FLSA, application of overtime pay and compensatory time including its use in a reasonable time.

The following changes to the Personnel Policies Handbook were proposed:

- Vacation may be taken after the initial review period of employment has been completed or at the discretion of the City Administrator.
- An employee may not take vacation time of more than 15 consecutive business days unless approved by the City Administrator and all vacation requests are to be approved by the employee's supervisor.
- Employees shall be paid at their present rate of salary for any vacation accrued, up to the stated accrual cap or as prescribed by law, at the time of their resignation, separation, termination, or retirement unless they terminate their employment with the city within the initial review period of employment (six months). An employee who terminates their employment with the city within the initial review period of employment will not be entitled to vacation pay for any vacation accrued.
- Holiday pay is pay received for official holidays. Full-time regular employees are entitled to holiday pay. Part-time regular employees who are regularly scheduled to work at least 20 hours per week shall receive holiday pay based upon the number of hours they work. The City Council will review and approve official holidays based on staff recommendations.
- An employee who is absent without prior authorized leave on the shift or workday immediately preceding or following a holiday will not be paid for the holiday. Employees on unpaid leave preceding a holiday will not be paid for the holiday. An exempt employee who works on an official holiday may take the holiday at a later date with approval from their supervisor.
- Full-Time regular employees who are called for jury service or serve on a jury continue to receive their regular rate of pay for any time spent on jury duty. The employee shall submit a copy of their jury summons or statement of jury service to their supervisor.
- Full-time regular employees who provide services in Uniformed Services will be allowed two (2) calendar weeks of military leave with pay annually upon presentation of proper military orders. The City follows all requirements under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees are required to follow USERRA notice and other requirements.

- Full-time regular employees are granted up to three (3) working days of paid bereavement leave per event of death of an immediate family member, including spouse, mother, father, children, grandparents, brothers, sisters, and in-laws and step family members of the same degree. Bereavement leave is available as of the first day of employment.
- Sick leave is defined as paid time away from work due to a bona fide illness or injury that prevents the employee from working, or visits to the doctor or dentist, or to care for family members (spouse, son, daughter or parent) who are ill or injured. Sick leave will accrue from date of hire. Employees may take available sick leave after the commencement of employment. Employees who use more than three (3) consecutive days of sick leave must provide proof of illness upon or prior to returning to work.
- Employees may not accrue more than 960 hours of sick leave.
- Section 13.7.2 only applies to employees hired on or before September 21, 2022. Employees hired after September 21, 2022 are not eligible for sick leave buy back under this policy.
- Full-time employees who meet the eligibility requirements below are eligible to be compensated for sick leave hours up to 240 hours at a rate of one hour of pay per hour of sick leave. The eligibility requirements are as follows: An employee must have ten (10) years of continuous service with the City of Rollingwood, and be eligible to retire with TMRS.
- A military leave of absence will be granted if an employee is absent in order to serve in the uniformed services of the United States. The requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA) that govern military absences are complex. The City follows all USERRA laws and regulations for Military Leave.
- Full-time non-exempt employees must have worked forty (40) hours within a workweek before they are eligible for overtime pay. Vacation, holidays, sick leave, injury leave and personal leave do not count as days worked in a workweek. Department Heads must request prior approval from the City Administrator before full-time employees are allowed to work overtime except during emergency situations.
- Full-time non-exempt employees will also earn overtime pay when the employee is called in for an emergency or for a court appearance, regardless of whether the employee has worked forty (40) hours during the applicable workweek. Police overtime follows FLSA guidelines and statutory requirements for overtime pay.
- Compensatory leave is time off earned by a non-exempt employee in lieu of overtime pay. Compensatory time is earned at the rate of one and one-half (1½) hours for each hour of overtime worked. An employee entitled to receive overtime pay may, with the approval of the Department Director, elect to receive compensatory time off instead of overtime pay. An employee may not accrue compensatory time unless they meet the eligibility requirements for overtime pay in Section 23.7. The maximum amount of compensatory time that an employee may accrue and accumulate is 240 hours. When an employee accrues a balance of 240 hours of compensatory leave time, the City will then only pay overtime. The employee's Supervisor or the City Administrator must approve the use of compensatory leave time and the employee will be allowed to use it within a reasonable time. If an employee terminates his/her employment with the City, the City will pay the employee their accrued balance of compensatory time. If an employee is promoted or transfers from a non-exempt position to an exempt position, the employee shall be paid his/her accrued compensatory time at the time of the promotion at their non-exempt position current rate of pay. The City reserves the right to pay employees for their accrued compensatory time at any time.

- Remove section 18.0 Family and Medical Leave
- Remove section 21.7 Accrual of Sick and Vacation Leave

Mayor Pro Tem Sara Hutson moved for approval of the proposed changes to the Personnel Policies Handbook as presented and amended during the discussion. Council Member Phil McDuffee seconded the motion.

City Council and City Administrator Ashley Wayman discussed previous clauses and the six-month employment period.

The motion carried with 5 in favor and 0 against.

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.

32. City Administrator's Report
33. Chief of Police Report
34. Municipal Court Report
35. City Financials For August 2022 - Fiscal Year 2021 - 2022
36. RCDC Financials for August 2022 - Fiscal Year 2021 - 2022
37. City Stats for August 2022
38. Contract invoices through August 2022 - Crossroads Utility Services, Water and Wastewater Services, K. Frieze + Associates - IIP & MS4, K. Frieze + Associates, City Engineer
39. Crossroads Utility Services Report on Water and Wastewater for August 2022
40. City Engineer Report - K. Frieze + Associates
41. Texas Central Appraisal District and Tax Assessor - Notices, Letters, and Documents
42. Texas Gas Service - Notices, Letters, and Documents

ADJOURNMENT OF MEETING

The meeting was adjourned at 11:07 p.m.

Minutes Adopted on the _____ day of _____, 2022.

Gavin Massingill, Mayor

ATTEST:

Desiree Adair, City Secretary