



**CITY OF ROLLINGWOOD
SPECIAL CITY COUNCIL MEETING FOR CANVASSING RETURNS OF
GENERAL AND BOND ELECTION
MINUTES**

Tuesday, November 15, 2022

The City Council of the City of Rollingwood, Texas held a special meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on November 15, 2022. Members of the public and the City Council were able to participate in the meeting virtually, as long as a quorum of the City Council and the presiding officer are 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 SPECIAL 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, and Council Member Phil McDuffee.

Also Present: City Administrator Ashley Wayman, City Secretary Desiree Adair, and Assistant to the City Administrator Makayla Rodriguez.

Present Virtually: City Attorney Raika Rowe

PUBLIC COMMENTS

The following individuals spoke during public comments:

- Bob Turner, 2601 Pickwick Lane and member of Board of Adjustment, spoke regarding his concerns of council member actions. In regards to the Board of Adjustment (BOA) meeting on October 26, 2022, he highlighted his concerns regarding correspondence from Council Member Brook Brown sent to the Board through the City Secretary. At this BOA meeting, Ms. Brown addressed the board, and he opined that she counseled the board. Mr. Turner encouraged the Council to watch the video of this meeting and read her comments. He asked City Council to adopt a formal statement of behavior, and believes she should not be able to intimidate and influence the Board of Adjustment or attempt to influence the outcome of the Board of

Adjustment. Mr. Turner asked the City Council to provide clear direction on the limits of Ms. Brown's authority.

REGULAR AGENDA

Mayor Gavin Massingill explained that the election results from Travis County are not available at this time. These returns are necessary to conduct the regular order of business of items posted for discussion and possible action this evening. He explained that a recess to the following regular business day, taken in good faith and not to circumvent the Open Meetings Act is authorized by Chapter 551 of the Texas Government Code, and is permissible.

Mayor Pro Tem Sara Hutson moved that the City Council recess until November 16, 2022, at 6:00 p.m. Council Member Phil McDuffee seconded the motion.

Mayor Gavin Massingill explained that we have posted according to the Texas Open Meetings Act for Thursday and Friday meetings in the case that we receive the election results later than tomorrow. If the motion is adopted, then the canvass could occur tomorrow.

City Administrator Ashley Wayman explained that we only need two councilmembers for canvassing.

Council discussed the timing of the selection of the Mayor Pro Tem if the canvassing meeting occurred on Thursday or Friday.

Roll call vote:

- **Council Member Brook Brown - Aye**
- **Council Member Alec Robinson - Aye**
- **Council Member Phil McDuffee - Aye**
- **Council Member Sara Hutson - Aye**

The motion carried with 4 in favor and 0 against.

Mayor Gavin Massingill recessed the meeting at 6:18 p.m.

Mayor Gavin Massingill brought the City Council meeting out of recess at 6:00 p.m. on November 16, 2022.

Mayor Gavin Massingill had the meeting stand at ease.

Council Member Roxanne McKee and City Attorney Charles Zech joined the meeting during this time.

Mayor Gavin Massingill brought the meeting out of standing at ease at 7:05 p.m.

Mayor Gavin Massingill called up item 2.

2. Discussion and possible action to consider adoption of a Resolution canvassing the returns and declaring the results of the General Election held November 8, 2022 for the purpose of electing one Mayor and two Council Members to the City Council of the City of Rollingwood, Texas

City Administrator Ashley Wayman canvassed the official results of the General Election.

Total Ballots Cast

Precinct 320 2,516

Precinct 321 1,364

City of Rollingwood Mayor

Gavin Massingill 628

City of Rollingwood Council Member

Kevin Glasheen 429

Barry Delcambre 236

Sara Hutson 458

Council Member Phil McDuffee discussed questions regarding the language of the Resolution. City Attorney Charles Zech explained what could be stricken from the Resolution. The third Whereas Clause will be stricken. In Section 2, there was discussion about striking “made and certified to by the City Secretary of the City of Rollingwood, TX, be and the same.”

Council Member Phil McDuffee moved to adopt this with the amendments with the said language being struck and the tabulations reported from the County to the City Secretary. Council Member Roxanne McKee seconded. The motion carried with 5 in favor and 0 against.

3. Discussion and possible action to consider adoption of a Resolution canvassing the returns and declaring the results of the Bond Election held November 8, 2022; and containing other provisions related thereto

City Administrator Ashley Wayman canvassed the official results of the Bond Election.

Proposition A

For 584

Against 165

Proposition B

For 479

Against 269

Justin Rosas, of Orrick, Herrington, and Sutcliffe, introduced himself as bond counsel to the City of Rollingwood.

Council Member Phil McDuffee discussed concerns with the language of the Resolution. In paragraph 1, he was concerned with the specific language “Resident, qualified electors.”

City Attorney Charlie Zech interjected his hesitation with modifying language prepared by bond counsel to be submitted to the Texas Attorney General.

Mr. Rosas preferred to keep the language the way that it is written in order to be approved by the Attorney General to certify the bonds.

Council Member Brook Brown suggested alternative language for the first section.

Mayor Gavin Massingill explained the agreement between the City of Rollingwood and Travis County for the purpose of the election.

Mr. Rosas explained that an election was held in accordance by law and that the resident voters in the City voted at the election and the written results were returned to the City in accordance with the Election Code.

Council Member Alec Robinson moved to approve the Resolution canvassing returns and declaring results of the Bond Election with the numbers that the City Secretary mentioned earlier. Council Member Roxanne McKee seconded the motion. The motion carried with 4 in favor and 0 against, with 1 abstention by Council Member Phil McDuffee.

ADJOURNMENT OF MEETING

Mayor Gavin Massingill adjourned the meeting at 7:19 p.m. on November 16, 2022.

Minutes Adopted on the 21st day of December, 2022.


Gavin Massingill, Mayor

ATTEST:


Desiree Adair, City Secretary