



## **CITY OF ROLLINGWOOD COMMUNITY DEVELOPMENT CORPORATION AGENDA**

**Thursday, July 08, 2021**

In accordance with an order of the Office of the Governor issued March 16, 2020, the Community Development Corporation of the City of Rollingwood will conduct a video conference and telephonic meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). The meeting will be held on Thursday, July 8, 2021 at 12:00 p.m. The public may watch this meeting live and have the opportunity to comment via audio devices at the link below. The public may also participate in this meeting by dialing one of the toll-free numbers below and entering the meeting ID and Passcode.

**Link:** <https://us02web.zoom.us/j/86083381828?pwd=NlZPTzhNQTBtVRqVDVpS2QybzVldz09>

**Toll-Free Numbers:** (833) 548-0276 or (833) 548-0282

**Meeting ID:** 860 8338 1828

**Passcode:** 2021

The public will be permitted to offer public comments via their audio devices when logged in to the meeting or telephonically by calling in as provided by the agenda and as permitted by the presiding officer during the meeting. Written questions or comments may be submitted up two hours before the meeting. A video recording of the meeting will be 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 ROLLINGWOOD COMMUNITY DEVELOPMENT CORPORATION MEETING TO ORDER**

1. Roll Call

### **PUBLIC COMMENTS**

Citizens wishing to address the RCDC for items not on the agenda will be received at this time. Please limit comments to 3 minutes. In accordance with the Open Meetings Act, RCDC is restricted from discussing or taking action on items not listed on the agenda.

2. Public Comments

### **CONSENT AGENDA**

All Consent Agenda items listed are considered to be routine by the RCDC and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a Board 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.

- 3. Discussion and possible action on the minutes from the June 17, 2021 RCDC meeting

**PUBLIC HEARING**

- 4. Public hearing on a project to undertake a traffic and pedestrian safety and parking plan for Rollingwood park and the surrounding area, that will enhance recreational and community facilities, including athletic facilities, and to authorize associated expenditures, pursuant to Texas Local Gov't Code Section 505.152

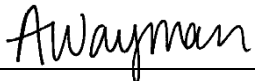
**REGULAR AGENDA**

- 5. Discussion and possible action on a recommendation to City Council regarding a revised Letter of Intent for ground lease in Rollingwood Park
- 6. Discussion and possible action on the FY 2021-2022 Rollingwood Community Development Budget

**ADJOURNMENT OF MEETING**

**CERTIFICATION OF POSTING**

I hereby certify that the above Notice of Meeting was posted on the bulletin board at the Rollingwood Municipal Building, in Rollingwood, Texas and to the City website at [www.rollingwoodtx.gov](http://www.rollingwoodtx.gov) on Friday, July 2, 2021 at 4:00 p.m.



Ashley Wayman, City Secretary

NOTICE -

The City of Rollingwood is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact the City Secretary, at (512) 327-1838 for information. Hearing-impaired or speech-disabled persons equipped with telecommunication devices for the deaf may call (512) 272-9116 or may utilize the stateside Relay Texas Program at 1-800-735-2988.

The Community Development Corporation will announce that it will go into executive session, if necessary, to deliberate any matter listed on this agenda for which an exception to open meetings requirements permits such closed deliberation, including but not limited to consultation with the city's attorney(s) pursuant to Texas Local Government Code section 551.071, as announced at the time of the closed session.

Consultation with legal counsel pursuant to section 551.071 of the Texas Local Government Code;  
discussion of personnel matters pursuant to section 551.074 of the Texas Local Government Code;  
real estate acquisition pursuant to section 551.072 of the Texas Local Government Code;  
prospective gifts pursuant to section 551.073 of the Texas Local Government Code;  
security personnel and device pursuant to section 551.076 of the Texas Local Government Code;  
and/or economic development pursuant to section 551.087 of the Texas Local Government Code.  
Action, if any, will be taken in open session.



**CITY OF ROLLINGWOOD  
COMMUNITY DEVELOPMENT CORPORATION  
MINUTES**

**Thursday, June 17, 2021**

On Thursday, June 17, 2021 at 12:00 p.m., the Community Development Corporation of the City of Rollingwood, Texas held a regular meeting, open to the public, via video conference and telephone in accordance with an order of the Office of the Governor issued March 16, 2020. The public was able to watch this meeting live and had the opportunity to comment via audio devices with the following meeting login information:

**Link:** <https://us02web.zoom.us/j/86322163606?pwd=RWVUV3J6b0pqai9LUTluWDhleWxtQT09>

**Toll-Free Numbers:** (833) 548-0276 or (833) 548-0282

**Meeting ID:** 863 2216 3606

**Passcode:** 2021

The public was permitted to offer public comments via their audio devices when logged in to the meeting or telephonically by calling in as provided by the agenda and as permitted by the presiding officer during the meeting. A video recording of the meeting was made and posted to the City's website and available to the public in accordance with the Texas Public Information Act upon written request. The following items were discussed:

**CALL ROLLINGWOOD COMMUNITY DEVELOPMENT CORPORATION MEETING TO ORDER**

1. Roll Call

**President Barry Delcambre called the meeting to order at 12:02 p.m.**

**Present Members:** Barry Delcambre, Emily Doran, Bobby Hempfling, Rebecca Tongsinoon, Pat Sheehan, Becky Kittleman, and David Smith.

**Also Present:** City Administrator Amber Lewis, RCDC Attorney Megan Santee, and Assistant City Administrator Ashley Wayman.

**PUBLIC COMMENTS**

There were no public comments.

**CONSENT AGENDA**

All Consent Agenda items listed are considered to be routine by the RCDC and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a Board 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.

- 2. Discussion and possible action on the minutes from the May 13, 2021 RCDC meeting

**Emily Doran motioned to approve the consent agenda. Rebecca Tongsinoon seconded the motion.**

- **Pat Sheehan – Yes**
- **Rebecca Tongsinoon – Yes**
- **Bobby Hempfling – Yes**
- **Emily Doran – Yes**
- **Barry Delcambre – Yes**

**The motion passed 5-0.**

**REGULAR AGENDA**

- 3. Overview and discussion on citizen feedback regarding Milk and Cookies

Alec Robinson discussed the feedback received on Milk and Cookies.

*Becky Kittleman joined the meeting during this item.*

Phil McDuffee discussed that the Park Commission unanimously voted against Milk and Cookies being located in the park.

Laurie Mills discussed her opposition to Milk and Cookies being located in the park.

Diana Wallace discussed her opposition to Milk and Cookies being located in the park.

Laura Richardson, 3205 Park Hills, discussed her opposition to Milk and Cookies being located in the park.

Anne Harrington, 106 Kristi, asked questions regarding future enterprises that may want to locate in the park, rodent issues, and how nearby neighbors would be affected by Milk and Cookies being located in the park.

President Barry Delcambre discussed the concerns that were brought up regarding Milk and Cookies being located in the park.

Pat Sheehan stated that he thought this discussion was a waste of time and that he would recommend taking a vote on this item.

*David Smith joined the meeting during this item.*

- 4. Discussion and possible action on a revised Letter of Intent for ground lease in Rollingwood Park

President Barry Delcambre stated that some changes had been made to the Letter of Intent since the last meeting that this item was discussed.

**Pat Sheehan motioned to not approve the letter of intent. Becky Kittleman seconded the motion.**

The RCDC discussed whether this item or the feedback on the letter of intent should be discussed.

Becky Kittleman stated her opposition to Milk and Cookies locating in the park.

Pat Sheehan stated his opposition to Milk and Cookies locating in the park.

Bobby Hempfling stated his support for Milk and Cookies being located in the park.

Emily Doran stated her support for Milk and Cookies being located in the park. She also discussed the letter of intent.

David Smith stated his support for Milk and Cookies being located in the park. He also discussed the park deed, park zoning, as well as the concerns voiced about this proposal.

Rebecca Tongsinoon discussed that she would be against this proposal the way it is currently written but that she believes that the conversation should continue to see if there is a way that something similar to this could work in the city.

Brian Rider discussed the problems he sees with the letter of intent.

Alec Robinson, 4818 Rollingwood Drive, discussed his opposition to Milk and Cookies being located in the park.

Jesse Butler, 4822 Rollingwood Drive, discussed his concerns with Milk and Cookies being located in the park.

RCDC members and staff discussed making the stated motion on this item clearer.

**Pat Sheehan withdrew his motion.**

**Pat Sheehan motioned to terminate all discussions on this item. Becky Kittleman seconded the motion.**

- **Barry Delcambre – No**
- **Bobby Hempfling – No**
- **Pat Sheehan – Yes**
- **Becky Kittleman – Yes**
- **Rebecca Tongsinoon – No**
- **Emily Doran – No**
- **David Smith – No**

**The motion failed 5-2.**

David Smith discussed the letter of intent and the areas of concern that need further research.

- 5. Discussion and possible action regarding RCDC participation in a traffic and pedestrian safety and parking plan for the park and surrounding area

**President Barry Delcambre motioned that the Board approve RCDC participation in a traffic and pedestrian safety and parking plan for the park and surrounding area. Emily Doran seconded the motion.**

The RCDC and staff discussed the next steps in this process.

- **Barry Delcambre – Yes**
- **Bobby Hempfling – Yes**
- **Pat Sheehan – Yes**
- **Becky Kittleman – Yes**
- **Rebecca Tongsinoon – Yes**
- **Emily Doran – Yes**
- **David Smith – Yes**

**The motion passed 7-0.**

- 6. Discussion on the RCDC Financials through May 2021

City Administrator Amber Lewis discussed the RCDC Financials through May 2021.

Pat Sheehan pointed out the labeling in the financials and staff discussed that this is the first month with the new financial software.

- 7. Discussion and possible action on the FY 2021-2022 Rollingwood Community Development Budget.

The RCDC discussed the budget for FY 2021-2022 and City Administrator Amber Lewis stated that the budget must be finished by the August RCDC meeting.

**ADJOURNMENT OF MEETING**

The meeting was adjourned at 1:16 p.m.

**Minutes Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.**

\_\_\_\_\_  
**Barry Delcambre, President**

**ATTEST:**

\_\_\_\_\_

**Ashley Wayman, City Secretary**

April 27, 2021

City of Rollingwood, Texas

Re: *Letter of Intent for Concessionaire Contract and Ground Lease City of Rollingwood, Texas ("Landlord"):*

This letter states the basic terms on which Tenant will lease from Landlord the Premises (as defined below).

STREET ADDRESS OF  
GROUND LEASE:

Rollingwood Blvd, Rollingwood, TX 77401, ("Property")

PREMISES:

A 1,200 square foot pad on Rollingwood Drive, approximately next to the property line of the swim club and the Rollingwood Park ("**Premises**"), upon which the tenant will build a small walkup building of approximately 750 square feet with 450 square feet being covered space ("**Building**"). The parties acknowledge that the Building's design has not been finalized yet, so the exact layout of the Premises is not available yet. Further, the tenant will have rights to allow for a predetermined number of parking spots for employees and customers onsite.

BUILDING:

Tenant, at its sole cost, will pay for the cost to design, engineer, build and occupy the Building.

PERMITTED USE:

The Premises and Building shall be used exclusively for the operation of a walkup food service business to sell coffee, baked goods and ice cream and similar "to go" style food products ("**Milk & Cookies**"). Operating hours to be 7:00 am to 8:00 pm Monday through Sunday.

INITIAL TERM:

60 months

MINIMUM MONTHLY  
RENT DURING INITIAL  
TERM:

\$3,500.00- \$4,500 per month.

REVENUE SHARE/  
ANNUAL LUMP SUM

**PAYMENT FORMULA:** 6% of annual gross revenue (gross sales minus sales tax) greater than \$500,000, minus the sum of the monthly rent payments.

**TRIPLE NET:** The lease shall be "Triple Net". Tenant shall pay for all utilities, taxes and insurance associated with the Premises and Building.

**POSSESSION:** Landlord to deliver the Premises in its "as-is, where-is, and with-all-faults" condition on the Commencement Date.

**RENT COMMENCEMENT:** Rent will commence upon completion and certificate of occupancy of the Building and grounds improvements.

**RENEWAL TERM:** Tenant shall have the option to renew, subject to Council approval, the Lease for three additional terms of 60 months. Upon renewal, the rent will increase by 2% each year.

**TAXES:** Tenant shall also be responsible for (a) all personal property taxes levied against its personal property, including inventory, and (b) all sales taxes for sales, if any, effected by Tenant from the Premises.

**INSURANCE:** Landlord shall be responsible for carrying property insurance for the Building. Tenant shall also be responsible for procuring and maintaining liability insurance, builder's risk insurance, and property insurance for its personal property and leasehold improvements, in accordance with the City's requirements, and in connection therewith, shall be entitled to the full proceeds of Tenant's property insurance in the event of any casualty with respect thereto. The lease shall contain a mutual waiver of subrogation clause for all casualties that would be covered by commercially available fire and extended coverage property insurance policies written on an "all risk" basis to full replacement value.

**UTILITIES:** The Premises shall be separately metered for electricity, water, sewer and gas, and Tenant shall contract directly with, and pay, utility providers for all utility services that are separately metered for the Premises.

**BUILDING SIGNAGE:** Tenant shall not be allowed to erect any monument signs. However, the Tenant will be allowed to affix or paint a sign to the exterior of the Building subject to Council approval.

**LIGHTING** Tenant shall not be allowed to implement large scale and/or after hours illumination. Lighting will be minimal and limited to

safety purposes and landscaping lighting. All lighting will be shielded. Lighting plan will be approved by the City Council.

TENANT’S WORK:

As necessary to complete the Premises in accordance with plans and specifications to be approved by Landlord, which approval will not be unreasonably withheld. Upon termination of the Lease, Tenant shall be entitled to remove all inventory, furnishings, trade fixtures and equipment installed by Tenant.

CONSTRUCTION ALLOWANCE:

Landlord agrees to work with tenant to facilitate access to appropriate water and sewer utilities.

LANDLORD RESPONSIBILITIES:

Landlord shall not be responsible for maintenance and repair of any structural portions of the building, nor is the Landlord responsibility for maintenance and repair of all common areas of the Property. The Landlord will be responsible for maintaining adequate ingress and egress to the property, including adjacent parking spots for the benefit of the Tenant.

TENANT RESPONSIBILITIES:

Tenant shall be responsible for the repair and maintenance of the interior, structural and non-structural maintenance of the Premises, including windows, plate glass, and doors. Further, the Tenant is responsible for the repair and replacement of all electrical, plumbing and HVAC improvements to the Building.

ASSIGNMENT:

Tenant shall have no right to assign the Lease without Landlord’s consent. However, Tenant may (i) assign the Lease to an entity with which or into which Tenant is merged, consolidated or converted, and (ii) assign the Lease to an entity that acquires all or substantially all of Tenant’s assets or controlling interest subject to Landlord’s consent which will not be unreasonably withheld.

PARKING:

Tenant shall have access to public parking, as available.

RULES AND REGULATIONS:

Tenants shall follow Landlord’s standard rules and regulations for the Property provided that such rules and regulations (i) are enforced in a non-discriminatory manner against all tenants in the Property, and (ii) do not contravene any provision of the Lease. In the event of a conflict between the terms of such rules and regulations and the Lease, the terms of the Lease shall govern and control.

LEASE FORM: Tenant’s legal counsel will draft the Lease.

This proposal is intended solely as a preliminary expression of general intentions and is to be used for discussion purposes only. The parties intend that neither shall have any contractual obligations to the other with respect to the matters referred herein unless and until a definitive agreement has been fully executed and delivered by the parties. The parties agree that this proposal is not intended to create any agreement or obligation by either party to negotiate a definitive lease and imposes no duty whatsoever on either party to continue negotiations, including, without limitation, any obligation to negotiate in good faith or in any way other than at arm’s length.

Sincerely,

**Tiny Boxwoods Austin, LLC.**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

AGREED AND ACKNOWLEDGED:

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Rollingwood Community Development Corporation  
 Budget Action Request  
 Department Worksheet

**Date:** June 2021  
**Fund Name and Number:** 500 - RCDC  
**Dept Name and Number:** 80 - Economic Development

**WORKING DRAFT**

Line Item	Description From Budget	2020-2021 Budget	2021-2022 Budget	Percent Increase (Decrease)	Comments
5524	Business Promotion and Development	\$ 10,000.00			
5527	COVID-19 Relief Grant Program	\$ 1,500.00			
<b>TOTAL EXPENDITURES</b>		<b>\$ 11,500.00</b>	<b>\$ -</b>	<b>-100%</b>	

2020-2021                      2021-2022

Exceptional Line Item Requests for Current Budget Cycle by Priority Level

<u>New Line Items</u>	<u>Description</u>	<u>Requested Amount</u>	<u>Comments</u>
		\$ -	
		\$ -	
		\$ -	
Total Exceptional Items Requested:		\$ -	

Total Budget Allocation Requested: \$ -

Total Exceptional Items Requested: \$ -

**Grand Total Budget Request for Department:** \$ -

Increase (Decrease) from Previous Budget Cycle (\$)                      #REF!

Increase (Decrease) from Previous Budget Cycle (%)                      #REF!

Rollingwood Community Development Corporation  
Budget Action Request  
Department Worksheet

**Date:** June 2021  
**Fund Name and Number:** 500 - RCDC  
**Dept Name and Number:** 90 Non-Project Related

**WORKING DRAFT**

Line Item	Description From Budget	2020-2021 Budget	2021-2022 Budget	Percent Increase (Decrease)	Comments
5575	Administrative Services Agreement	\$ 88,000.00			Same as FY 2019-2020
<b>TOTAL EXPENDITURES</b>		<b>\$ 88,000.00</b>	<b>\$ -</b>	<b>-100%</b>	
		2020-2021	2021-2022		

Exceptional Line Item Requests for Current Budget Cycle by Priority Level

<u>New Line Items</u>	<u>Description</u>	<u>Requested Amount</u>	<u>Comments</u>
		\$ -	
		\$ -	
		\$ -	
Total Exceptional Items Requested:		\$ -	

Total Budget Allocation Requested: \$ -  
Total Exceptional Items Requested: \$ -

**Grand Total Budget Request for Department:** \$ -

Increase (Decrease) from Previous Budget Cycle (\$) #REF!  
Increase (Decrease) from Previous Budget Cycle (%) #REF!

Rollingwood Community Development Corporation  
 Budget Action Request  
 Department Worksheet

Date: June 2021

**WORKING DRAFT**

Fund Name and Number: 500 - RCDC

Dept Name and Number: 95 - Additional New Projects

Line Item	Description From Budget	2020-2021 Budget	2021-2022 Budget	Percent Increase (Decrease)	Comments
5387	MoPac Legal	\$ 40,000.00			
5388	Park Improvement Project	\$ 30,000.00			
5389	Long Term Comprehensive Plan	\$ 30,000.00			
<b>TOTAL EXPENDITURES</b>		<b>\$ 100,000.00</b>	<b>\$ -</b>	<b>-100%</b>	

2020-2021                      2021-2022

Exceptional Line Item Requests for Current Budget Cycle by Priority Level

<u>New Line Items</u>	<u>Description</u>	<u>Requested Amount</u>	<u>Comments</u>
		\$ -	
		\$ -	
		\$ -	
Total Exceptional Items Requested:		\$ -	

Total Budget Allocation Requested: \$ -

Total Exceptional Items Requested: \$ -

**Grand Total Budget Request for Department: \$ -**

Increase (Decrease) from Previous Budget Cycle (\$) #REF!

Increase (Decrease) from Previous Budget Cycle (%) #REF!