



**CITY OF ROLLINGWOOD
COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE
AGENDA**

Tuesday, October 22, 2024

Notice is hereby given that the Board of Adjustment of the City of Rollingwood, Texas will hold a meeting, open to the public, in the Municipal Building at 403 Nixon Drive in Rollingwood, Texas on October 22, 2024 at 5:00 PM. Members of the public and the Board of Adjustment may participate in the meeting virtually, as long as a quorum of the Board of Adjustment and the presiding officer are physically present at the Municipal Building, in accordance with the Texas Open Meetings Act. 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/5307372193?pwd=QmNUbmZBQ1lwUjNjNmM5RnJreIRFUT09>

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

Meeting ID: 530 737 2193

Password: 9fryms

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. If a member of the public is having difficulties accessing the public meeting, they can contact the city at mrodriguez@rollingwoodtx.gov. Written questions or comments may be submitted up to 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 COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE MEETING AND PUBLIC WORKSHOP TO ORDER

1. Roll Call

PUBLIC COMMENTS

Citizens wishing to address the Comprehensive Residential Code Review Committee 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, the Committee is restricted from discussing or taking action on items not listed on the agenda.

Citizens who wish to address the Comprehensive Residential Code Review Committee with regard to matters on the agenda will be received at the time the item is considered.

CONSENT AGENDA

All Consent Agenda items listed are considered to be routine by the Comprehensive Residential Code Review Committee 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 September 26, 2024 CRCRC meeting

REGULAR AGENDA

- 3. Discussion and possible action on emails and letters to the CRCRC from September 26, 2024 to October 21, 2024
- 4. Discussion and possible action on amending the recommendation for drainage and impervious cover
- 5. Discussion on CRCRC position regarding enforcement

ADJOURNMENT OF MEETING AND PUBLIC WORKSHOP

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 on Friday, October 18, 2024 at 5:00 p.m.

Makayla Rodriguez

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



**CITY OF ROLLINGWOOD
COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE
MINUTES**

Thursday, September 26, 2024

The CRCRC 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 26, 2024. Members of the public and the CRCRC were able to participate in the meeting virtually, as long as a quorum of the CRCRC 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 COMPREHENSIVE RESIDENTIAL CODE REVIEW COMMITTEE MEETING AND PUBLIC WORKSHOP TO ORDER

1. Roll Call

Chair Dave Bench called the meeting to order at 5:01 p.m.

Present Members: Chair Dave Bench, Jay van Bavel, Thom Farrell, Brian Rider, and Alex Robinette

Also Present: Interim City Secretary Makayla Rodriguez and Development Services Manager Nikki Stautzenberger

PUBLIC COMMENTS

No individuals spoke during public comments.

CONSENT AGENDA

2. Discussion and possible action on the minutes from the September 4, 2024 joint City Council, Planning and Zoning Commission, and CRCRC meeting
3. Discussion and possible action on the minutes from the September 10, 2024 CRCRC meeting
4. Discussion and possible action on a recommendation regarding CRZ protection during construction

Brian Rider moved to approve the minutes. Thom Farrell seconded the motion. The motion carried with 5 in favor and 0 against.

Jay van Bavel asked questions regarding item 4. Chair Dave Bench discussed the item with the CRCRC.

Brian Rider moved to approve item 4 on the Consent Agenda. Thom Farrell seconded the motion. The motion carried with 5 in favor and 0 against.

REGULAR AGENDA

5. Discussion and possible action on emails and letters to the CRCRC from September 10, 2024 to September 25, 2024

Chair Dave Bench discussed the emails and letters received during the timeframe.

6. Discussion on the unintentional release of survey identities

Thom Farrell moved to table item 6. The motion failed for a lack of a second.

Thom Farrell explained his reasoning for his motion. Chair Dave Bench discussed a brief history of the building height survey and the response data. The CRCRC explained their efforts in trying to keep the data confidential. Chair Dave Bench continued to discuss the public information requests received.

Jay van Bavel moved to table further discussion on the item. Brian Rider seconded the motion.

Shanthi Jayakumar, 3309 Park Hills Drive, discussed the building height survey data and expressed her trust in the CRCRC.

The motion carried with 5 in favor and 0 against.

7. Discussion and possible action regarding final CRCRC additions and/or changes, if any, to its Residential Building Heights proposal

Alex Robinette discussed the tenting method and suggested passing the concept to the Planning and Zoning Commission. She explained different approaches to tenting and how the City of Austin applies the method.

The CRCRC discussed the existing draft for the parallel plane method, adding tenting, public feedback, and how other cities use tenting.

Thom Farrell moved to recommend parallel plane with tenting and include examples from Palo Alto, the 6ft/12ft measure, and moves the spring line to the property line and drops it to 15ft, and 35ft from natural grade. Alex Robinette seconded the motion.

The CRCRC asked questions regarding average grade and height regulation. They continued to discuss the motion, existing recommendations to the Planning and Zoning Commission, and how to move forward with the motion.

Thom Farrell withdrew his motion.

Chair Dave Bench moved to go forward with the recommendation as previously discussed and has been codified to the Planning and Zoning Commission and allow them to make a determination to whether that works for them and if not, the recommendation can be sent back, including building height and tenting as written. Jay van Bavel seconded the motion.

Brian Rider asked for clarity regarding existing recommendations. The CRCRC discussed existing recommendations and documents in the agenda packet. Thom Farrell thanked Alex Robinette for her work.

The motion carried with 5 in favor and 0 against.

8. Discussion and possible action on tree removal fee recommendations

Jay van Bavel discussed feedback received from City Council regarding tree removal permit fees for heritage trees. Development Services Manager Nikki Stautzenberger stated that there is not a fee for a tree removal permit. They continued discussion on the fees associated with tree removal permits as well as adding a fee for permits to remove heritage trees.

The CRCRC discussed scenarios of removing heritage trees, penalties, and fee amounts.

Amy Patillo, 3 Rock Way Cove, discussed her experience when she worked on the tree ordinance and potential outcomes with high penalty fees.

The CRCRC asked what other cities charge for tree removal permit fees. Development Services Manager Nikki Stautzenberger explained what other cities charge for tree removal permits as well as discussed the application process.

The CRCRC discussed fees, what other cities charge, and how to form their motion.

Chair Dave Bench moved to recommend to City Council that there will be a fee charge to remove a heritage tree as well as a heritage tree removal permit of \$15,000 for a 24 inch at 4 and a half feet tree with a scale of \$1000 per additional inch past 24 inches. Jay van Bavel seconded the motion. The motion carried with 5 in favor and 0 against.

9. Discussion and possible action on CRCRC positions on drainage, impervious cover, and FAR

Brian Rider discussed the building height survey responses and stated that the subcommittee does not have a recommendation for drainage, FAR, and impervious cover.

Mayor Pro Tem Sara Hutson, 2805 Rock Way, discussed corrections to a document in the agenda packet, TCEQ requirements, and drainage.

The CRCRC and Mayor Pro Tem Sara Hutson discussed building survey responses, drainage and impervious cover, and addressing community concerns.

Thom Farrell moved to authorize Brian Rider to submit a finalized copy of the latest report to City Council and the Planning and Zoning Commission with a note saying should the CRCRC need to look at additional items, the CRCRC is prepared to do so. Jay van Bavel seconded the motion. The motion carried with 5 in favor and 0 against.

- 10. Discussion and possible action regarding setback requirements as related to vegetative barriers between lots

Chair Dave Bench read an email from Genie Nyer regarding vegetative barriers. The CRCRC discussed drainage easements and setbacks.

Chair Dave Bench moved to table this item. Brian Rider seconded the motion. The motion carried with 5 in favor and 0 against.

ADJOURNMENT OF MEETING AND PUBLIC WORKSHOP

The meeting was adjourned at 7:22 p.m.

Minutes adopted on the _____ day of _____, 2024.

Dave Bench, Chair

ATTEST:

Makayla Rodriguez, Interim City Secretary

 Outlook

Re: *NEW* Clarification and Concern Regarding Agenda Item 6

From Dave [REDACTED] >
Date Mon 9/30/2024 2:55 PM
To Wendi Hundley <[REDACTED]>
Cc CRCRC <CRCRC@rollingwoodtx.gov>; Ashley Wayman <awayman@rollingwoodtx.gov>; Makayla Rodriguez <mrodriguez@rollingwoodtx.gov>

Good Afternoon Wendi,

Please find my responses below in [blue](#).

From: "Wendi Hundley" [REDACTED]
To: "Comprehensive Residential Code Review Committee" <CRCRC@rollingwoodtx.gov>, "Dave" [REDACTED]
Cc: "Ashley Wayman" <awayman@rollingwoodtx.gov>, "Makayla Rodriguez" <mrodriguez@rollingwoodtx.gov>
Sent: Thursday, September 26, 2024 1:30:25 PM
Subject: *NEW* Clarification and Concern Regarding Agenda Item 6

Dear Chair Bench,

I hope this message finds you well. I am reaching out to seek clarification and promote transparency regarding the recent handling of my letter dated September 25, 2024, concerning Agenda Item 6. It appears that my letter was not included under the relevant agenda item but was instead placed under Agenda Item 5.

I would also like to offer some additional context, if you are open to it. The snippet of my correspondence with the city that you included does not reflect the entirety of my communication on this matter. I submitted two Public Information Requests (PIRs) related to this issue. The initial PIR was submitted on November 15, 2023. The city informed me that my request was under legal review and that they would need my permission to provide redacted information. I did not give permission for redacted information because my intent was to access the complete, unredacted dataset. My motivation for seeking the unredacted data was to understand what may have been changed, particularly after your comments at the November 13 CRCRC meeting and the November 14 City Council meeting regarding your intention to refine the raw survey data before distributing.

Despite this, on December 1, 2023, I received a dataset from the city that included redactions, which was not what I requested. I followed up to clarify that I was seeking the complete dataset without redactions, and this was treated as a new PIR.

The city categorized it as a new request because, according to Texas State Code, a governmental body must seek a ruling from the Texas Attorney General's Office Open Records Division before redacting most information from requested documents. The Attorney General's ruling to the city on March 5, 2024 (OR2024-007881), stated that the city was not permitted to redact information and must release the records in full.

There were 10 months and 10 days between my original PIR on November 15, 2023, and the inclusion of this issue under CRCRC Agenda Item 6 on September 26, 2024. This long delay naturally raises questions about the timing and intent behind including this item on the agenda after such a considerable gap. I did not anticipate being singled out for engaging in a lawful and protected civic activity. I discovered this agenda item only yesterday and wrote to the CRCRC to clarify my involvement and provide context. While I would like to address this matter in person tonight, my family and I will be attending my daughter's volleyball game.

It's true that this matter sat untouched for a very long time. When we initially found out about your PIR, I resisted having the group discuss it publicly because I didn't want this issue to overshadow the important work that were assigned to do. I did promise that I would bring it up at some later date. This past Thursday's CRCRC meeting could have been our last (it wasn't, but we're very close, I hope).

I have a few questions I would appreciate your insight on:

Inclusion of Correspondence in Agenda Item 6: As Chair, would you consider including my letter dated September 25, 2024, along with this email under Agenda Item 6? Including them where they are most relevant would provide the public with a comprehensive view of my involvement and concerns in the appropriate context. **Done!**

Other Public Requests and Access to Data: I have not made any public comments, oral or written, about the survey data. However, I have noticed that other individuals have publicly commented and provided their own analysis of the survey data. I am curious to know how these individuals obtained the dataset, as I did not provide it to them. **The redacted data set is available from City Staff and I believe can be found via the City website (if it isn't already readily available, it will be).** Again, this is the redacted dataset with addresses and or identifying information removed from the comments and no way to tie a response to an address. We wanted to eliminate any possible embarrassment. Those who have used this data to do their own analysis have done so respectfully and I guess believe as we do that you don't need to associate the various data elements with a specific address to do a thorough and meaningful analysis.

Have there been any other Public Information Requests (PIRs) for this data? **According to City Staff, yours was the only one.** If so, shouldn't those requests also be included in the discussion? **Had there been others, they would have been included with item 6.**

Selective Focus on My Request: Could you help me understand why only my request was included under Agenda Item 6? **Your request wasn't singled out, it was the only one. And had your request not have insisted in getting the information that ties responses to an address, we wouldn't brought the issue up.** Has there been any coordination with specific community members known for making public comments directed at me? **No.** I suppose we will find out at tonight's meeting? **There's nothing here to find out other than we mistakenly betrayed the trust of the citizenry when we collected the address information to begin with. We collected the info as a control mechanism to ensure that we weren't getting too many responses from the same address. As it turned out, we had nothing to worry about. Our citizens are clearly honorable. (Thanks, citizens!)**

Open Letter from CRCRC: I noticed that an open letter was presented as representing the entire CRCRC. Could you clarify how this letter was drafted without a properly published meeting? Did all members of the CRCRC have the opportunity to review and agree to the letter outside of a public meeting? If not, how was it included in the agenda? **As chair, I set the agenda. I had conferred with a couple CRCRC associates on this item (not a quorum) for sanity beforehand. No one saw the posting content before I had it posted. I take full responsibility. Now the fact that I signed it CRCRC might have been a reach, but given the**

discussion of Thursday evening, I don't think so. We all believe that our process was compromised by your PIR.

Compliance with Training Requirements: Have you completed the required training on the Texas Open Meetings Act and the Texas Public Information Act, which all public officials are expected to undertake? If so, how do these laws guide your decisions regarding public information and open meetings? Yes, as a sitting member on the CRCRC and P&Z I've had the training twice. The CRCRC is an advisory body, not a legislative one like P&Z - that is why there is no legal counsel present at CRCRC meetings but counsel presence is required at P&Z meetings. CRCRC's compliance with the Open Meetings Act is at the insistence of City Counsel; it is not statutory. Recognizing the breadth of CRCRC's responsibility and the pace of progress, I requested and received from City Council a slight relaxation of OMA requirements that gives the CRCRC a small measure of added maneuverability. City Staff can brief you on what is allowed out of the ordinary but the CRCRC is still held to the rules of quorum. P&Z is still obliged to follow OMA to the letter.

I am concerned that this agenda item might be retaliation for my Public Information Request and politically motivated, potentially singling me out for simply exercising my rights. This could impact the transparency and trust we should all be fostering within our community. It's crucial that official channels are used fairly and not in a way that might discourage residents from participating or sharing their concerns. I sincerely hope this is not the case. I remain committed to working together with integrity and respect for our shared values. Thank you for your attention to this matter.

I would appreciate your response to these questions for the public record.

The CRCRC thought that it could keep this data safe - in fact we talked about it several times during our early survey meetings, but we were naive. We thought that if our contractor held onto the data, the confidential pieces could not be discovered. We were wrong and we are embarrassed.

I learned of your PIR during the first week in December, 2023. I recall trying to contact you by phone or text once or twice or even 3 times a day for over a week to discuss what you needed and to hopefully talk you out of your request. You never picked up the phone or acknowledged my contact; and once your PIR was fulfilled, it was too late. You put some nice words about community trust in your text above - for the life of me I can't see how your insistence on receiving confidential information that we promised to keep safeguarded earns the public trust.

As I've said before, the CRCRC has operated without knowing the identities of its survey respondents and will continue to do so.

Good luck to you,

Dave

Sincerely,
Wendi Hundley

Brian Rider <brideraustin@gmail.com>

Wed, Jul 3,
10:45 AM (6 days
ago)

to Thom, dukester, Dave, Alexandra

Dave: Thom Farrell and I met with Jerry Fleming (an engineer with lighting expertise) and reviewed the lighting ordinance proposal for review by CRCRC next week. A copy of the document we prepared is attached. I suggest that you review it and send it on to city staff to be in the package for the July 9 meeting.

Thom and I then convened as the subcommittee on drainage, FAR and Impervious cover. Jerry Fleming continued to be a resource, and we asked Nikki (our building official) to join us. We discussed the need or lack of need for FAR and the negative response to that idea in the survey which CRCRC did. We talked over impervious cover as a possible issue to include in our suggestions to City Council, and decided that impervious cover limitations would not achieve enough benefits in Rollingwood to be a part of our submittals

As to drainage, we heard the big machines grinding on the drainage improvements just downstream from City Hall as we talked. We asked Nikki to tell us how the inspection of building proposals was being handled now., We have two governmental entities involved, TCEQ because we are in the Barton Creek Edwards Aquifer Zone, and then if their regulations do not tell a builder what is required, the City of Rollingwood has a drainage manual. The objections to the City's ordinances (as opposed to the TCEQ rules which apply to a lot of Rollingwood developments) is that compliance is costly. Sometimes more than \$100,000. The answer would be a regional detention plan, but it is not immediately obviously how such a thing could be done. Thom wanted to explore the possibility of charging a drainage fee instead of requiring compliance on the lot (Austin charges a fee as an alternative to on the lot work). That would require that the City of Rollingwood have a drainage plan for the city to which the fee would be applied in a reasonable time period. We decided that exploring that idea was the only thing that CRCRC should do, but that requires some engineering input, and neither we nor the building department has a budget for that. We would have to ask City Council for a budget for that consultation, and doing so might get us better guidance from Council whether they really want us to be working on ideas for changing the drainage ordinances at all.

End of subcommittee report. We recommend that the subcommittee compensation which would go to our absent member, Duke, be paid instead to Jerry Fleming.

Brian Rider