



CITY OF ROLLINGWOOD CITY COUNCIL MEETING MINUTES

Wednesday, March 22, 2023

Notice is hereby given that the City Council 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 March 22, 2023 at 7:00 PM. Members of the public and the City Council may 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. 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.

CALL REGULAR CITY COUNCIL MEETING TO ORDER

1. Roll Call

Mayor Pro Tem Sara Hutson called the meeting to order at 7:01 p.m.

Present Members: Mayor Pro Tem Sara Hutson, Council Member Phil McDuffee, Council Member Kevin Glasheen, Council Member Alec Robinson, and Council Member Brook Brown.

Also Present: City Administrator Ashley Wayman, City Attorney Charles Zech, Finance Director Abel Campos, City Secretary Desiree Adair, Development Services Manager Nikki Stautzenberger, Interim Police Chief Kristal Muñoz, and Assistant to the City Administrator Makayla Rodriguez.

PUBLIC COMMENTS

There were no public comments.

PRESENTATIONS

2. Presentation, discussion and possible action on the Fiscal Year 2021-2022 Audit by ABIP, PC

Jeremy Barbado, of ABIP, PC, presented the Fiscal Year 2021-2022 Audit. He discussed the Management Letter and the Annual Financial Report for 2022.

Council Member Brook Brown moved to accept the annual financial report as submitted. Council Member Alec Robinson seconded the motion. The motion carried with 5 in favor and 0 against.

City Administrator Ashley Wayman thanked Finance Director Abel Campos for his work throughout the year towards the City's financial position and City staff for their work during the audit period.

3. Presentation and update from Denton, Navarro, Rocha, Bernal & Zech, P.C. regarding a new certification opportunity related to Open Meetings training

City Attorney Charles Zech discussed an Open Meetings training certification opportunity that is provided by DNRBZ which is certified by the Texas Attorney General for newly elected and appointed officials. Mayor Pro Tem Sara Hutson recommended scheduling this training for Council Members, Board and Commission Members, and potential Board and Commission Members.

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.

4. Discussion and possible action on the minutes from the February 15, 2023 City Council meeting
5. Discussion and possible action on an ordinance amending Section 34-36 of the City's Code of Ordinances to bring it into compliance with the lead ban language for pipes and pipe fittings in Title 30, Texas Administrative Code Section 290.44(b)

Council Member Alec Robinson moved to approve the Consent Agenda. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

Council Member Brook Brown requested a recess to celebrate the upcoming nuptials of the City Administrator.

Mayor Pro Tem Sara Hutson recessed the meeting at 7:22 p.m.

Mayor Pro Tem Sara Hutson called the meeting back to order at 7:43 p.m.

REGULAR AGENDA

6. Discussion and possible action on a work authorization from K. Friese + Associates for design, bid and construction phase services for packages 1-4 of the Water CIP and to authorize the Mayor to execute a Professional Services Agreement

Greg Blackburn, of K. Friese + Associates, discussed the work authorization. Council Member Kevin Glasheen discussed the financial changes in the Professional Services Agreement.

Council Member Kevin Glasheen moved to adopt the proposal and authorize the Mayor to execute a contract consistent with the proposal. Council Member Phil McDuffee seconded the motion. The motion carried with 4 in favor, 0 against, and 1 abstention (Hutson).

Council Member Kevin Glasheen discussed funding infrastructure projects from the Water Development Board determined by the bill in legislative session. He suggested paying for

engineering services out of pocket, deferring the bond, and have another application into the Water Development Board to see if the construction phase of the project get funded.

City Council and City Administrator Ashley Wayman discussed grant writing and application assistance for infrastructure projects.

7. Discussion and possible action on a resolution amending the fee schedule to reflect proposed updates to building and development and related fees

City Administrator Ashley Wayman discussed the amendments to the fee schedule.

Council Member Phil McDuffee moved to approve Resolution 2023-03-22-07 Amending Fee Schedule as submitted. Council Member Brook Brown seconded the motion. The motion carried with 5 in favor and 0 against.

8. Discussion and possible action regarding the addition of a building height survey requirement to the City's Code of Ordinances

City Administrator Ashley Wayman proposed to put a building height survey requirement in the building process. Staff is looking for direction from Council on this proposal to bring back an ordinance. The proposal is to require a building height survey if the height is within 5 feet of the building height limit.

Development Services Manager Nikki Stautzenberger discussed the building process including the original survey and the form survey. City Council asked questions regarding the grade and height measurement.

Council Member Phil McDuffee moved to direct City staff to draft an ordinance and that the City hires the surveyor to perform these duties for a building height survey. Council Member Alec Robinson seconded the motion. The motion carried with 5 in favor and 0 against.

Council Member Brook Brown proposed a budget amendment to pay for these surveys. City Administrator Ashley Wayman stated that staff will consider this and look at what might need to be brought back.

9. Discussion and possible action on changing the parking restrictions along Rollingwood Drive between Wallis and Gentry

Council Member Kevin Glasheen discussed the reason behind this item and would like to poll the neighbors that live along Rollingwood Drive. Council Member Alec Robinson mentioned that he prefers the way it is now and has spoken with a few residents who feel the same.

Council Member Kevin Glasheen suggested moving on to the next item.

10. Discussion and possible action to authorize a project to rehabilitate the soil and grass on Fields 3, 4 and 5 with private contributions

Council Member Kevin Glasheen discussed the bare spot on fields 3, 4, and 5, fertilizer applications, meetings with the Public Works Department, and recommendations from third party contractors. He proposed aerating, building the low area up with dirt, hydro mulch,

installing another gate, lip cutting, and private donations that have been committed. He explained that Western Hills Little League is in support of and will contribute to the project. Council discussed bidding requirements, insurance, and agreements with City Attorney Charles Zech. Council would like any warranties to remain with the City and have the City manage the project.

Council Member Brook Brown moved to approve the concept and ask the contracts associated with this and the financial agreements be brought back for Council approval when those are on paper. Council Member Alec Robinson seconded the motion.

Council Member Alec Robinson would like to put this on the Park Commission agenda for their next meeting.

The motion carried with 5 in favor and 0 against.

11. Discussion on possible future projects for park improvements with funds from the RCDC including walking trail and parking lot improvements

Council Member Kevin Glasheen proposed to have a discussion regarding RCDC fund availability for improvements to the park. He suggested trail and parking lot improvements.

City Attorney Charles Zech stated that this proposal would have to go to RCDC.

With RCDC support, Council Member Kevin Glasheen would like to explore other funding options such as grants, obtain public input, potential additions of parking spaces and a dog park.

Council discussed the proposed projects in the agenda packet and their concerns and solutions regarding these projects. Council Member Brook Brown presented a drainage proposal and discussion.

Council Member Kevin Glasheen moved to approach the RCDC and the Park Commission to gauge interest and talk about using RCDC money to improve the walking trail, to do drainage analysis and drainage improvement projects in the Park, parking lot improvements on the parking lot between Rollingwood Drive and Field 2, and parking lot improvements between the fields and the Western Hills Athletic Club. Council Member Brook Brown seconded the motion

Shanthi Jayakumar, 3309 Park Hills, described the Park as the jewel of Rollingwood and discussed her interest in the Park. She believes these projects should go the Park Commission. She discussed the safety issue including emergency vehicles being able to turn around in this area. She discussed the perpetual roadway easement in the deed records. She provided warranty deed documents and asked Council to proceed carefully with the Park.

The motion carried with 5 in favor and 0 against.

12. Discussion and possible action on traffic code enforcement

Mayor Pro Tem Sara Hutson discussed a call from a resident regarding construction expenditures to put in a circle drive due to the traffic issues on Rollingwood Drive. She would

like to provide education regarding legal vehicles, where they should be located on the road, and increase enforcement.

Interim Police Chief Kristal Muñoz discussed how the Police Department has recently deployed a speed trailer, e-bike safety, and the statistics of traffic contact.

City Council asked Interim Police Chief Kristal Muñoz questions regarding time spent on traffic enforcement, non-traditional vehicle usage, speed signs reports, and enforcement concerns.

Dave Bench, 1 Randolph Place, spoke regarding building permits and limiting construction traffic. He asked if there is enforcement of the construction traffic.

Interim Police Chief Kristal Muñoz explained that the Police Department is providing education and enforcing in that regard.

13. Discussion on an ordinance ratifying certain setbacks which have been approved by the approval of plats

City Administrator Ashley Wayman explained that the draft ordinance would have to go through the Planning and Zoning Commission and back to City Council through the public hearing process before approval.

Council Member Kevin Glasheen asked City Attorney Charles Zech for a suggestion regarding the draft ordinance. City Attorney Charles Zech discussed specific language for the ordinance and the zoning statute behind the reason why this ordinance was drafted this way. Zoning regulations must be uniform for each class or kind of building in the district. Rollingwood has one residential zoning district so all regulations need to be uniform with respect to class and building. City Administrator Ashley Wayman explained that plats sit with the County. City Attorney Charles Zech likened this situation to an existing non-conforming use.

Council Member Brook Brown proposed a compromise and settlement agreement process. This would delegate to the City Administrator authority to negotiate a proposed compromise and settlement agreement between the City and certain building permit applicants by which the City would ratify the permit as a part of the settlement, and the permittee would release the City from any claims. Any proposed compromise and settlement agreement would be brought to the Council for approval, and conditions would be defined as to when this process would be available. She proposed 2 applicable conditions.

Council Member Kevin Glasheen responded that this would be a smart solution but the process proposed is complicated. He suggested an amendment that an agreement should be reached that would ratify the building permits and release the City from any claims with the Rolosons and Shapiros.

Mayor Pro Tem Sara Hutson suggested that the Rolosons should ask for a variance from the Board of Adjustment showing hardship.

Council Member Kevin Glasheen recommended ratifying the memorandums that the Mayor issued in August, 2022.

Council Member Brook Brown would not like for Council to ratify the Mayor's memos.

City Council discussed the best course of action for settling these permits.

Mayor Pro Tem Sara Hutson asked Development Services Manager Nikki Stautzenberger when building permits expire. City Attorney Charles Zech explained that there is a rolling 2-year expiration to permits. He suggested, in order of preference, adopting the ordinance that applies to all situations, settlement document agreed to by both parties, and lastly, ratifying the action. Council discussed setbacks, and the ordinance option versus the settlement and compromise agreement.

Kendra Roloson, 301 Wallis Drive, stated that she is in support of the quickest solution.

The City Council gave direction to the City Administrator and City Attorney to bring back a process that includes settlement and compromise documents for these properties.

14. Discussion regarding public notice requirements for public hearings

City Administrator Ashley Wayman discussed the City noticing requirements and the State noticing requirements. She provided recommendations and considerations from staff.

Council asked questions regarding public hearings, the noticing required, and options for communication.

Dave Bench, 1 Randolph Place, would like to see the noticing period reduced to 20 days for improving continuity of the discussion.

Staff was directed to bring back an ordinance to keep newspaper notice as is for City Council, and remove newspaper notice for the Planning and Zoning Commission.

Staff was directed to bring back an ordinance to reduce mail notice to 20 days until another effective notice method is utilized.

Mr. Bench, 1 Randolph Place, spoke regarding a discussion of a commitment to attending meetings at the next Planning and Zoning Commission.

15. Discussion and possible action on the Commercial Code Update Project Calendar

Council Member Brook Brown explained that she worked with City Administrator Ashley Wayman and Bryce Cox, of DNRBZ, to come up with the Commercial Corridor Code Update Project Calendar.

16. Discussion and possible action regarding the formation of a Comprehensive Residential Code Review Committee

Council Member Brook Brown discussed the development of the Planning and Zoning Commission approved Comprehensive Residential Code Review Committee as presented in the agenda packet. She discussed the members and the authority of the Committee.

Mr. Bench, 1 Randolph Place, explained that they would utilize the survey for the Comprehensive Plan as a starting point and collect community input.

Council Member Kevin Glasheen moved to approve the formation of a Comprehensive Residential Code Review Committee. Council Member Phil McDuffee seconded the motion.

City Council discussed the selection of the proposed committee members and the qualifications of these potential members.

The motion carried with 5 in favor and 0 against.

17. Update on the Nixon/Pleasant drainage project

City Administrator Ashley Wayman discussed the stakeholders and their nearing approval, finalization of easement language, and the new set of plans which will be submitted to the stakeholders this week.

18. Update regarding the City of Rollingwood's allocation from the Opioid Abatement Trust Fund

City Administrator Ashley Wayman described the first allocation of \$1400 received by the City and the potential use for these funds.

Interim Police Chief Kristal Muñoz and City Council discussed the use of these funds for community education and public outreach.

Amy Pattillo, 3 Rock Way Cove, mentioned the strategic ways to distribute Narcan as a response to emergency situations.

19. Discussion and possible action to amend Rollingwood Ordinance Section 2-56 regarding application of Robert's Rules of Order in City Council meetings

Council Member Brook Brown discussed the City ordinance 2 -56 and the general order of business in Section 2 – 64. She suggested following the Utility Commission's flexible application of Roberts' Rules of Order. She recommended amending Section 2-56 (e) of the Code to adopt the language found in subsection 2-2223 (e) to allow for flexible use of Robert's Rules of Order in City Council meetings.

Council Member Brook Brown suggested deferring this item until the Mayor can be present.

Amy Pattillo, 3 Rock Way Cove, requested to make a public comment at the end of the meeting. She discussed MoPac South and a possible update. She believes CTRMA is close to going public and would like a standing agenda item regarding MoPac South or a standing Task Force meeting the week after CTRMA meetings.

ADJOURNMENT OF MEETING

Mayor Pro Tem Sara Hutson adjourned the meeting at 10:41 p.m.

Minutes Adopted on the _____ day of _____, 2023.

Gavin Massingill, Mayor

ATTEST:

Desiree Adair, City Secretary