



## **CITY OF ROLLINGWOOD CITY COUNCIL MEETING MINUTES**

**Wednesday, March 20, 2024**

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 March 20, 2024. 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 7:00 p.m.**

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

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

### **PUBLIC COMMENTS**

No individuals spoke during public comments.

### **PRESENTATIONS**

2. Presentation, discussion and possible action on the Fiscal Year 2022-2023 Audit by ABIP, PC

City Administrator Ashley Wayman thanked Finance Director Abel Campos, Utility Billing Manager Veronica Hernandez and staff for their work on the audit.

Jeremy Barbatto, Auditing Manager with ABIP, described the draft annual financial report for the City of Rollingwood for the year ended September 30, 2023. He explained the independent audit report and the Management Discussion and Analysis. He discussed the statement of net position, balance sheet, revenues, expenditures, and changes in fund balances of governmental funds. Mr. Barbatto explained that the City has 10 months of reserves. He discussed the water and wastewater enterprise funds and their change in net position.

Council Member Brook Brown asked a question about correcting journal entries and attachments, and Mr. Barbatto said he would forward that to Council.

Mayor Pro Tem Sara Hutson asked about the details of half of the expenditures being public safety.

Mr. Barbatto provided one comment that the City was, at one point in time, undercollateralized in deposits by \$2.1M but it has subsequently been corrected.

**Mayor Pro Tem Sara Hutson moved to accept the audit report. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.**

### **CONSENT AGENDA**

3. Discussion and possible action on the minutes from the February 21, 2024 City Council meeting

**Council Member Alec Robinson moved to approve the Consent Agenda. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.**

### **REGULAR AGENDA**

4. Update and discussion regarding the next bond issuance for Water CIP Packages 1-4

City Administrator Ashley Wayman discussed that based on the construction schedule, the City will need to issue the remaining \$1.4M bonds for the Water CIP Packages by early August. The City will talk to the financial advisor. City Council discussed recent reductions in rates and the date the City will need to use the funds from the bonds. Mayor Gavin Massingill stated that there will be a broader update on progress next month.

5. Discussion and possible action on a request from i9 Sports for use of Fields 3, 4 and 5 for summer camps from 9 AM to Noon on May 28-31, June 10-14, June 17-21, and June 24-28, 2024

Justin Cannon, owner of i9 Sports, spoke regarding their history with City of Rollingwood

City Administrator Ashley Wayman stated the current policy for use of the fields in the park.

Mr. Cannon asked a question about policy regarding specific use of fields 3, 4 and 5. He stated that i9 Sports had previously been deemed an approved vendor. Mr. Cannon asked for clarification of the policy.

City Council discussed with Mr. Cannon i9's use of the fields and number of children enrolled in camps.

Melissa Morrow, 2502 Timberline Drive and Chair of the Park Commission, stated that the intent of the Park Commission is to have the most number of people have usage of the Park. Her recommendation would be to have i9 Sports use fields 1 and 2 if there are 30 or less kids, and if there are more than 30 kids, use fields 3,4, and 5.

City Council discussed set up and take down time as well as maximum number of participants allowed at one time.

Council Member Phil McDuffee discussed with Mr. Cannon staking in the ground and prevention of possible damage to the sprinkler system in the Park.

**Council Member Kevin Glasheen moved to approve the request for use of Fields 3, 4 and 5 for summer camps from 9:00 AM to Noon on May 28-31, June 10-14, June 17-21, and June 24-28, 2024 on the condition that if there are less than 30 kids at the camp, they use fields 1 and 2, and only use fields 3, 4 and 5 if they need to for a larger group. Council Member Alec Robinson seconded the motion. The motion carried with 5 in favor and 0 against.**

6. Discussion and possible action regarding a policy for recovering expenses incurred due to contractor caused water line breaks

Mayor Pro Tem Sara Hutson discussed a water line break earlier this year and a notification that was provided. She would like the contractor to pay for water that is released in a water line break when a contractor caused the water line breaks.

Mayor Gavin Massingill and City Council discussed the difficulty in measuring the water that is released in this type of water line break.

City Administrator Ashley Wayman discussed that Public Works Director Izzy Parra has obtained a water leak calculator that assists in determining the measurement of water. Ms. Wayman also explained the corrected language for resident notifications of water line breaks.

Council Member Kevin Glasheen and City Attorney Charles Zech discussed property damage payments and enforcement.

City Council further discussed methods of calculating the water loss.

Mayor Gavin Massingill stated that City staff will bring a draft ordinance back to the next Council meeting. Council Member Phil McDuffee will discuss this draft policy with the Utility Commission and ask them to determine which rates should be charged.

7. Discussion and possible action on an ordinance amending Section 32-38 of the City's Code of Ordinances related to parking on Bee Cave Woods Drive

City Administrator Ashley Wayman discussed how two draft ordinances were prepared – one with no parking signs on one side of Bee Cave Woods Drive and the other with no parking signs on both sides of Bee Cave Woods Drive.

City Council asked questions about how far back the driveway is from Bee Cave Road.

Police Chief Kristal Muñoz explained that the driveways are within the 30 feet requirement and asked that any decision maintains that 30 feet. She does not believe there will be driving congestion in this area.

**Council Member Brook Brown moved to go with option one and remove the no parking along both sides of Bee Cave Woods Road consistent with the state law. Council Member Kevin Glasheen seconded the motion. The motion carried with 5 in favor and 0 against.**

8. Discussion and possible action on an ordinance amending Section 101-255 of the City's Code of Ordinances related to the placement of construction fences

City Administrator Ashley Wayman discussed the language change for the ordinance in the packet with distance requirements making it as restrictive as necessary.

Mayor Gavin Massingill and City Council discussed options for distance requirements and determinations by building or zoning officials.

**Mayor Pro Tem Sara Hutson moved to approve the ordinance as drafted with the revision to section (a)(4), the second sentence to state, “If the distance requirements in this subsection cannot be met as determined by the building official, an exception to these distance requirements may be granted.” Council Member Phil McDuffee seconded the motion.**

Council Member Kevin Glasheen offered a friendly amendment to state that if the distance requirements cannot “practically” be met. The amendment was not accepted.

Council Member Alec Robinson discussed his opposition to the 10 feet distance.

Mayor Pro Tem Sara Hutson discussed the construction projects that are happening in the City and the importance of unobstructed view and right of way availability.

<b>Council Member Brook Brown</b>	<b>Aye</b>
<b>Council Member Alec Robinson</b>	<b>No</b>
<b>Council Member Kevin Glasheen</b>	<b>Aye</b>
<b>Council Member Phil McDuffee</b>	<b>Aye</b>
<b>Mayor Pro Tem Sara Hutson</b>	<b>Aye</b>

**The motion carried with 4 in favor and 1 against (Robinson).**

9. Discussion and possible action with regard to a proposed zoning amendment to prohibit rental of outdoor amenities in the residential zoning district

Council Member Brook Brown explained that this topic had gone to the Planning and Zoning Commission. She would like draft ordinance language from the Council.

City Administrator Ashley Wayman explained what the Planning and Zoning Commission worked on in their last meeting and asked what direction Council would like staff to take moving forward.

Council Member Brook Brown discussed rental of amenities separate and apart from rental of the premises.

City Council directed staff to have City Attorney Charles Zech write a draft ordinance for Planning and Zoning to consider and let Planning and Zoning decide when to schedule the public hearing.

10. Discussion and possible action on an ordinance amending Section 1-14 of the City’s Code of Ordinances

City Council discussed nuisance violations and the court’s discretion for offering community service.

**Council Member Brook Brown moved to adopt ordinance 2024-03-20-10. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.**

11. Discussion and possible action to adopt a schedule for a joint public hearing before the Planning and Zoning Commission and City Council and special meetings of the Planning and Zoning Commission and City Council to consider amendments to the Commercial Zoning Code ordinances to implement the Comprehensive Plan

Council Member Brook Brown discussed the calendar to address scheduling of the upcoming consideration of the amendments to the Commercial Zoning Code ordinances.

City Administrator Ashley Wayman stated that as of right now, we have a confirmed quorum for the Planning and Zoning Commission at their meetings on this schedule.

**Council Member Brook Brown moved to approve the proposed schedule for review and adoption of the proposed Commercial Code amendments in accordance with the Comprehensive Plan. Mayor Pro Tem Sara Hutson seconded the motion.**

City Council discussed the times of these meetings.

**The motion carried with 5 in favor and 0 against.**

12. Discussion and possible action set a joint public hearing of the City Council and Planning and Zoning Commission to consider proposed amendments to the City's Commercial Zoning Code ordinances to implement the Comprehensive Plan

**Council Member Brook Brown moved to set the date of April 24, 2024 at 6:00 pm for a joint public hearing of City Council and Planning and Zoning Commission on proposed amendments to the City's Commercial Zoning Code ordinances consistent with the Comprehensive Plan. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.**

13. Discussion and possible action regarding the June City Council Meeting date

City Administrator Ashley Wayman discussed reasons to change the June City Council Meeting date.

**Mayor Pro Tem Sara Hutson moved to have the regularly scheduled June City Council meeting on the 12<sup>th</sup> of June at 7:00 pm. Council Member Alec Robinson seconded the motion. The motion carried with 5 in favor and 0 against.**

14. Discussion and possible action on an ordinance adopting the International Fuel Gas Code

City Administrator Ashley Wayman stated that we have adopted the International Fuel Gas Code by reference and in practice, ATS inspects following this code.

**Council Member Brook Brown moved adoption of proposed ordinance 2024-03-20-14. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.**

15. Discussion and possible action on amendment to the City's fee schedule to add fees for permits for construction in City rights of way

City Administrator Ashley Wayman explained the proposed resolution and the reasons for requesting this option to include staff time and the actual engineering review costs in our City's fee schedule.

**Council Member Brook Brown moved to adopt the proposed amendment to the City's fee schedule to add fees for permits for construction in City rights of way. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.**

16. Discussion and possible action on a recommendation from the Planning and Zoning Commission regarding circular driveways connecting two streets on a corner lot

City Administrator Ashley Wayman explained how this originated in the CRCRC and then was recommended to the Planning and Zoning Commission. The 30 feet requirement was recommended by Police Chief Kristal Muñoz. This is the first recommendation that has come from CRCRC and then from the Planning and Zoning Commission and then on to City Council. City Administrator Ashley Wayman asked how City Council would like to see this proceed.

Mayor Pro Tem Sara Hutson discussed what she thought was the original reason for this ordinance which was to prohibit cut through traffic to avoid stop signs. She stated that she checked with a traffic engineer and this is not an advisable practice.

Chair Dave Bench, 1 Randolph Place, spoke regard the Planning and Zoning discussion. He provided a handout with the template of how the CRCRC would like to bring forward recommendations in the future. He discussed public support for this particular topic.

Police Chief Kristal Muñoz discussed the state law that one cannot park or stand within 30 feet of a traffic control device which would include a stop sign.

**Council Member Kevin Glasheen moved to approve the recommendation as presented. Council Member Alec Robinson seconded the motion.**

City Council requested to see the survey comments that support this recommendation.

Mr. Bench discussed the comments provided from the survey and how they are posted on the City website.

Council Member Phil McDuffee would like to reflect the community desire and also maintain safety in the community.

**Council Member Kevin Glasheen withdrew his motion.**

17. Discussion regarding what is allowed to be constructed in city rights of way

City Administrator Ashley Wayman discussed a report from K. Friese + Associates that explains what is allowed to be constructed in city rights of way.

Council Member Brook Brown asked questions regarding what the City is doing in practice for permitting construction in the rights of way. Ms. Brown discussed Section 28-20 and read excerpts from the Code.

Mayor Pro Tem Sara Hutson would like to know what residents can put in the right of way. Her main concern is residential drainage structures being built in the right of way.

City Council further discussed what is allowed to be constructed in rights of way and would like definitions of the terms “right of way” and “easement”.

18. Discussion and possible action to amend the requirements for service on boards and commissions to remove the requirement of citizenship

Council Member Kevin Glasheen discussed the current requirement for boards and commissions. He would like to remove the requirement of citizenship for service on boards and commissions. Mr. Glasheen stated that this was brought to his attention by members of the community.

City Attorney Charles Zech discussed the definitions of Board of Adjustment, Planning and Zoning Commission, and RCDC.

Council Member Brook Brown stated that the RCDC Articles of Incorporation require that board members be residents of the City of Rollingwood. Planning and Zoning Commission members are considered public officials, are subject to ethical standards and can require a super majority vote at City Council for a zoning change. Board of Adjustment is quasi-judicial and decisions are binding on the City and not subject to review by City Council. She discussed the history of the decisions for these requirements.

City Council discussed qualifications to serve and the compromise position approved previously.

Council Member Glasheen discussed the message that this sends to the community regarding who is invited to serve on boards and commissions.

Shanthi Jayakumar, 3309 Park Hills Drive, spoke regarding her immigration from India and her citizenship in the United States. She described her passion to serve and agrees with the previous compromise for qualifications for service on boards and commissions.

**Council Member Kevin Glasheen moved to remove the citizenship requirement for Board of Adjustment, Planning and Zoning, and RCDC.**

Council Member Brown had a parliamentary inquiry regarding the citizenship requirement.

**Council Member Kevin Glasheen restated his motion to strike the section of code that requires that the persons serving on any one of those three committees be qualified to serve on Council. The motion failed for lack of a second.**

**ADJOURNMENT OF MEETING**

**Mayor Gavin Massingill adjourned the meeting at 9:45 p.m.**

**Minutes Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.**

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**Gavin Massingill, Mayor**

**ATTEST:**

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**Desiree Adair, City Secretary**