



CITY OF ROLLINGWOOD CITY COUNCIL MEETING MINUTES

Wednesday, February 21, 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 February 21, 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 (virtually)

Also Present: City Administrator Ashley Wayman, City Attorney Charles Zech, Assistant City Administrator Desiree Adair, Finance Director Abel Campos, Development Services Manager Nikki Stautzenberger, Assistant to the City Administrator Makayla Rodriguez and Senior Corporal Leonard Cantu

PUBLIC COMMENTS

No individuals spoke during public comments.

PRESENTATIONS

2. Mayor's State of the City Report

Mayor Gavin Massingill spoke regarding the history and tradition of the Mayor's State of the City Report. He discussed priorities including staffing, team building, systems review, operations chart development, and bond propositions A and B. He stated that we have record low attrition and that the selected team is still in place. He discussed new systems including the Budget Execution Action Planning system which operationalizes the execution of the budget. The Mayor reported that phase 1 of the Water CIP project has broken ground and the planning process for the new City Hall has begun. Team highlights include:

- Ashley Wayman, City Administrator- oversaw AA bond rating, successful bond sale, spearheaded move to electronic water meters, leadership, creative team bonding
- Makayla Rodriguez, Assistant to the City Administrator- Rave system expert, improved record retention process, 2024 class of Texas Women’s Leadership Institute
- Desiree Adair, City Secretary and Assistant City Administrator- roles including HR department, onboarding and offboarding, implemented language testing policy, responds to public information requests, manages agendas, packets, minutes and follow up
- Kim Wood, Court Clerk- legislative policy updates, onboarded new prosecutor, court system compliance
- Nikki Stautzenberger, Development Services Manager - Code compliance awareness and biweekly inspections, consistent communication with contractors, begun classes to become a certified arborist, will work with consultant to bring department to the next level, storing files electronically
- Abel Campos, Finance Director- Achieved AA city bond rating, prepared for S&P interview, led audit process
- Kristal Muñoz, Chief of Police- hired two new officers, promoted corporal, oversaw successful TCOLE audit, overseeing department reorganization adjusting mid-tier management
- Izzy Parra, Public Works Director- leads crew exceptionally well, 500 cubic yards of brush and debris cleanup from Winter Storm Mara, oversaw installation of lift station generators, proactive stormwater drain management,
- Veronica Hernandez, Utility Billing Manager- handled utility billing, cleaned up bill payment and collection, assisted Utility Commission with updating the leak adjustment policy, cross trained with Finance Director doing reconciliations

The Mayor thanked the staff and looked forward to working with the Council in 2024.

CONSENT AGENDA

3. Discussion and possible action on the minutes from the January 17, 2024 City Council meeting
4. Discussion and possible action to approve the Women's Club Easter Event on Saturday, March 30, 2024 and the Fourth of July Parade and Party in the Park on Thursday, July 4, 2024
5. Discussion and possible action on a Code amendment regarding the Utility Bill Appeals Policy
6. Discussion and possible action to accept the resignation of Greg Demas from the Planning and Zoning Commission

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

REGULAR AGENDA

7. Discussion and possible action regarding a request from Western Hills Girls Softball regarding improvements to Hatley Field 2 in accordance with the Lease Agreement

City Administrator Ashley Wayman explained the request under the lease describing two projects including a pitching rubber system on Field 2 and a drainage system in front of the Field 2 third base dugout.

Council Member Phil McDuffee discussed concerns with fencing, water and other utility lines, the City being the owner, and unencumbered access.

Steve Franke, Western Hills Girls Softball Board President, provided a handout and described working with the Park Commission. He discussed the field repairs and the pitching mound in the scope of work. Mr. Franke described the pitching system and the french drain system including where the water will empty.

City Council asked questions and discussed financing, fencing, and sprinkler repair.

Council Member Kevin Glasheen described how he supports the pitching mound and believes that the drainage issue needs to be fixed but that it requires a more detailed study and solution. He discussed problems with the batting cage and dugouts and their associated drainage issues.

Council Member Brook Brown shared her concerns regarding drainage, the timing of the project, and Park Commission involvement.

Mayor Pro Tem Sara Hutson moved to approve items 2 and 3 on the KMI Sports construction proposal. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

Council Member Kevin Glasheen and Mr. Franke agreed to meet and discuss the dugout drainage with engineers. Council Member Brook Brown requested to involve the Park Commission and work with Park Commission Chair Melissa Morrow. City Council and Ms. Morrow discussed the path forward.

8. 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

City Administrator Ashley Wayman explained that i9 Sports approached the City with its proposed use dates for their clinics.

Council Member Phil McDuffee doesn't find this a necessary accommodation and would like to have a discussion regarding driving stakes into the ground. Council Member Kevin Glasheen would like to accommodate when necessary. Council Member Alec Robinson would like to grant the request and would like compensation provided to the City for when i9 shows up early.

Mayor Gavin Massingill stated that the City is open to continued dialogue regarding the need for the use of fields 3, 4, and 5.

9. Discussion and possible action on a proposal from K. Friese + Associates for a drainage study of the park

Mayor Gavin Massingill pulled up agenda item 13 in conjunction with this item.

City Administrator Ashley Wayman discussed the \$70,340 cost of the proposal and reported that the retaining wall signed proposal has been submitted to IWS but we have not received a timeline on this project.

Council Member Brook Brown would like to see the IWS proposal prior to making a decision. She described her concern with the K. Friese + Associates (KFA) proposal being drawn too tight. Ms.

Brown would like to see some green solutions and would like a walkthrough on the project if we decide to go with the KFA proposal. She discussed how the Park Commission has been working with another company named Maas Verde that has other possible solutions. She would like a more comprehensive review.

Council Member Kevin Glasheen discussed problems he sees with the proposal. He hasn't heard problems identified by the Park Commission. He would like the engineers to study the problems and then develop solutions.

Mayor Pro Tem Sara Hutson found this proposal more expensive than what she was expecting with no design and no survey.

Council Member Phil McDuffee would like to investigate further. Council Member Brook Brown reiterated that we need to involve the Park Commission on this matter.

Shanthi Jayakumar, 3309 Park Hills Drive, shared the history of 6 Pleasant Cove and the conditions under which the building permit was issued. She wanted all to be aware of the recharge zone.

Mayor Gavin Massingill stated that we want more focus on retainage, green solutions, aesthetics, and identification of the problems by the engineers. We will talk to Maas Verde and IWS for potential additional proposals, involve the Park Commission, have a field trip, get the price down, and encourage phased proposals of engineering solutions.

10. Discussion and possible action regarding financial services provided to the City by First Citizens Bank

City Administrator Ashley Wayman explained an issue that was discovered with First Citizens Bank regarding collateralization. She stated that First Citizens Bank is our depository for our City funds and we are in year 3 of 5 of our contract with them. They must keep us adequately collateralized at all times. This year when we received \$3.9M for the bonds, we reached out to expect collateralization, but found out later with the auditors that the collateralization did not occur appropriately. The City may receive a note on the audit. The City has not taken any action at this time, the funds have been fully collateralized now, and have been assured by First Citizens Bank that this would not happen again.

Finance Director Abel Campos discussed pledging and collateralization. Mr. Campos explained the communication provided to the bank prior to the receiving of the bond funds.

City Council asked questions regarding securing the integrity of the account balance.

11. Discussion and possible action regarding sight distances at intersections including Rollingwood Drive and Gentry

Council Member Kevin Glasheen brought up sight distances at the intersection of Rollingwood and Gentry brought to him by a citizen. He thinks we should consider looking at these sight distances including the intersection of Ashworth and Hatley. Section 107-32 of the City's code of ordinances covers this and he would like to enforce this due to it being a legitimate safety concern.

City Administrator Ashley Wayman discussed that the spring is when the Public Works Department clears vegetation in rights of way and City property. She stated that now is a good

time to mention any sight issues at intersections and on streets. Council Member Kevin Glasheen mentioned a state statute regarding giving notice to homeowners and giving them an opportunity to cure the problem.

Council Member Kevin Glasheen also reported the corner of Vale and Rollingwood and the sight issues at this intersection. Section 107-33 requires that retaining walls not be more than 36 inches above the street curb. The citizen suggested moving the pavement striping up to the stop sign. Staff will have the Police Department take a look at this area.

12. Discussion regarding proposed amendments to Section 32-38 of the City's Code of Ordinances regarding no parking signs

City Administrator Ashley Wayman discussed a request from the property owner at 1015 Bee Cave Woods Drive to remove the “no parking” designation on Bee Cave Woods Drive specifically in front of the area. She explained that currently no parking is allowed on either side of Bee Cave Woods Drive from its intersection with Bee Cave Road to where it meets the City of Austin city limits. She further explained that it is a very wide street and that both she and the police department have driven it and it doesn't appear that it would cause a safety issue if parking were allowed there.

City Council discussed this location and where would be proper to remove the “no parking” designation.

Council Member Phil McDuffee expressed that he would be comfortable removing the “no parking” designation from the property owner's driveway to where it meets the city limits of Austin. Mayor Gavin Massingill stated that a draft ordinance would be brought back next month.

Council Member Brook Brown brought up a previous attachment included in the agenda packet relating to Bettis Blvd. near Arnulfo Alonso way. Mayor Gavin Massingill stated that there is an enforcement issue there that requires signs to be posted that match the ordinance and that it would be handled by staff with no action by the City Council needed.

13. Update regarding the retaining wall in the Upper Park near the fieldhouse

This item was considered in conjunction with item 9.

14. Update, discussion and possible action regarding Ordinance 2024-01-17-12 relating to outdoor pickleball play

Mayor Gavin Massingill discussed the ordinance adopted at the last Council meeting with a 47 decibel limit for pickleball play. The City began enforcement but had meter readings of 54, 57, 56, 52, and in the 50s. The Police Department followed up by calibrating the sound meter with the City of Manor Police Department. Both agencies took readings and confirmed that the two meters were calibrated the same. The Mayor discussed whether Council's intent was to ban all pickleball play. He provided Council the opportunity to change the decibel level in the ordinance.

Council Member Brook Brown has concern about the difference in noise between pickleball and the background noise. She requested a report from an engineer regarding the noise level.

City Council discussed basic ambient noise.

Senior Corporal Leonard Cantu discussed the readings that were taken on Hatley Drive on January 26th accompanied by Assistant City Administrator Desiree Adair. There was no pickleball being played at that time. Readings were at 50 or above. On January 31st, Chief and Senior Corporal Cantu went to the City of Manor and calibrated both systems.

Council Member Brook Brown asked questions regarding the locations of the readings, the decibel meter, its specifications, and if it complies with what is stated in the ordinance. Senior Corporal Leonard Cantu responded to these questions.

City Council discussed the equipment and what is reasonable to expect. They would like to see sound barriers and limit the number of people playing.

Glen Harris, 3012 Hatley, appreciated the due diligence to provide accurate measurements. He would like to call attention to documents in the agenda packet. He discussed a number of factors that impact noise. Mr. Harris made several points regarding pickleball pitch, distance, and barriers. He supports precedent from Park City, UT for changing the level to 50 decibels and drawing a line in the sand.

City council discussed pickleball, ambient noise, decibel levels, construction noise, standards in the ordinance, and noise mitigation.

Dave Bench, 1 Randolph Place, discussed ambient and background noise which are low frequency sounds. He suggested measuring at a certain frequency level and suggests amending ordinance to include those frequencies.

Shanthi Jayakumar, 3309 Park Hills Drive, discussed an example where the people who were most affected should be consulted regarding impact. She asked City Council to help the neighborhood and get this issue straightened out.

Mayor Pro Tem Sara Hutson suggested investigating the frequency suggestion.

15. Discussion and possible action on an ordinance authorizing a special use permit for pickleball courts

Council Member Brook Brown discussed the draft ordinances in the agenda packet authorizing a special use permit for pickleball courts and requiring a noise study.

Council Member Alec Robinson discussed his concerns with the enforcement of this ordinance and with families playing on their own sport courts.

Mayor Pro Tem Sara Hutson requested the difference between a building permit and a special use permit.

City Attorney Charles Zech explained building permits for construction and the zoning requirement for a use which the special use permit regulates.

Council Member Kevin Glasheen agrees with addressing the use with the noise limitation. Council Member Phil McDuffee would like to hold off until the current issue is clarified. Mayor Pro Tem Sara Hutson would like to get the noise issue identified prior to considering another level.

16. Discussion and possible action on an ordinance related to short term rental of outdoor amenities in the residential zoning district

Council Member Brook Brown described the agenda item as limiting short term rental of amenities and provided a definition of amenity.

Mayor Pro Tem Sara Hutson would like to discuss rental of amenities as opposed to rental of short-term amenities.

City Attorney Charles Zech interjected that these rentals could be considered a commercial use if rented for a long time period, and commercial use is prohibited in a residential zone.

Council Member Kevin Glasheen described his concern with the lack of problems with this issue in Rollingwood currently and suggested letting the legal system sort this out.

Amy Pattillo, 3 Rock Way Cove, discussed her research on the restrictions of use of properties and the last time short term rentals was discussed with the City of Rollingwood. She discussed how the quality of life was impacted by neighbors and would like this to be considered by Planning and Zoning as an efficiency.

Council Member Alec Robinson requested to have Planning and Zoning take a look.

Council Member Brook Brown moved that the Council request Planning and Zoning to take a look at the issue of whether to prohibit or address the short-term rental of residential amenities. Council Member Alec Robinson seconded the motion.

Mayor Pro Tem Sara Hutson requested amending the motion to simply rental of amenities. Council Member Brook Brown agreed to the amendment of the motion.

The motion carried with 5 in favor and 0 against.

17. Discussion and possible action to adopt a schedule for public hearings before the Planning and Zoning Commission and City Council on changes to the Commercial Zoning Code ordinances to implement the Comprehensive Plan

Council Member Brook Brown discussed creating a plan to schedule for review. She expects the plan should be ready by the next Council meeting. Her recommendation would be to have a joint public hearing with Planning and Zoning and include both Bryce Cox and City Attorney Charlie Zech. Ms. Brown thinks it will be done in two meetings.

Mayor Gavin Massingill clarified with a joint meeting, then two Planning and Zoning Commission meetings, and then one or two special meetings.

Ms. Brown would like this item to be done by the end of this fiscal year.

City Staff will come back with a draft calendar for this process with suggestions. City Administrator Ashley Wayman discussed the options of notifications for public hearings.

18. Discussion and possible action to amend Section 101-255 of the City's Code of Ordinances to clarify the appropriate placement of construction fences relative to the curb

Mayor Pro Tem Sara Hutson discussed how Council had previously added the requirement of residential installation of construction fences as a safety concern. She thinks that what is in place currently is not enforceable or safe.

She discussed construction fences in Rollingwood that she perceives as unsafe, without visibility, or in the right of way. She would like this revised to not put the construction fence within 10 feet of the curb.

City Council discussed space for storing materials, right of way, property line, and utility easement.

Development Services Manager Nikki Stautzenberger explained that property lines, easements and rights of way depend on your plat or survey.

Dave Bench, 1 Randolph Place, explained that while building his home, he was told where to put the construction fence and silt fence on the property.

Development Services Manager Nikki Stautzenberger explained that the civil engineer determines the erosion control plan and where to place silt fences.

Council Member Kevin Glasheen recommended 5 feet and not being closer than 15 feet to a corner and excluding the gas meter.

Mayor Pro Tem Sara Hutson moved to amend Section 101-255. Temporary construction fences, item (a)(4) to say “no closer than 10 feet from all street curbs.”

City Council discussed 10 feet as a distance to right of way, easements, meters, and sight distances.

Council Member Brook Brown seconded the motion.

Council Member Kevin Glasheen offered a friendly amendment to add no closer than 15 feet to a corner.

Mayor Pro Tem Sara Hutson restated her motion amending Section 101-255. Temporary construction fences, item (a)(4) to state “no closer than 10 feet from all street curbs and no closer than 15 feet to an intersection.”

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

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

Mayor Gavin Massingill stated that this will be brought back as an ordinance in the Consent Agenda next month.

19. Discussion and possible action to clarify the limitations on residential construction within the ROW, including possible amendments to Section 28-20 of the City's Code of Ordinances

Mayor Pro Tem Sara Hutson discussed the flyers included in the gas bill. She discussed newly installed landscaping dug up for access to a water line and other right of way residential construction.

City Council discussed how to enforce any limitation on right of way construction.

Council Member Kevin Glasheen discussed over regulation of problems that don't currently exist.

Council Member Brook Brown would like a report from staff on what structure of a permanent nature, particularly drainage structures, would be allowed to be constructed in the right of way. She would like to know what the Code allows in the right of way and how the City is handling enforcement.

20. Update from the Mayor on the Edgegrove Beautification Project

Mayor Gavin Massingill gave an update on the beautification project including the plants taking root. Behind the row of trees, the Water CIP project construction company is using this location as a staging area.

City Administrator Ashley Wayman reported that she has submitted the Winter Storm Mara debris haul off to FEMA and the grant has been awarded. The funds will be used in the beautification project area because that is where most of the damage occurred.

21. Discussion and possible action regarding Western Hills curbside path and shrubbery

Council Member Kevin Glasheen discussed improving the walking path in the Park. He would like to see the plat to determine who owns the property. Mayor Gavin Massingill stated that staff will work to retrieve the plat.

22. Review, discussion and possible action on revisions to the penalties and enforcement provisions in the City's Code of Ordinances

City Administrator Ashley Wayman discussed amendments to the penalty and enforcement provisions.

City Attorney Charles Zech considers these changes to be largely non-substantive but that they eliminate inconsistencies with state law and duplications. One substantive revision is on line 78 on page 3 which changes the fine to \$2,000 as the maximum fine allowable by law.

Council Member Brook Brown discussed page 4, lines 108 through 112, and asked why this section would be removed. City Attorney Charles Zech stated that it was inconsistent with state law.

Council Member Brook Brown discussed page 7, lines 103 – 122. City Attorney Charles Zech explained that state statute gives us authority whether or not in our ordinance.

Council Member Brook Brown discussed lines 214 -223 environmental protection controls. Council Member Brook Brown would like this applied broader than just in section 103. City Attorney stated that Chapter 54 of Local Government Code gives specific authority to civilly enforce the ones listed in the statute.

Council Member Brook Brown discussed Section 1-14, paragraph i. City Attorney Charles Zech stated that the Court is given this discretion in respect to alternative enforcement mechanisms. City Attorney Charles Zech will verify this and bring this back next month.

Council Member Brook Brown moved for approval of ordinance 2024-02-21-22. Council Member Phil McDuffee seconded the motion.

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

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

23. Discussion and possible action regarding appointment to fill a vacancy on the Planning & Zoning Commission

Council Member Brook Brown reviewed the application and spoke with a number of the candidates. She would like to nominate Jerry Fleming for the vacancy on Planning and Zoning. As an engineer, she feels that he would add a level of expertise that fills a gap on the Commission.

Council Member Brook Brown moved to appoint Jerry Fleming to the vacancy on Planning and Zoning. Mayor Pro Tem Sara Hutson seconded the motion.

Council Member Brook Brown	Aye
Council Member Alec Robinson	Abstain
Council Member Kevin Glasheen	Aye
Council Member Phil McDuffee	Aye
Mayor Pro Tem Sara Hutson	Aye

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

24. Report from staff on the status of legal action to trademark the Rollingwood logos

City Administrator Ashley Wayman reported that last month we were number 45 and that this month we have moved up a couple of spots.

ADJOURNMENT OF MEETING

Mayor Gavin Massingill adjourned the meeting at 10:45 p.m.

Minutes Adopted on the _____ day of _____, 2024.

Gavin Massingill, Mayor

ATTEST:

Desiree Adair, City Secretary