



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

**Wednesday, December 20, 2023**

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 December 20, 2023. 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 7:01 p.m.**

**Present Members:** Mayor Gavin Massingill, 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, City Secretary Desiree Adair, Development Services Manager Nikki Stautzenberger, and Police Chief Kristal Muñoz

### **PUBLIC COMMENTS**

There were no public comments.

### **PUBLIC HEARING**

2. Public hearing, discussion and possible action on a resolution authorizing funding for a park improvement project in Rollingwood Park for retaining wall improvements that will enhance recreational and community facilities, pursuant to Texas Local Gov't Code Section 505.152

Mayor Gavin Massingill explained that this item only approves the RCDC funding ability for such a project.

**Mayor Gavin Massingill opened the public hearing at 7:02 p.m.**

No individuals spoke during the public hearing.

**Mayor Gavin Massingill closed the public hearing at 7:03 p.m.**

**Council Member Kevin Glasheen moved to approve the RCDC funding the project if the project is approved by Council. 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 November 15, 2023 City Council meeting
4. Discussion and possible action to amend the City's Code of Ordinances in Sections 103-43, 103-86, and 103-88 to include sport courts

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

### **REGULAR AGENDA**

5. Discussion and possible action on a report from ATS regarding the completed Control Network Survey

Andrew Jimenez, of ATS, reported that the Control Network Survey has been completed. He discussed deliverables including three different versions: legal size that can be printed as a letter, full size, and a mobile version that would be portable. ATS will provide call out service related to the network as needed for the next year.

Mayor Gavin Massingill asked about the best way to socialize the network. In order for the network to be usable, City Administrator Ashley Wayman explained that a code amendment will be required to use the map, and a planner is working on the amendment now. It is believed this needs to go in the zoning code, which will require approval from the Planning and Zoning Commission and then City Council with public hearings. There were also be a required document in the building permit application process acknowledging the network.

Council Member Brook Brown questioned the location of building permit process requirements in the Code of Ordinances as she believes that most of the building process is in Section 103. City Attorney Charlie Zech explained that he and City Administrator Ashley Wayman will investigate tomorrow. If implementation does not require a change to the zoning code, then the code changes necessary to implement the survey requirement in the permit process will be put on the January Council agenda.

6. Discussion and possible action on an agreement with Ameresco for the implementation of a city-wide AMI/meter replacement project and to authorize the City Administrator to execute all documents related thereto on behalf of the City of Rollingwood

Mayor Gavin Massingill provided a brief history of this item. City Administrator Ashley Wayman explained the details of the turnkey project and the price of \$649,290.

City Council, Ms. Wayman, and Mayor Massingill discussed budgetary considerations, meter cost responsibility, City staff manhours, leak detection, and cost improvement of a new system.

Deval Allums, of Ameresco, explained that the meters have a 20-year accuracy warranty and the battery life is 10-year full and 10-year prorated.

City Council discussed the economic savings and residential advantages of a new system.

Mayor Pro Tem Sara Hutson discussed the 15 new meters that were installed previously with the pilot study. Mayor Pro Tem Sara Hutson and Ms. Allums discussed the potential savings of not replacing these meters if they have up to date software and can be connected.

City Council and Ms. Allums discussed how meters were selected. City Administrator Ashley Wayman explained how staff came to the decision regarding the type of meters selected. Ms. Allums explained that specifications will be provided during implementation.

Ms. Allums answered questions about cell phone transmission for the meters in Rollingwood.

Council Member Alec Robinson asked questions regarding the timing of this project with other capital improvement projects and whether the Utility Commission has had a chance to review.

City Administrator Ashley Wayman explained that this project will not interfere with the other projects and that the supply availability of the meters takes some time.

Council Member Phil McDuffee reported the thoughts of the Utility Commission and his read is that the Utility Commission members are completely on board with this project. Ms. Allums explained that this agreement was developed with feedback from the Utility Commission.

City Council discussed budgetary considerations for implementing this project.

Mayor Pro Tem Sara Hutson stated that installing electronic meters will provide more accurate readings of water consumption and improve the City's monitoring and pricing.

**Council Member Phil McDuffee moved to enter into the agreement with Ameresco for the implementation of the city-wide meter replacements and give the City Administrator the authority to execute all documents related thereto on behalf of the City. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 4 in favor and 1 against (Robinson).**

7. Discussion and possible action on a resolution regarding a contract for the purpose of financing a water meter project

City Administrator Ashley Wayman recommended selecting the quarterly payment, eight-year option for an annual total of \$102,875.60 paid for eight years to Government Capital in order for them to provide the money upfront to finance the water meters and related equipment. Mayor Gavin Massingill named the enterprise funds associated with these payments.

Marti Sauls, of Government Capital, explained the available options of an 8-year term or 10-year term at 5.758 percent.

Council Member Alec Robinson explained his reservation regarding incurring more debt for the City. Council Member Kevin Glasheen discussed his appreciation for the sentiment of responsible fiscal spending.

**Council Member Phil McDuffee moved to enter into the 8-year financing as presented with approval of the resolution in the packet as proposed. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 4 in favor and 1 against (Robinson).**

8. Discussion and possible action regarding conditions of use including noise, parking, and lighting associated with residential tennis, pickleball or other sport courts

Council Member Brook Brown discussed a memo from counsel. She wanted to discuss a draft ordinance regarding conditions of use. City Administrator Ashley Wayman read the motion from the previous Council meeting.

Council Member Kevin Glasheen discussed the communication from people offering potential solutions of this issue.

Council Member Brook Brown stated that she would like to have an ordinance separate from enforcement.

The Mayor and City Council discussed lights, noise abatement, distance from court, number of courts allowed on a lot, and parking. They appreciated efforts by neighbors to mitigate noise and come to a solution.

Council Member Brook Brown provided handouts for discussion, referenced the Park City noise regulations and Centennial noise studies, and brought up short term rentals of amenities.

Mayor Pro Tem Sara Hutson proposed tabling this item until the next meeting in order to have time to read all of the documents recently added to the packet.

*Mayor Gavin Massingill called up agenda item 9 concurrently at 8:01 p.m.*

John Squires, 1411 Bay Hill Drive, resident of the West Lake area for 40 years, spoke regarding his appreciation of pickle ball. He enjoys the comradery, movement, and the use of the property. He demonstrated the sound difference between a quiet paddle and a regular paddle. The balls will be modified to be quiet as well.

Chip Brees, 3009 Chatelaine Drive near Rollingwood, discussed the history of why pickleball was started during the Covid pandemic. He does not believe their group is a league or club and thinks that the noise, lighting, and parking are the main issues. He would like to continue to play pickleball but doesn't want Mr. Logue subjected to fines. He would like some guidance from City Council regarding reasonable clarification while waiting for the next time this item is considered. He reiterated that Mr. Logue is now requiring the use of quiet paddles.

Corky Logue, 3016 Hatley Drive, has lived in Rollingwood for 44 years and is a lifelong resident. He stated that the playing of pickleball on his property is not a club and explained why he likes pickleball. As of January 1<sup>st</sup>, there will be a requirement to play with a quiet paddle on his property. He is using the most quiet balls available, is installing a sound buffer around the courts, removed lights from his court, changed the hours, and asked everyone to park on his side of the street. He has addressed the issues he is aware of but is concerned about the notice of violation he received. He would like clarification regarding how and when he can play pickleball.

Council Member Brook Brown thanked Mr. Logue for what he has done and asked about the number of people scheduled for games per week. They discussed certified paddles from the US Pickleball Association, the resulting noise level, and the sound buffer. Ms. Brown asked questions about daily usage, discussed residents' concerns, and does not think this usage is consistent with residential zoning.

Mayor Pro Tem Sara Hutson suggested using one court the farthest distance from the neighbors.

City Attorney Charlie Zech explained the notice of violation letter of municipal regulations, which are Class C misdemeanors, and is a municipal court issue. Mayor Gavin Massingill explained that the purpose of the notice of violation is to seek compliance.

Glen Harris, 3012 Hatley, emphasized that he is not trying to eliminate all pickleball play. He is trying to make a distinction between a reasonable use model in a residential area and an extreme usage model similar to an athletic club. In his opinion, the associated parking, traffic, noise issues, duration and frequency of play are out of character with a private residential sport court. He described pickleball and tennis groups that use the facility on weekdays and weekends, the schedule, and social media promotion. He believes the usage is contrary to residential usage of private sport courts. Mr. Harris would like enforceable regulations incorporated into the Code of Ordinances including hours of use that are consistent with park regulations, limitations on duration of use, limitations on number of simultaneous players, and noise mitigating requirements. He referred to the noise study in the agenda packet and discussed the safety of the cars parking near his home. He would like to restore balance with sensible and enforceable regulations that are codified.

Andy Hollon, 4 Randolph Place, stated that he is an ambassador for USA Pickleball. He discussed how pickleball connects people and allows them to come together in community. He requested Council to consider what this activity does for a sense of community and fostering that community. Mr. Hollon said there is great demand in the area for pickleball.

Council Member Brook Brown discussed a women's pickleball club that plays in courts nearby. She asked Mr. Hollon what he would recommend for what the City could do in this instance.

Rhett Bennett, 4104 Rollingwood Drive, spoke regarding the comradery he enjoys playing pickleball. He would like to come to a solution and then create the ordinance from the solution as a model. Mr. Bennett would like to know what Mr. Logue can do to move forward and cautioned to not target pickleball in codification.

**Council Member Phil McDuffee moved to release the DNRBZ memo dated December 15 from attorney client privilege for posting publicly in the agenda packet. Council Member Brook Brown seconded the motion. The motion carried with 5 in favor and 0 against.**

Council Member Kevin Glasheen stated his thoughts regarding places to play pickleball and the appropriateness of playing in the neighborhood. He would like to address this issue, provide clarity and appreciates the efforts to resolve these issues.

City Council discussed setbacks, sport court locations, and how close to the property line pickleball could be played.

**Mayor Pro Tem Sara Hutson moved to defer action on this until the January meeting. Council Member Phil McDuffee seconded the motion.**

Council Member Brook Brown would like an ordinance to be drafted that addresses the criteria in her handout.

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

**Council Member Brook Brown moved to ask our City Attorney to bring back a draft ordinance at the next Council meeting that would address the criteria, leaving blanks for Council's action, in the memo she distributed earlier in this meeting including setbacks, the number of courts per lot, define acceptable hours of play, define a measure of acceptable noise levels, at what distance from or at the adjacent property line beyond which noise mitigation would be required, that it specify as the current ordinance does that there be no outdoor lighting, and to define visual screening from adjacent lots. Mayor Pro Tem Sara Hutson seconded the motion.**

Council Member Brook Brown explained the current code requirements for visual screening on commercial properties. She would like a draft with the listed criteria but not something specific. She would like blanks in the ordinance for Council discussion at the next meeting.

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

Council Member Alec Robinson noted for the record that he is for postponement and not for a fill in the blank ordinance.

9. Discussion and possible action to address pickleball league operations within residential zone

*This item was discussed concurrently with item 8.*

10. Update on the structure fire investigation and fire hydrant reflector placement

Mayor Pro Tem Sara Hutson discussed wanting to know the results of the fire investigation and the status of the blue fire hydrant reflector placement.

Mayor Gavin Massingill reported that all of the reflectors have been replaced throughout the City. The flow testing process has started with an initial analysis of the system. We are still researching the flow issue with the Fire Department, Crossroads, and Public Works.

Mayor Gavin Massingill reported that the investigation of the fire is complete and is accidental in nature involving construction prior to the fire.

11. Appointment of members of City Council and the Mayor to serve as Council liaisons for Police and Courts, Utility Commission, Streets and Roadways, Park Commission, Personnel, Budget, Planning and Zoning Commission, Board of Adjustment, and the Rollingwood Community Development Corporation

Mayor Gavin Massingill explained that these boards and commissions are an extension of Council's policy making.

City Council discussed the current appointments:

- Police and Courts - Council Member Brook Brown
- Utility Commission - Council Member Phil McDuffee
- Streets and Roadways - Mayor Pro Tem Sara Hutson
- Park Commission – Council Member Alec Robinson and Council Member Kevin Glasheen
- Personnel - Mayor Pro Tem Sara Hutson
- Budget - Mayor Gavin Massingill

- Planning and Zoning Commission - Council Member Brook Brown
- Board of Adjustment - Council Member Brook Brown and Mayor Pro Tem Sara Hutson
- Rollingwood Community Development Corporation – Council Member Phil McDuffee and Council Member Kevin Glasheen

**Mayor Pro Tem Sara Hutson moved to adopt the same assignments as currently in place. Council Member Brook Brown seconded the motion.**

Mayor Gavin Massingill counseled the council members to work collaboratively with their boards and commissions.

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

12. Discussion and possible action regarding terms of service limitation extensions for board and commission members

City Administrator Ashley Wayman discussed the members that have met their limitation for terms of service.

The Council discussed the extensions and what would happen in the next item.

City Secretary Desiree Adair suggested that Council follow the order of the items in the agenda so that those who requested terms of service limitation extensions could be available for reappointment in the next item.

**Council Member Kevin Glasheen moved to extend the eligibility of these people whose terms have expired that are on the agenda item list and then we move on to actual appointments. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.**

13. Discussion and possible action to reappoint board and commission members whose terms are expiring for an additional two-year term

City Administrator Ashley Wayman stated the members who intend to continue to serve.

**Council Member Brook Brown recommended reappointing Gerald Speitel, Keith Martinson and Kevin Schell to the Board of Adjustment. Council Member Kevin Glasheen seconded the motion.**

Council Member Brook Brown requested alternates be appointed to the Board of Adjustment at the next meeting.

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

**Council Member Kevin Glasheen moved to reappoint Melissa Morrow, Don Hudson and Laurie Mills to the Park Commission. Council Member Phil McDuffee seconded the motion. The motion carried with 4 in favor and 1 abstention (Hutson).**

**Council Member Alec Robinson moved to reappoint Niccole Maurici to the Park Commission. The motion failed for lack of a second.**

Council Member Brook Brown discussed her concern about Planning and Zoning Commission members' ownership of investment properties in the City of Rollingwood. She requested a disclosure of property interest issues of members and applicants.

**Council Member Brook Brown moved for Planning and Zoning Commission, that we hold this over until the January meeting, that we ask the members of the Planning and Zoning Commission to identify any non-homestead property they might own within City of Rollingwood and that we get an attendance report. Mayor Pro Tem Sara Hutson seconded the motion.**

**Council Member Kevin Glasheen suggested amending the motion to say an interest in the property or in an entity that holds such property. Council Member Brook Brown agreed. The motion carried with 5 in favor and 0 against.**

**Council Member Kevin Glasheen moved to reappoint Emily Doran, Patrick Sheehan and Brian Rider for the RCDC.**

City Council discussed attendance and residency.

**Council Member Kevin Glasheen amended the motion to renominate all of them to RCDC including David Smith. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.**

**Council Member Phil McDuffee moved to reappoint Clark Wilson, Jonathan Miller, Elizabeth Bray and Christopher Meakin to the Utility Commission. Council Member Kevin Glasheen seconded the motion. The motion carried with 5 in favor and 0 against.**

14. Discussion and possible action on a resolution approving a budget amendment for the Rollingwood Community Development Corporation, Rollingwood, Texas, for the fiscal year beginning October 1, 2023, and ending September 30, 2024 for future park improvement projects

City Administrator Ashley Wayman explained the budget amendment for RCDC to set aside money for Park projects. Council Member Kevin Glasheen discussed the opportunity for economic development and park capital I improvement projects by the RCDC.

**Council Member Kevin Glasheen moved to approve. Council Member Brook Brown seconded the motion. The motion carried with 5 in favor and 0 against.**

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

City Administrator Ashley Wayman explained that our three trademark applications are number 50 in line.

16. Discussion and possible action on proposed amendments to the City's Code of Ordinances relating to the Park Commission

Council Member Kevin Glasheen discussed the proposed amendments relating to the Park Commission to make the commission more effective and develop an efficient process.

City Administrator Ashley Wayman explained that City staff is supportive of these amendments.



Mayor Gavin Massingill discussed newly implemented Budget Execution Plans.

**Council Member Kevin Glasheen moved to adopt these proposed changes to the ordinance and bring back a draft ordinance form for approval. Council Member Brook Brown seconded the motion.**

City Council discussed more explanation for Section 20-19 regarding maintenance and capital improvements, other matters relating to the park, and negotiations of lease agreements.

**Council Member Kevin Glasheen amended his motion to include Section 20-19 paragraph 3 should read “Making recommendations to the City Council regarding maintenance, capital improvements, and other matters regarding park operations” and Section 20-27 Section (c) it should read “the commission shall conduct negotiations with appropriate parties regarding any lease agreements. All lease agreements shall be subject to approval by the City Council.” Council Member Brook Brown seconded the motion. The motion carried with 5 in favor and 0 against.**

17. Discussion and possible action on a recommendation from the Utility Commission regarding amendments to the Utility Bill Appeals Policy

Council Member Phil McDuffee discussed the Utility appeals process and the proposed changes to the process. City Administrator Ashley Wayman explained the addition of the no confirmed leak provision when there is high unexplained water use and the associated guardrails. She discussed a staff recommendation of a one leak adjustment limit per 12-month period that the Utility Commission did not recommend. Another recommendation was that the resident with a utility appeal pay the previous month’s bill amount for the protested month.

Council Member Brook Brown recommended clarifying the highest month of the preceding 12 months.

The City Council discussed resident history of water consumption and appeals.

City Administrator Ashley Wayman commented that the installation of electronic meters could potentially help the utility bill appeals.

**Council Member Phil McDuffee moved for approval of the Utility Bill Appeals Policy with the following modification: Add in the word “monthly” before “volume” on number 5. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.**

18. Discussion and possible action regarding improvements to the sound and video quality of on-line and recorded city open meetings

City Administrator Ashley Wayman discussed the contract with the new IT company. Once the new equipment is in place, there could be an assessment of the sound and video setup.

Council Member Brook Brown would like to keep this on the task list.

Mayor Gavin Massingill requested that staff remind the board and commission members and people addressing them to speak into the microphones. Council Member Brook Brown would like

the camera adjusted to show all members and the ability to share the Smartboard screen with people on Zoom. Council Member Kevin Glasheen discussed cost of microphones.

19. Report from staff on the status of the Google Fiber install and coordination with Water Line Project

City Administrator Ashley Wayman stated that we have a meeting set with Google Fiber the second week of January. We need the full Water CIP construction schedule in order to coordinate and hope to have it by the end of this week.

20. Report from staff regarding the input from Innovative Water Solutions regarding mitigation of runoff from upper park areas and related proposals

City Administrator Ashley Wayman does not have any update from Innovative Water Solutions and Mayor Gavin Massingill would like to give them more time.

Council Member Brook Brown asked about the request for a drainage study of the upper and lower Park from the city engineer. Mayor Gavin Massingill read an email from Geoff Elfers, of K. Friese + Associates, regarding the retaining wall and associated drain.

City Council discussed engineering, the process of approving the retaining wall, and the additional drainage survey.

Council Member Brook Brown requested that we decline to attribute motive to other Council Members with this item.

Mayor Massingill recapped the meeting with Innovative Water Solutions and the email from K. Friese + Associates, then stated that City staff will stay on top of these requests.

**ADJOURNMENT OF MEETING**

**Mayor Gavin Massingill adjourned the meeting at 10:49 p.m.**

**Minutes Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

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**Gavin Massingill, Mayor**

**ATTEST:**

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**Desiree Adair, City Secretary**