



CITY OF ROLLINGWOOD CITY COUNCIL MEETING MINUTES

Wednesday, June 12, 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 June 12, 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 BUDGET WORKSHOP AND REGULAR CITY COUNCIL MEETING TO ORDER

1. Roll Call

Mayor Gavin Massingill called the meeting to order at 6:01 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, Police Chief Kristal Muñoz, Finance Director Abel Campos, Public Works Director Izzy Parra, Development Services Manager Nikki Stautzenberger, Assistant to the City Administrator Makayla Rodriguez, and Senior Corporal Leonard Cantu

Mayor Gavin Massingill called up Public Comments at this time.

BUDGET WORKSHOP

2. Update and discussion on the FY 2024-2025 Budget

Mayor Gavin Massingill began with the plan for the budget workshop. He provided a refresher on the Budget and Tax Rate Calendar and described the budget structure overview with details of each fund.

Mayor Gavin Massingill explained how he requested that all departments cut their budget by five percent.

City Administrator Ashley Wayman and Mayor Gavin Massingill explained the line items from the Administration, Development Services, Sanitation, Utility Billing, Streets, Police, Court, Parks, Public Works, Water, Street Maintenance, Court Security, Court Technology, and Court Efficiency

department funds. They continued to describe details of the Debt Service 2014, 2019, 2020, 2023, 2024, Capital Projects, Drainage and Wastewater funds.

Mayor Gavin Massingill and City Administrator Ashley Wayman answered questions from City Council throughout the budget presentation.

Public Works Director Izzy Parra described requested exceptional items including a CCTV robotic camera for drainage areas and wastewater main inspections.

Police Chief Kristal Muñoz discussed the possibility of sponsoring a cadet to attend the academy and other options to broaden recruiting opportunities.

Council Member Brook Brown thanked the Mayor, City Administrator Ashley Wayman and Mr. Campos. The Mayor thanked staff for their work on department budgets.

Mayor Gavin Massingill recessed the meeting at 7:12 p.m.

Mayor Gavin Massingill called the meeting back to order at 7:17 p.m.

Mayor Gavin Massingill moved on to the Consent Agenda.

PUBLIC COMMENTS

The following individuals spoke during public comments:

- Melissa Morrow, 2502 Timberline Drive and Chair of the Park Commission, reported what occurred at the June 11, 2024 Park Commission meeting including presentations and drainage recommendations by K Friese + Associates, Maas Verde, and IWS. The Park Commission also discussed landcover, an alternative trail improvement proposal, and a tree and landscaping plan. She stated that their next meeting will be July 9th.

Mayor Gavin Massingill returned to item 2 at this time.

CONSENT AGENDA

3. Discussion and possible action on the minutes from the May 15, 2024 City Council meeting
4. Discussion and possible action on the minutes from the May 22, 2024 Special City Council meeting

Council Member Phil McDuffee moved for approval of the Consent Agenda. Mayor Pro Tem Sara Hutson seconded the motion. The motion carried with 5 in favor and 0 against.

REGULAR AGENDA

5. Discussion and possible action on an Ordinance authorizing and ordering the issuance of City of Rollingwood, Texas General Obligation Bonds, Series 2024; prescribing the terms and form thereof; making other provisions regarding such Bonds, including use of the proceeds thereof, and matters incident thereto

James Gilley, of US Capital Advisors, presented the bond sale summary. There were seven bidders, and Robert W. Baird and Co was the best bidder for 3.927372%.

City Council asked questions of Mr. Gilley. Mr. Gilley explained that Baird offered to purchase the bonds at a premium.

Justin Rosas, bond counsel to the City, introduced himself and offered to answer questions. Mr. Rosas requested action from the City Council to adopt the ordinance to approve the bid.

Council Member Brook Brown moved that the City Council adopt the ordinance authorizing and ordering the issuance of the City of Rollingwood, Texas General Obligation Bonds series 2024 which is before the City Council. Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

6. Discussion and possible action on a Long-Term Pavement Priorities Plan prepared by WSB

Mayor Gavin Massingill discussed long term planning for streets and roads including maintenance and operations. He suggested knocking some of the 2024 Long-Term Pavement Priorities Plan out on a year to year basis.

Mayor Gavin Massingill and City Council discussed the plan, prioritization of streets, and funds for the pavement plan.

Angellia Points, of WSB, joined the meeting virtually and offered to answer any questions. She answered a question regarding cost per square foot and yard from City Council.

7. Discussion and possible action regarding an amendment to the City's Code of Ordinances Part I, Chapter 24 Signs and Advertising and Part II, Chapters 101 Buildings and Construction, 103 Environmental Protection and Control, and 107 Zoning related to aligning the City's codes with the recommendations in the City's Comprehensive Plan for the commercial corridor and other matters in connection therewith.

Mayor Gavin Massingill called up items 7, 8 and 9 together.

Council Member Brook Brown discussed items left pending from the May 22, 2024 Special City Council meeting. She discussed these items including the creation of a lighting and signage manual, TXDOT Right of Way, lumens per acre for gas stations, elimination of required parking, requirement of shared access and shared driveways, and changing lights to light fixtures.

Council Member Brook Brown detailed her recommendations for approval.

Council Member Brook Brown moved to increase the lumens to 100,000 on page 23 line 817 from 20,000 to 100,000. Council Member Alec Robinson seconded the motion.

City Council and Bryce Cox, of DNRBSZ, discussed lumens per acre and foot candles that are generally accepted.

Council Member Brook Brown withdrew her motion.

Council Member Brook Brown moved to amend the language on page 23 line 817 from 25,000 lumens to 50,000 lumens per acre. Council Member Phil McDuffee seconded the motion. The motion carried with 4 in favor and 1 against (Robinson).

Council Member Brook Brown, Bryce Cox, and City Council discussed parking space requirements.

Council Member Brook Brown moved to eliminate the required parking as found in Section 107-110 (a) lines 1040 through 1050, and include removal of 107-110 (c) lines 1054 through 1066, and an amendment to 107-110 (d) to strike “required” from line 1067 and both instances of “required” in line 1068, and in line 1068 the first instance of the word “required” is to be replaced with “to be used”, and on line 1071 strike the word “requirement” and insert “needs”, and renumber the subsections accordingly. Council Member Kevin Glasheen seconded the motion.

City Council discussed the details of the language and concerns regarding parking.

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

Council Member Brook Brown moved to approve proposed Ordinance 2024-06-12-07 that would be amending the City’s Code of Ordinances Chapter 24, Chapter 101, Chapter 103, Chapter 107, repealing provisions in conflict with the proposed changes and providing for penalties, providing for severability, and providing for an effective date as amended by the prior discussion. Council Member Kevin Glasheen seconded the motion.

Mayor Pro Tem Sara Hutson discussed signage and location of signs with City Council and City Attorney Charlie Zech.

Council Member Alec Robinson noted his concern with the parking changes.

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

8. Discussion and possible action on a resolution approving the Commercial Lighting and Signage Manual

Council Member Brook Brown discussed adopting the Commercial Lighting and Signage manual.

Council Member Brook Brown moved to approve Resolution 2024-06-12-08 approving a Commercial Lighting and Signage Manual. Council Member Alec Robinson seconded the motion. The motion carried with 5 in favor and 0 against.

9. Discussion and possible action regarding the rezoning of the following parcels of land from Professional and Business Office District (C-1) and Business District (C-2) to Commercial District (C): 5100 Rollingwood Dr.; 2901 Bee Cave Rd.; 3160 Bee Cave Rd.; 3144 Bee Cave Rd.; 3102 Bee Cave Rd.; 2900 Bee Cave Rd.; 3103 Bee Cave Rd.; 2826 Bee Cave Rd.; 3101 Bee Cave Rd.; 2829 Bee Cave Rd.; 1015 Bee Cave Woods Dr.; 2824 Bee Cave Rd.; 3012 Bee Cave Rd.; 2814 Bee Cave Rd.; 3010 Bee Cave Rd.; 2808 Bee Cave Rd.; 3008 Bee Cave Rd.; 2802 Bee Cave Rd.; 3001 Bee Cave Rd.; 2800 Bee Cave Rd.; 3006 Bee Cave Rd.; 2724 Bee Cave Rd.; 2720 Bee Cave Rd.; 2714 Bee Cave Rd.; 2712 Bee Cave Rd.; 2710 Bee Cave Rd.; 2708 Bee Cave Rd.; 2706 Bee Cave Rd.; 2700 Bee Cave Rd.; Travis County Appraisal District Property ID #'s 721173 and 105621

Council Member Brook Brown explained this item and described Exhibit A including the list of addresses and the proposed zoning map.

Council Member Brook Brown moved approval of Ordinance 2024-06-12-09 approving the official zoning map and rezoning properties from (C-1) and (C-2) to the new Commercial District (C). Council Member Phil McDuffee seconded the motion. The motion carried with 5 in favor and 0 against.

10. Discussion and possible action regarding rezoning of 5100 Rollingwood Drive from the commercial zone to the residential zone

Council Member Brook Brown described a resident who lives at 5100 Rollingwood Drive and would like the City to rezone his property from the commercial to residential zone.

City Administrator Ashley Wayman described how this will go through the public hearing process which will require mailed notices for the Planning and Zoning Commission and the City Council and newspaper notice for City Council.

11. Discussion and possible action on a draft amendment to the city's Code of Ordinances regarding right-of-way encroachments

City Administrator Ashley Wayman discussed an internal review of construction in the right of way.

Bryce Cox, of DNRBSZ, discussed reasons for construction in the right of way with City Council.

City Council and City Attorney Charles Zech discussed the process for determining what can be built in the right of way.

Council Member Brook Brown stated that the language is so broad that staff will not have direction to determine. She discussed plats and identification of public rights of way.

City Attorney Charlie Zech interjected that the point of this is to create process and summarized the purpose of the document in the packet.

City Council and City Administrator Ashley Wayman discussed instances in which building in the right of way have been an issue.

Council Member Kevin Glasheen would like to change “landscaping” to “vegetation” and do away with the Section 3 requirement that a tree not be near a driveway.

Mayor Gavin Massingill discussed bringing this back with changes and maybe with plats as examples.

12. Update regarding CRCRC Building Height recommendation

City Administrator Ashley Wayman discussed that this was requested to come back to City Council at the June meeting.

Dave Bench, 1 Randolph Place and Chair of the CRCRC, provided a handout to City Council and began to discuss a building height recommendation update.

Council Member Kevin Glasheen inquired as to whether there was an ordinance to be considered. Dave Bench answered that there is not.

Mr. Bench requested a workshop to bring in an engineer to discuss how the recommendation will not change current buildings in Rollingwood.

Council Member Kevin Glasheen thanked Mr. Bench and the CRCRC for their expertise and hard work and then stated that he would like to move forward if there is Council consensus.

Council Member Alec Robinson requested that the CRCRC bring a comprehensive report to City Council as originally voted on.

After further City Council discussion, Council Member Kevin Glasheen requested to bring this item back at the next meeting.

Council Member Brook Brown would like to see a recommendation from the CRCRC in the form that the CRCRC would like to make the recommendation.

The Mayor asked the CRCRC to fine tune their request and bring it back to the next meeting.

Amy Pattillo, 3 Rock Way Cove, discussed how she has attended the last few CRCRC meetings and that there is a lack of understanding of the proposed recommendation. She requested that if there is a workshop, a 3-D parallel plane recommendation would be helpful for understanding the proposal. She stated that she is one of the people trying to understand the CRCRC proposal.

13. Discussion and possible action regarding a resolution to authorize the hiring of Lloyd Gosselink, approve intervention in the Railroad Commission proceeding, and suspend the rate filing by Texas Gas Service (TGS)

City Administrator Ashley Wayman stated that Texas Gas has filed a statement of intent to raise gas rates. This resolution allows us to suspend the rate increase for 90 days while they review the filing in detail and then more information will come later.

The Mayor and City Council discussed the details of the rate case.

Council Member Brook Brown discussed utility revenue and classes of service and then proceeded to recommend approval.

Council Member Brook Brown moved to approve Resolution 2024-06-12-13 authorizing the City of Rollingwood to suspend the July 8 effective date of Texas Gas Service Company's requested increase to establish cooperation with other cities, to hire legal and consulting services, to authorize intervention in gas utility docket number 17471 at the Railroad Commission, to require reimbursement of the City's rate cases expenses as proposed in the resolution. Council Member Alec Robinson seconded the motion. The motion carried with 5 in favor and 0 against.

14. Discussion and possible action regarding a policy for reimbursement to the City due to water main line breaks

City Administrator Ashley Wayman discussed a policy for reimbursement to the City due to water main line breaks reviewed and developed by a Utility Commission subcommittee. She

discussed the recommended amount of wholesale plus ten percent for a water loss reimbursement and other details of the policy.

City Administrator Ashley Wayman and City Council discussed how the water loss would be estimated.

Mayor Massingill stated that City staff will bring this back in ordinance form.

Council Member Brook Brown moved to accept the recommendation of the Rollingwood Utility Commission regarding reimbursement to the City due to water main line breaks. Council Member Phil McDuffee seconded the motion.

Mayor Pro Tem Sara Hutson began a discussion regarding residents, property owners and builders in this policy.

The motion carried with 5 in favor and 0 against.

15. Update on the status of the Rollingwood Trademark Applications

City Administrator Ashley Wayman reported the status of the Rollingwood Trademark application.

16. Discussion and possible action on letter from Attorney Dobson regarding Pickleball regulations

Mayor Gavin Massingill called up item 16 and 17 concurrently and stated that the intent is not to take any action tonight.

Council Member Brook Brown stated that item 16 is a letter from a lawyer representing anonymous persons. She recommended not responding to anonymous threats of litigation.

Ms. Brown recommended City Council not consider this based on anonymous litigation and that we have not lost our opportunity to mediate with Travis County.

Council Member Kevin Glasheen discussed how he responds to threats of litigation. He thinks it is bad policy to bow to threats of litigation but does think it is important to listen to people. He discussed his concerns with the ordinance and thinks it could be improved.

Council Member Brook Brown stated that the letter was provided to Mr. Harris because she sent it to him today.

Glen Harris, 3012 Hatley, stated that the letter provided requested to change the limit to 60 decibels, and that Mayor Massingill stated that there is difficulty with enforcement of the ordinance. He requested to set the decibel level at 3 decibels above background noise. He suggested setting the decibel limit at 51 decibels which is consistent with expert recommendations, Rollingwood Police Department data, and is enforceable. He suggested setting the limit of one pickleball court per residence, maintaining the current hours of play, and maintaining the limitation of four hours of daily pickleball play.

Mayor Gavin Massingill requested Mr. Harris' position on the letter, and Mr. Harris stated that he agreed with Ms. Brown.

The Mayor adjourned into Executive Session at 9:42 p.m. for consultation with legal counsel pursuant to section 551.071 of the Texas Government Code.

Mayor Gavin Massingill stated that City Council went into Executive Session and no action was taken in the Executive Session. The Mayor reconvened the regular meeting at 9:55 p.m.

Council Member Kevin Glasheen requested to put the question of the potential amendments to the pickleball ordinance on next month's agenda as a policy discussion and not as a response to this threat but thinks there are legitimate discussions going forward to improve the amendments.

Council Member Kevin Glasheen moved to respond to the letter by simply stating that the matter is coming up for policy discussion in the future not in response to the threats of litigation but it is coming up anyway as a matter of ongoing discussion of the ordinance. Mayor Pro Tem Sara Hutson seconded the motion.

Council Member Kevin Glasheen restated his motion to respond to the letter from the attorney by stating that Council intends to have the question of the pickleball ordinance back on a future agenda for a policy discussion and that this is not being done because of any threats of litigation but is part of a normal ongoing discussion about the ordinance.

Council Member Kevin Glasheen withdrew his motion.

Mayor Gavin Massingill recommended to instruct the attorney with a reply to the letter.

Council Member Kevin Glasheen moved to give Mr. Zech discretion to respond but to indicate that Council is generally unwilling to respond to anonymous threats of litigation. The motion failed for lack of a second.

City Attorney Charlie Zech stated that for the failure of a motion, he could respond with City Council took no action in response to your letter, however there was a Council Member who indicated that he may put something on the agenda as a policy discussion in the future.

17. Discussion and possible action on letter from Attorney Vickers regarding Driveway located at 3220 Park Hills Drive

Item 17 was considered concurrently with item 16.

ADJOURNMENT OF MEETING

Mayor Gavin Massingill adjourned the meeting at 10:02 p.m.

Minutes Adopted on the _____ day of _____, 2024.

Gavin Massingill, Mayor

ATTEST:

Ashley Wayman, City Administrator