

AGENDA
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
2150 Universal City Blvd, Universal City, TX 78148
Regular Meeting, Tuesday, May 07, 2024 @ 6:30 P.M.

1. CALL TO ORDER: Mayor John Williams at 6:30 p.m.
2. QUORUM CHECK and VOTE TO CONSIDER THE EXCUSE OF ABSENT MEMBERS (if applicable):
3. INVOCATION and PLEDGE OF ALLEGIANCE:
4. STAFF REPORTS AND OTHER DISCUSSION ITEMS: Items in this section are not expected to require action by City Council and are generally for information only. However, any item listed in this section may become an action item without further notice with the consent of the Mayor at the request of any Councilmember.
 - a. CITY MANAGER'S REPORT:
 - b. STAFF REPORT:
 - i. [FY 2024 Q2 Financial & Investment Report](#)
 - ii. [ORR FY 2024 Q2 Report](#)
5. CITIZENS TO BE HEARD: At this time, the public is invited to address the City Council and speak on any matter not specifically listed for public hearing elsewhere in this agenda. *PLEASE NOTE NO CITY COUNCIL DISCUSSION, RESPONSE, DELIBERATION, OR ACTION WILL BE TAKEN ON THIS TOPICS AT THIS TIME.* Please limit your comments to three minutes.
6. ANNOUNCEMENTS: With respect to items not listed elsewhere on this agenda, members may report on items of community interest e.g., community or employee awards, proclama, events, and recognitions. Members may also request specific information or a recitation of existing policy from Staff, or request placement of items on the agenda for discussion or action at a following meeting.
 - a. CITY MANAGER'S ANNOUNCEMENTS
 - b. MAYOR'S ANNOUNCEMENTS
 - i. [Annual Professional Municipal Clerks Week](#)
 - ii. [Building Safety Month](#)
 - c. COUNCILMEMBERS' ANNOUNCEMENTS
7. CONSENT AGENDA:

TAB A: All matters listed under this item are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.

 - 11) [Consider the minutes of the Tuesday, 16 April 2024 Regular Meeting.](#)
 - 22) [Resolution No.971-2024 \(EDC Bond\)](#): A resolution by the City Council of the City of Universal City, Texas authorizing and approving projects and expenditures related to promoting new and expanded business development by the Universal City Economic Development Corporation; and other matters in connection therewith.
 - 33) [Reunion Development](#)
 - a. a. [Ordinance No. 632-PC-583-FLUP-2024](#): An ordinance amending the Future Land Use Plan to change Land Use designation of property located at 11514 E. Loop 1604 N, Universal City, Texas from HC-Highway Commercial and OS-Open Space to HC-Highway Commercial, HDR-High Density Residential, and OS-Open Space; providing for severability; and establishing an effective date.
 - b. b. [Ordinance No. 581-Y-PUD-2024-101](#): An ordinance of the City Council of the City of Universal City, Texas, amending the Zoning Map of the City of Universal City, Texas for an approximately 43-acre property located at 11514 E. Loop 1604 N; rezoning said property from OS-Open Space and C4-General Commercial to PUD 2024-101 District, generally for Multi-Family Residential, Commercial, Office-Research and Open Space; adopting the PUD Final Plan related to PUD 2024-101 District; providing for severability; providing for the publication of the caption of this ordinance; and establishing an effective date.
 - c. c. [Ordinance No. 581-AA-2024](#): An ordinance of the City Council of the City of Universal City, Texas approving an agreement with Reunion Development Partners, LLC to program economic development incentives for public project enhancements, development standards,

emergency service access, and correlated infrastructure relating to the development of Reunion Development in Universal City; and establishing a Savings Clause and an effective date.

- d. d. [Resolution No. 970-A-2024](#): A resolution of the City of Universal City authorizing the sale of Real Property located at 11514 E. Loop 1604 N., Universal City, Texas, by Universal City, Texas, for projects to promote new or expanded business development.
 - e. e. [Resolution No. 970-B-2024](#): A resolution of the City of Universal City authorizing the sale of Real Property located at 11514 E. Loop 1604 N., Universal City, Texas, by the Universal City Economic Development Corporation, for projects to promote new or expanded business development.
- 44) [E. Wright Rowhomes](#)
- a. a. [Ordinance No. 632-PC-584-FLUP-2024](#): An ordinance amending the Future Land Use Plan to change Land Use designation of property located at 604 Bowie Drive and 206-218 E. Wright Boulevard, Universal City, Texas (CB 5768 BLK 21 LOTS 1-5) from MDR-Medium Density Residential to HDR-High Density Residential; providing for severability; and establishing an effective date.
 - b. b. [Ordinance No. 581-Y-PUD-102](#): An ordinance of the City Council of the City of Universal City, Texas amending the Zoning Map of the City of Universal City, Texas for an approximately 0.717 -acre property, located at 604 Bowie Drive and 206-218 E. Wright Boulevard, Universal City, Texas; rezoning said property from R-OT Old Town Residential District to PUD 2024-102 District, generally for High-Density Residential and related uses; adopting the PUD Final Plan related to PUD 2024-102; providing for severability; providing for the publication of the caption of this ordinance; and establishing an effective date.
- 55) [Ordinance No. 307-B-2024](#): An ordinance amending the requirements for Vehicle Wrecker/Tow Services; superseding Ordinance 307-A-1989; amending Chapter 3-3, Article XI: Vehicle Wrecker Services in its entirety; providing for severability; setting an effective date; and amending the Universal City Code of Ordinances accordingly.
- 66) [Ordinance No. 352-K-2024](#): An ordinance amending certain sections of Section 4-4-82 – Off Premises Signs of the City Code of Ordinances to amend the allowed locations and other requirements of off premises signs, providing severability, setting an effective date, and to amend the Universal City Codes accordingly.
- 77) [Resolution No. 970-C-2024](#): A resolution of the City of Universal City authorizing the purchase of Real Property located at 216 Pat Booker Road, Universal City, Texas, by the Universal City Economic Development Corporation, for projects to promote new or expanded business development.

8. ACTION ITEMS:

[Police Department Grants Resolutions](#)

[TAB B](#): Resolution 943-A-2024: Body-Worn Camera Grant – 2024 – Office of Governor Grant 3529603

[TAB C](#): Resolution 943-B-2024: Body-Worn Camera Grant – 2024 – Office of Governor Grant 3529604

[TAB D](#): Resolution 943-C-2024: Rifle Resistant Body Armor Grant – 2025 – Office of Governor Grant 4976701

[TAB E](#): Resolution 943-D-2024: ALEERT Travel Assistance Grant – 2024 – Office of Governor Grant 4936401

[TAB F](#): Resolution 972-2024: A Resolution of the City of Universal City, Texas approving the application for grant funds from the Bureau of Reclamation WaterSMART: Planning and Project Design Grant for FY 2024 Program Funding Opportunity NO. R23AS00109.

[TAB G](#): Agreement between Bexar County and UC for County ARPA Sewer Pipe Bursting Funds.

[TAB H](#): Permit Requirements for Accessory Structures.

NO TAB 1: Executive Session:

- aa) Pursuant to Texas Gov't Code Sec. 551.072 regarding the purchase and value of real property if deliberation in open session would have a detrimental effect on the position of the corporation in negotiations with a third party; and for attorney consultation pursuant to Sec. 551.071(2); regarding: 43 acres of vacant, undeveloped property owned by the City of Universal City (33.3 acres) and the

Economic Development Corporation (9.994 acres) located at Loop 1604 and Byrd Boulevard
bb) Reconvene in Open Session and take action, if needed, on any item pertaining to or listed in the Executive Session section of this Agenda.

9. ADJOURNMENT:

In accordance with the requirements of Texas Government Code section 551.127, a member of the governing body may participate in this meeting from a remote location. A quorum of the governing body as well as the presiding officer shall be physically present at the above posted location, which shall be open to the public. The video and audio feed of those participating remotely shall be visible and audible to the public for all open portions of the meeting. A member of a governmental body who participates in a meeting remotely as provided by law, shall be counted as present at the meeting for all purposes.

All items on the agenda are eligible for possible discussion and action. The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices,) and 551.086 (Economic Development).

This facility is wheelchair accessible & accessible parking spaces are available. Requests for accommodation or interpretive services must be made 72 hours prior to this meeting. Please contact the city clerk's office at (210) 619-0701 if these services are needed.

CITY OF UNIVERSAL CITY

Date: 05/07/2024

TO: City Council
FROM: Christine Green, Finance Director
SUBJECT: FY 2024 2nd Quarter Financial Reports and Investment Report

Historical Background

As of March 31, 2024, the City had completed 50% of the 2024 fiscal year. The attached reports depict the unaudited Revenues and Expenditures summaries for the General, Debt Service, Capital Projects, Utility, Stormwater, and Golf Course Funds.

The Investment Report is a fair representation of the investments made, results achieved, risks taken, and costs incurred. The Investment Report includes the beginning and ending balances as well as interest earned monthly for all bank accounts. The accounts listed as operating and savings accounts are fluid and have significant activity each month. Any activity that would be considered material changes to the account balances will be identified by staff.

Action Requested

Staff presentation of the quarterly financials is an operational procedure which does not require any formal action from the Council. As stated in the Investment Policy, Council should receive and review quarterly investment reports. Again, no formal action is required.

Staff Recommendation

Staff recommends the Council acknowledge the information provided by staff and provide further guidance if deemed necessary.

Attachments: FY 2024 2nd Quarter Financials
FY 2024 2nd Quarter Investment Report

CITY OF UNIVERSAL CITY
REVENUE & EXPENSE REPORT - UNAUDITED
AS OF: MARCH 31ST, 2024

01 -GENERAL FUND
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>					
TAX REVENUE	14,259,819.00	434,423.23	10,990,492.49	3,269,326.51	77.07
LICENSE/PERMITS/FEES	1,089,000.00	78,247.17	503,564.46	585,435.54	46.24
FINES	1,131,600.00	95,244.06	549,665.44	581,934.56	48.57
INTEREST/OTHER REVENUE	1,745,162.00	59,615.42	580,887.58	1,164,274.42	33.29
DONATIONS/CONTRIBUTIONS	1,057,500.00	43,692.00	103,455.91	954,044.09	9.78
GRANTS	<u>2,500.00</u>	<u>8,278.55</u>	<u>8,278.55</u>	<u>(5,778.55)</u>	<u>331.14</u>
TOTAL REVENUES	19,285,581.00	719,500.43	12,736,344.43	6,549,236.57	66.04
<u>EXPENDITURE SUMMARY</u>					
ADMINISTRATION	1,394,297.00	(313,820.59)	888,246.76	506,050.24	63.71
DEVELOPMENT SERVICES	1,197,185.00	79,470.03	455,880.72	741,304.28	38.08
HUMAN RESOURCES	153,051.00	13,773.13	82,216.28	70,834.72	53.72
FINANCE	636,460.00	109,674.50	304,691.57	331,768.43	47.87
MUNICIPAL COURT	208,238.00	15,940.75	105,699.32	102,538.68	50.76
COURT JUVENILE CASE MANA	68,171.00	4,843.80	30,080.41	38,090.59	44.12
GENERAL SERVICES	1,943,123.00	135,951.59	770,446.13	1,172,676.87	39.65
PARKS & RECREATION	1,426,640.00	222,680.66	929,212.09	497,427.91	65.13
POLICE	5,079,195.00	502,978.95	2,347,879.99	2,731,315.01	46.23
FIRE DEPARTMENT	3,309,023.00	211,336.19	1,465,177.08	1,843,845.92	44.28
VEHICLE-EQUIPMENT MAINT	287,255.00	27,811.61	154,087.40	133,167.60	53.64
ANIMAL SHELTER	690,369.00	44,192.23	347,332.74	343,036.26	50.31
LIBRARY	504,773.00	57,512.77	220,689.21	284,083.79	43.72
NON-DEPARTMENTAL	2,387,801.00	486,053.74	1,484,003.14	903,797.86	62.15
OTHER SOURCES/USES	<u>0.00</u>	<u>5,547.43</u>	<u>27,737.15</u>	<u>(27,737.15)</u>	<u>0.00</u>
TOTAL EXPENDITURES	19,285,581.00	1,603,946.79	9,613,379.99	9,672,201.01	49.85
REVENUES OVER/(UNDER) EXPENDITURES	0.00	(884,446.36)	3,122,964.44	(3,122,964.44)	0.00

CITY OF UNIVERSAL CITY
 REVENUE & EXPENSE REPORT - UNAUDITED
 AS OF: MARCH 31ST, 2024

02 -DEBT SERVICE
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>					
TAX REVENUE	1,759,373.00	26,925.76	1,676,663.72	82,709.28	95.30
INTEREST/OTHER REVENUE	<u>388,377.00</u>	<u>8,890.69</u>	<u>49,181.22</u>	<u>339,195.78</u>	<u>12.66</u>
TOTAL REVENUES	2,147,750.00	35,816.45	1,725,844.94	421,905.06	80.36
<u>EXPENDITURE SUMMARY</u>					
DEBT SERVICE	<u>2,147,750.00</u>	<u>0.00</u>	<u>331,103.91</u>	<u>1,816,646.09</u>	<u>15.42</u>
TOTAL EXPENDITURES	2,147,750.00	0.00	331,103.91	1,816,646.09	15.42
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	35,816.45	1,394,741.03	(1,394,741.03)	0.00

CITY OF UNIVERSAL CITY
 REVENUE & EXPENSE REPORT - UNAUDITED
 AS OF: MARCH 31ST, 2024

03 -CAPITAL PROJECTS
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>					
INTEREST/OTHER REVENUE	2,308,320.00	45,667.63	336,018.22	1,972,301.78	14.56
GRANTS	<u>9,678,394.00</u>	<u>0.00</u>	<u>6,000,000.00</u>	<u>3,678,394.00</u>	<u>61.99</u>
TOTAL REVENUES	11,986,714.00	45,667.63	6,336,018.22	5,650,695.78	52.86
<u>EXPENDITURE SUMMARY</u>					
CAPITAL PROJECTS	11,986,714.00	221,488.01	328,915.40	11,657,798.60	2.74
OTHER SOURCES/USES	<u>0.00</u>	<u>(5,547.43)</u>	<u>(27,737.15)</u>	<u>27,737.15</u>	<u>0.00</u>
TOTAL EXPENDITURES	11,986,714.00	215,940.58	301,178.25	11,685,535.75	2.51
REVENUES OVER/(UNDER) EXPENDITURES	0.00	(170,272.95)	6,034,839.97	(6,034,839.97)	0.00

CITY OF UNIVERSAL CITY
 REVENUE & EXPENSE REPORT - UNAUDITED
 AS OF: MARCH 31ST, 2024

04 -UTILITY FUND
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>					
WATER REVENUE	4,659,477.00	396,604.40	2,559,197.58	2,100,279.42	54.92
SEWER REVENUE	4,886,885.00	393,242.79	2,432,356.65	2,454,528.35	49.77
UTILITY FEES & RENTS	779,349.00	73,827.86	426,238.12	353,110.88	54.69
INTEREST/OTHER REVENUE	6,001,540.00	98,063.01	591,038.91	5,410,501.09	9.85
GRANTS	<u>0.00</u>	<u>0.00</u>	<u>100,000.00</u>	<u>(100,000.00)</u>	<u>0.00</u>
TOTAL REVENUES	16,327,251.00	961,738.06	6,108,831.26	10,218,419.74	37.41
<u>EXPENDITURE SUMMARY</u>					
PUBLIC WORKS	1,089,960.00	102,106.91	508,307.22	581,652.78	46.64
ADMINISTRATION	350,594.00	31,585.38	224,135.20	126,458.80	63.93
WATER DEVELOPMENT	2,705,350.00	341,789.29	1,337,799.89	1,367,550.11	49.45
SEWER DEVELOPMENT	3,290,337.00	254,367.34	1,258,999.91	2,031,337.09	38.26
DEBT SERVICE	1,443,799.00	0.00	342,390.64	1,101,408.36	23.71
NON-DEPARTMENTAL	869,858.00	25,664.28	233,445.23	636,412.77	26.84
CAPITAL PROJECTS	<u>6,577,353.00</u>	<u>30,091.25</u>	<u>369,663.18</u>	<u>6,207,689.82</u>	<u>5.62</u>
TOTAL EXPENDITURES	16,327,251.00	785,604.45	4,274,741.27	12,052,509.73	26.18
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	176,133.61	1,834,089.99	(1,834,089.99)	0.00

CITY OF UNIVERSAL CITY
 REVENUE & EXPENSE REPORT - UNAUDITED
 AS OF: MARCH 31ST, 2024

09 -STORMWATER MANAGEMENT
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>REVENUE SUMMARY</u>					
WATER REVENUE	820,382.00	70,124.59	419,947.61	400,434.39	51.19
INTEREST/OTHER REVENUE	1,574,957.00	4,879.57	33,896.69	1,541,060.31	2.15
DONATIONS/CONTRIBUTIONS	<u>1,000.00</u>	<u>0.00</u>	<u>9,599.75</u>	<u>(8,599.75)</u>	<u>959.98</u>
TOTAL REVENUES	2,396,339.00	75,004.16	463,444.05	1,932,894.95	19.34
<u>EXPENDITURE SUMMARY</u>					
STORMWATER/ENGINEERING	612,039.00	21,371.40	172,511.83	439,527.17	28.19
CAPITAL PROJECTS	<u>1,784,300.00</u>	<u>217,177.61</u>	<u>324,515.04</u>	<u>1,459,784.96</u>	<u>18.19</u>
TOTAL EXPENDITURES	2,396,339.00	238,549.01	497,026.87	1,899,312.13	20.74
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	(163,544.85)	(33,582.82)	33,582.82	0.00

CITY OF UNIVERSAL CITY
 REVENUE & EXPENSE REPORT - UNAUDITED
 AS OF: MARCH 31ST, 2024

07 -GOLF COURSE

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	BUDGET BALANCE	% OF BUDGET
<u>GENERAL AND ADMIN</u>					
REVENUES	1,311,500.00	18,027.48	667,397.35	644,102.65	50.89
EXPENDITURES	<u>1,572,850.00</u>	<u>29,965.20</u>	<u>154,771.22</u>	<u>1,418,078.78</u>	<u>9.84</u>
REVENUE OVER/(UNDER) EXPENDITURES	(261,350.00)	(11,937.72)	512,626.13	(773,976.13)	196.15-
<u>COURSE AND GROUNDS</u>					
REVENUES	1,807,000.00	171,403.75	840,066.42	966,933.58	46.49
EXPENDITURES	<u>1,300,987.00</u>	<u>99,629.37</u>	<u>665,837.06</u>	<u>635,149.94</u>	<u>51.18</u>
REVENUE OVER/(UNDER) EXPENDITURES	506,013.00	71,774.38	174,229.36	331,783.64	34.43
<u>CARTS</u>					
EXPENDITURES	<u>175,709.00</u>	<u>8,352.33</u>	<u>59,293.95</u>	<u>116,415.05</u>	<u>33.75</u>
REVENUE OVER/(UNDER) EXPENDITURES	(175,709.00)	(8,352.33)	(59,293.95)	(116,415.05)	33.75
<u>GOLF/PRO SHOP</u>					
REVENUES	144,000.00	26,882.27	80,510.95	63,489.05	55.91
EXPENDITURES	<u>281,669.00</u>	<u>2,507.38</u>	<u>126,711.47</u>	<u>154,957.53</u>	<u>44.99</u>
REVENUE OVER/(UNDER) EXPENDITURES	(137,669.00)	24,374.89	(46,200.52)	(91,468.48)	33.56
<u>RANGE</u>					
REVENUES	100,000.00	13,396.36	54,762.52	45,237.48	54.76
EXPENDITURES	<u>46,100.00</u>	<u>405.26</u>	<u>5,905.26</u>	<u>40,194.74</u>	<u>12.81</u>
REVENUE OVER/(UNDER) EXPENDITURES	53,900.00	12,991.10	48,857.26	5,042.74	90.64
<u>FOOD & BEVERAGE</u>					
REVENUES	833,000.00	53,724.59	395,467.47	437,532.53	47.48
EXPENDITURES	<u>799,574.00</u>	<u>11,701.71</u>	<u>358,388.46</u>	<u>441,185.54</u>	<u>44.82</u>
REVENUE OVER/(UNDER) EXPENDITURES	33,426.00	42,022.88	37,079.01	(3,653.01)	110.93
<u>MARKETING</u>					
REVENUES	112,000.00	0.00	0.00	112,000.00	0.00
EXPENDITURES	<u>112,000.00</u>	<u>2,012.99</u>	<u>55,242.96</u>	<u>56,757.04</u>	<u>49.32</u>
REVENUE OVER/(UNDER) EXPENDITURES	0.00	(2,012.99)	(55,242.96)	55,242.96	0.00
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FUND TOTAL REVENUES	4,307,500.00	283,434.45	2,038,204.71	2,269,295.29	47.32
FUND TOTAL EXPENDITURES	4,288,889.00	154,574.24	1,426,150.38	2,862,738.62	33.25
REVENUES OVER/(UNDER) EXPENDITURES	18,611.00	128,860.21	612,054.33	(593,443.33)	3,288.67
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FY 2024 2nd Quarter Investment Report

	Beginning Balance	January 2024 Interest Earned	February 2024 Interest Earned	March 2024 Interest Earned	Ending Account Balance	Period Ending Interest Rate
General Fund						
Operating Account	1,622,376	13,782	13,022	13,309	1,878,473	5.25%
Savings Account	2,458,529	8,918	8,582	9,722	2,195,951	5.25%
Employee Benefit Trust	51,230	75	5	5	1,145	5.25%
General Warrant Account	3,675,545	16,193	15,269	16,484	3,723,492	5.25%
TexPool - Investments	10,198,327	46,300	43,344	46,450	10,334,421	5.32%
Claim Pooled Cash	-	11,200	11,293	1,363	352,060	5.25%
Total	\$ 18,006,007	\$ 96,469	\$ 91,514	\$ 87,333	\$ 18,485,542	
Utility Fund						
Operating Account	12,562,858	52,381	45,101	57,397	12,901,762	5.25%
Savings Account	1,201,501	5,294	4,991	869	-	5.25%
Debt Service Account	44,209	195	184	198	44,786	5.25%
Construction Account	8,353,592	36,804	34,631	37,361	8,439,385	5.25%
Claim Pooled Cash	-	2,525	2,594	-	(1,998,313)	
Total	\$ 22,162,160	\$ 97,198	\$ 87,501	\$ 95,826	\$ 19,387,620	
Golf Course - Olympia Hills						
Operating	2,882,973	13,332	3,523	10,022	2,532,630	5.25%
Savings	1,651,157	7,274	6,859	1,194	-	5.25%
Claim Pooled Cash	-	2,322	3,100	2,287	923,524	
Total	\$ 4,534,130	\$ 22,928	\$ 13,482	\$ 13,503	\$ 3,456,154	
Debt Service						
Debt Service	1,350,316	5,405	12,877	2,680	625,617	5.25%
Claim Pooled Cash	-	5,100	5,304	6,211	1,685,511	5.25%
Total	\$ 1,350,316	\$ 10,505	\$ 18,181	\$ 8,891	\$ 2,311,128	
Storm Water						
Operating	1,246,539	4,897	3,741	4,143	1,074,505	5.25%
Savings	10,467	46	43	8	-	5.25%
Claim Pooled Cash	-	1,301	1,509	729	197,558	
Total	\$ 1,257,006	\$ 6,244	\$ 5,293	\$ 4,880	\$ 1,272,063	
Capital Projects						
GO Bonds	11,069,331	43,073	29,374	37,711	7,162,922	5.25%
Claim Pooled Cash	-	12,100	12,618	19,961	3,787,814	5.25%
Total	\$ 11,069,331	\$ 55,173	\$ 41,992	\$ 57,671	\$ 10,950,736	
Hotel Motel Tax						
Operating	513,992	2,265	2,135	2,305	520,697	5.25%
Claim Pooled Cash	-	-	-	140	37,885	5.25%
Total	\$ 513,992	\$ 2,265	\$ 2,135	\$ 2,445	\$ 558,582	
Court Bldg Security						
Operating	143,839	634	598	645	145,715	5.25%
Claim Pooled Cash	-	-	-	-	(240)	5.25%
Total	\$ 143,839	\$ 634	\$ 598	\$ 645	\$ 145,475	
Court Technology						
Operating	120,961	533	503	542	122,539	5.25%
Total	\$ 120,961	\$ 533	\$ 503	\$ 542	\$ 122,539	
PEG						
Operating	390,917	1,722	1,624	1,590	205,853	5.25%
Claim Pooled Cash	-	-	-	425	115,358	5.25%
Total	\$ 390,917	\$ 1,722	\$ 1,624	\$ 2,015	\$ 321,211	

State Asset Forfeitures

Operating	49,591	218	206	222	50,237	5.25%
Total	\$ 49,591	\$ 218	\$ 206	\$ 222	\$ 50,237	

Federal Asset Forfeitures

Operating	16,260	72	68	73	16,472	5.25%
Claim Pooled Cash	-	-	-	-	1,636	5.25%
Total	\$ 16,260	\$ 72	\$ 68	\$ 73	\$ 18,108	

Venue Tax

Operating	143,784	163	595	643	145,186	5.25%
Claim Pooled Cash	-	560	521	1,163	315,568	5.25%
Total	\$ 143,784	\$ 723	\$ 1,116	\$ 1,806	\$ 460,753	

Water Impact Fees

Claim Pooled Cash	2,350,732	-	-	8,694	2,359,426	5.25%
Total	\$ 2,350,732	\$ -	\$ -	\$ 8,694	\$ 2,359,426	

Sewer Impact Fees

Claim Pooled Cash	495,840	-	-	1,834	497,674	5.25%
Total	\$ 495,840	\$ -	\$ -	\$ 1,834	\$ 497,674	

ARPA

Claim Pooled Cash	2,836,120	-	-	10,489	2,846,609	5.25%
Total	\$ 2,836,120	\$ -	\$ -	\$ 10,489	\$ 2,846,609	

TOTAL INVESTMENT - ALL FUNDS**\$ 63,243,856**

I certify that the above financial statement is true to the best of my knowledge.



Kim Turner, City Manager



Christine Green, Finance Director

*This investment report is in compliance with the Public Funds Investment Act and all local rules and regulations.

CITY OF UNIVERSAL CITY

Date: 05/02/2024

TO: City Council
FROM: Maribel Garcia, Deputy City Clerk
SUBJECT: **FY 23-24 Q2 ORR Report**

Historical Background

The City, in compliance with the Public Information Act, fulfills open records requests on a regular basis. Any office which fills requests tracks their time spent on filling requests. While all departments in the City encounter fulfilling open records requests, respondents to the requests mainly include the City Clerk's Office and the Police Department Records Division.

The reports attached show trends in increased records requesting and increased efficiency of Staff in responding to these requests. The City Clerk's Office intends to provide quarterly reports of open records requests quantities and time spent with a final FY report in October-November of each year.

Action Requested

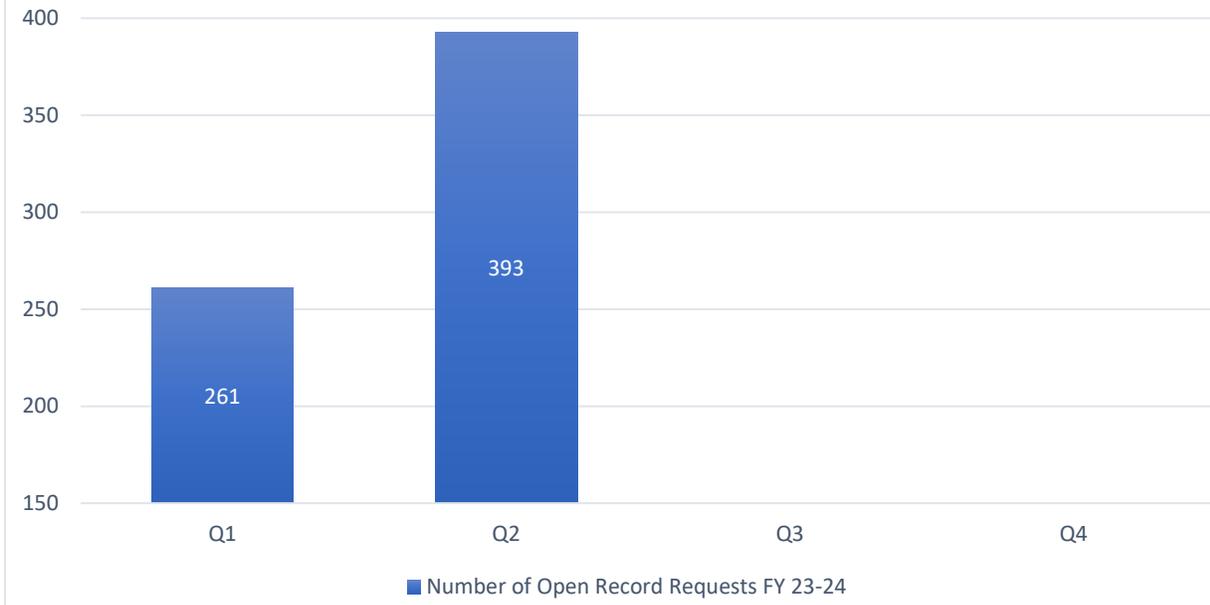
No action is required.

Staff Recommendation

Staff recommends Council acknowledge the information and provide further guidance if deemed necessary.

Attachments: FY 23-24 Q2 ORR Report

Number of Open Record Requests FY 23-24



Q1

City Clerk	29 Requests	26 hours
Development Services	10 Requests	1 hour
Police Department	222 Requests	69.5 hours
TOTAL – Q1:	261 Requests	96.5 hours

Q2

City Clerk	83 Requests	60.2 hours
Development Services	12 Requests	4.9 hour
Police Department	298 Requests	113.9 hours
TOTAL – Q2:	393 Requests	179 hours

TOTAL – FY 2024 YTD: 654 Requests 275 hours

Q3

Q4

Proclamation

55th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

May 5 - May 11, 2024

Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, Professional Municipal Clerks serves as the information center on functions of local government and community.

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

Now, Therefore, I, John Williams, Mayor of the City of Universal City, do recognize the week of May 5 through May 11, 2024, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerks, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this seventh day of May 2024.

John Williams, Mayor



Proclamation

Building Safety Month — May 2024

WHEREAS Universal City, Texas is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike, and;

WHEREAS our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

WHEREAS these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play, and;

WHEREAS these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and;

WHEREAS Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, sustainable and affordable buildings that are essential to our prosperity, and;

WHEREAS “Mission Possible,” The theme for Building Safety Month 2024, encourages us all to raise awareness about building safety on a personal, local and global scale, and;

WHEREAS each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, I, John Williams, Mayor of the City of Universal City, do hereby proclaim the month of May 2024 as Building Safety Month. Accordingly, I encourage our citizens to join us as we participate in Building Safety Month activities.

John Williams, Mayor

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
 Regular Meeting, Tuesday, 16 April 2024

1. CALL ORDER: Mayor John Williams at 6:30 P.M.

2. QUORUM CHECK and VOTE TO CONSIDER THE EXCUSE OF ABSENT MEMBERS (if applicable):

Maribel Garcia, Deputy City Clerk

Present:

Mayor John Williams
 Mayor Pro Tem Goolsby
 Councilmember Steven Buck
 Councilmember Ashton Bulman
 Councilmember Christina Fitzpatrick
 Councilmember Paul Najarian
 Councilmember Phil Vaughan

Staff Present:

Kim Turner, City Manager
 Megan Santee, City Attorney
 Michael Cassata, Development Services Director
 Randy Luensmann, Public Works Director
 Johnny Siemens, Police Chief

Mayor Williams noted a quorum was present.

3. INVOCATION and PLEDGE OF ALLEGIANCE:

Mayor Williams gave the invocation and led the Pledge of Allegiance to the United States and Texas flags.

4. STAFF REPORTS AND OTHER DISCUSSION ITEMS: None.

5. CITIZENS TO BE HEARD:

- Janice Hughes, 170 Clear Oak, expressed her appreciation for the Council’s time and research conducted for meetings. She disagreed with divisions on City Council, and felt that Council may disagree with each other but should stay united. She quoted Frank Zappa, Marcus Aurelius, and Thomas Merton relating to political intentions and dangers.
- Bernie Rubal, 635 Balboa, demonstrated tax revenue and funding that goes into the golf course compared to the earned revenue that comes out of the golf course. He asserted the City only received returns of less than 3% of funding. He asked Council to revisit the management policies related to the golf course.
- Jeff Flinn, 8018 Cherry Glade, Converse, TX, reminisced on his time interacting with Mayor Williams as a reporter at the Herald Newspaper and at Northeast Lakeview College. He wished Mayor Williams well in his departure from the seat. He commented that the metro-com is filled with Mayors who love their cities – John Williams being one. He thanked the Mayor for his service.
- Billy Hill, 9023 Phoenix Ave., thanked Council for their time researching agenda items in the interest of Universal City residents. However, he questioned why Council could not receive answers to simple questions and gain clarification on items prior to the meeting to then present their position at the meeting; he noted a consideration for laws that may prevent this. He asked Council to consider what could be done to address topics prior to meetings.
- Michael Voeller, Gather Brewing Co., mentioned that the brewery is attempting to build a pergola in the front. He noted the positive interaction he had with Jaclyn Redmon, Building Inspector, and felt

the clarifying communication with the City was valuable and appreciated it.

7. ANNOUNCEMENTS:

a. CITY MANAGER’S ANNOUNCEMENTS: None.

c. COUNCILMEMBERS’ ANNOUNCEMENTS:

Councilmember Bulman presented a token of appreciation in the form of Lego flowers in a book-shaped vase to Ms. Carmen Flynn for her work in the Library with Tasty Table and the Crafty Crew. She commended all the work Ms. Flynn does with the Library and noted that her events are well-attended.

Ms. Flynn reported the quick achievement of being completely booked for events, including the Bridgerton Tea Party with Tasty Table.

b. MAYORS’ ANNOUNCEMENTS:

Mayor Williams shared a letter he received from a 9th Grader attending Calvary Chapel Christian Academy expressing the students’ comfort from having high police presence in the area, especially with her brother starting to drive. She said, “knowing that there are police around helps me not feeling like I’m going to die every time he drives.” The Mayor wanted to share this humorous letter with Chief Siemens and thanked the Police for everything they do.

Mayor Williams also shared his experience with EZ Wash and the attendant’s generosity and help. His dryer broke and he had to use a laundromat after years of never using one. The attendant noticed he needed help, and covered the charge herself after realizing Mayor Williams did not know he had to have coins. He thanked her and gave laudations to business owners like her in the City that show immense pride and generosity in their work.

c. COUNCILMEMBERS’ ANNOUNCEMENTS:

Councilmember Buck addressed comments from Citizens to be Heard saying he agreed with sentiments of wanting less divisiveness. He noted it was clear that all current Councilmembers and all candidates running for Council want the best for the City, though they may not agree. He felt humbled by the trust residents placed in him as an elected official to make decisions for the City. He opined that sometimes deliberation could be messy, but that was okay.

Mayor Pro Tem Goolsby verified that this was not Councilmember Buck’s last meeting – he would make his comments later.

Councilmember Najarian was excited for presentations on the agenda. He reported on the recent NE Partnership meeting with Congresswoman Donna Campbell and other candidates. He said he would be attending the Judson ISD Bond meeting. He thanked everyone in attendance for attending.

Councilmember Fitzpatrick commented on differences of opinion on Council but noted that they all have the best interests of the community at heart. She said they all were thoughtful about those decisions and had to be open to new ideas. She thanked everyone for attending and reminded them that Heroes Camp registration would open with the camp hosted June 3-7 for 12-14 year olds.

Councilmember Vaughan addressed Mr. Hill's comments stating he hoped the Council Message Board would help with time in the meetings. He informed Council of a possible conflict of interest and his intent to recuse himself from items regarding the Reunion Development.

6. PUBLIC HEARINGS:

Reunion Development

- a. **PC 602 (ZC 253) – A request for an amendment to the Future Land Use Plan for two tracts combined totaling an approximately 43-acre larger tract located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard (see metes and bounds descriptions below) from HC-Highway Commercial and OS-Open Space to HC-Highway Commercial, HDR-High Density Residential and OS-Open Space, per Zoning Ordinance 581.**
- b. **PC 603 (ZC 254)—A request for a Zone Change from OS-Open Space and C4-General Commercial to PUD 2024-101 District for two tracts combined totaling an approximately 43-acre larger tract located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard (see metes and bounds descriptions below), per Zoning Ordinance 581.**
- c. **PC 604 (ZC 255)—A request for approval of PUD Preliminary and Final Plans (PUD 2024-101) for two tracts combined totaling an approximately 43-acre larger tract located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard (see metes and bounds descriptions below), per Zoning Ordinance 581.**

Mr. Cassata presented background of the Reunion Development project, a Planned Unit Development. He stated that the City and EDC owned 43 acres of property off E. Loop 1604 N. for which market analysis was conducted; average income would be approximately \$85,000 annually. He shared recommendations as a result of consultation with the Retail Coach, including having a master developer control the whole site, gaining public buy-in for infrastructure needs, master planning the site, and zoning the development for mixed use intentions. A map of the development was presented – it was parsed into various proposed uses including retail, hotel/apartments, multi-family housing, flex warehousing, business offices, active senior housing, recreation facilities, restaurants, and more. He noted development requirements in Exhibit D of the PUD Ordinance. He assured Council that market conditions would be considered and proposed uses could subsequently change location. He emphasized the development's prioritization of pedestrian connectivity with 10-foot shared-use paths. He shared right-of-way specifications, parking plans, positive traffic study results at full build-out, floodplain analysis, and presented a construction timeline. Infrastructure should be completed by December 2025, after which development could begin. He said the applicant requested a FLUP amendment, rezoning to the PUD 2024-101 District, approval of the Master Development Agreement, and approval of both EDC and City sale agreements. He clarified that the EDC owned approximately 10 acres of the 43 acres with the City owning the rest. Thirty notices were distributed according to statute with two objections received from businesses stating their concern of increased traffic and crime associated with apartments.

Reunion Development partners Zach Wolf and Mitchell Ward briefly reported their experience with Live Oak Interests. Their firm focused on multi-family development, building market-rate apartments and active senior/adult living. They gave an overview of other team members as well as consultants already chosen for the project. They presented their current development portfolio.

Mayor Williams opened the Public Hearing at 7:16 PM.

- Janice Hughes, 170 Clear Oak, worried about emergency services coverage of the area with sustainable growth of the Police and Fire departments. She opined that passive land with no designated purpose is okay. She was concerned with the effect of the new development on water

restrictions. She played Joni Mithcell’s “Yellow Taxi” warning about how “they paved paradise, put up a parking lot.” She hoped that progress was done with present and future considerations.

- Bernie Rubal, 635 Balboa, expressed concern regarding loss of retail or commercial zoning with the new development. He stated commerce helps reduce property taxes for residents. He wondered who would bear the tax burden. He wished for clarification on the land that was, until recently, labeled as parks land in the Parks Master Plan.

There being no further comment, **Mayor Williams closed the Public Hearing at 7:25 PM.**

E. Wright Rowhomes

- d. **PC 605 (ZC 256) – A request for an amendment to the Future Land Use Plan for an approximately 0.717-acre tract located at the southeast corner of Bowie Drive and E. Wright Boulevard, with the common addresses of 604 Bowie Drive and 206-218 E. Wright Boulevard, [CB 5768 BLK 21 LOTS 1-5] from MDR-Medium Density Residential to HDR-High Density Residential, per Zoning Ordinance 581.**
- e. **PC 606 (ZC 257) – A request for a Zone Change from R-OT Old Town Residential to PUD 2024-102 District for an approximately 0.717-acre tract located at the southeast corner of Bowie Drive and E. Wright Boulevard, with the common addresses of 604 Bowie Drive and 206 – 218 E. Wright Boulevard, [CB 5768 BLK 21 LOTS 1-5], per Zoning Ordinance 581.**
- f. **PC 607 (ZC 258)—A request for approval of PUD Preliminary and Final Plans (PUD 2024-102) for an approximately 0.717-acre tract located at the southeast corner of Bowie Drive and E. Wright Boulevard, with the common addresses of 604 Bowie Drive and 206 – 218 E. Wright Boulevard, [CB 5768 BLK 21 LOTS 1-5], per Zoning Ordinance 581.**

Mr. Cassata clarified the location in the Aviation District and said the project was in line with the Aviation District Masterplan. He noted the usefulness of the Masterplan because it allowed Staff to present it to the property owner years ago when he expressed interest in building in the Aviation District. From there, his property acquisition progressed to allow for a rowhomes project fitting the vision of the District. Mr. Cassata noted the project’s proximity to another community called The Solitude and explained concepts of New Urbanism including incentivizing walkability by bringing buildings closer to the sidewalk and having rear-entry garages. He noted accommodations for emergency vehicles and requirements for architectural materials. He gave a brief overview of the unit size to be three-bedroom, two-story units.

Richard Raimondi, the applicant, stated he agreed with the vision of the Aviation District. He gave an overview of his background in Universal City, including the involvement of his son in this project. He felt this was a family investment. He assured Council that he had years of experience with all contractors and trusted their work. He briefly explained exterior designs of the units with each being unique.

Mayor Williams opened the Public Hearing at 7:33 PM.

- Kim Igleheart, 736 Garden Meadow, was concerned about the rear-entry garages. She wondered who would maintain the alley where residents access the garages. She reported her experience with a rear-entry garage alleyway noting water retention and potholes. The overgrown grass narrowed the street. She asked Staff and Council to address this.
- Bernie Rubal, 635 Balboa, observed the loss of retail/commercial space with the new development. He noted Item 10 in the Aviation District Masterplan was removed and rowhomes would be markedly different from the mixed-use residential complexes initially proposed in the Masterplan.

- Judge Michelle Garcia, 405 E Lindbergh, inquired what would happen to the residential houses in her area. She noticed houses on her street being bought by an entity and her property was one of the last remaining on the street. She worried her property would be bought and wondered if this was an issue to address with the City or if the purchase of property was due to the Air Force base.

There being no further comment, **Mayor Williams closed the Public Hearing at 7:38 PM.**

7. CONSENT AGENDA:

Councilmember Najarian moved to approve the following Consent Agenda items:

- 1) Consider the minutes of the Tuesday, 02 April, 2024 Regular Meeting.

Councilmember Fitzpatrick seconded the motion.

**Vote: Yeas: Najarian, Fitzpatrick, Goolsby, Buck, Bulman, Vaughan
Nays: None**

Motion to approve carried.

8. ACTION ITEMS:

- B. Resolution 966-2024-6 (Daniels & Daniels Storefront Improvement): A resolution authorizing a project, which will facilitate the promotion and development of new or expanded commercial development, and which was approved by the Board of Directors of the Universal City Economic Development Corporation on 11 April, 2024; and providing an effective date.**

Mrs. Turner reminded Council that Daniels & Daniels recently relocated to the old law office at 2117 Pat Booker with a Specific Use Permit approval by Planning & Zoning and City Council. After approval, they applied for the EDC Storefront Improvement Program to add building signage. The project would cost \$5,400, \$3,000 of which the EDC Board agreed to reimburse.

The Council gained clarification of sign plans for other businesses leasing on the property. No other businesses on the property had applied for the Storefront Improvement program as of the date of the meeting.

Mayor Pro Tem Goolsby moved to approve Resolution 966-2024-6. Councilmember Vaughan seconded the motion.

**Vote: Yeas: Goolsby, Vaughan, Buck, Bulman, Fitzpatrick, Najarian
Nays: None**

Motion to approve carried.

- C. Resolution No. 971-2024: A resolution by the City Council of the City of Universal City, Texas authorizing and approving projects and expenditures related to promoting new and expanded business development by the Universal City Economic Development Corporation; and other matters in connection therewith.**

Mrs. Turner explained that this bond would fund Kitty Hawk road improvements. She said the EDC had posted appropriate notices and approved necessary items prior to this meeting. She gave a timeline overview for the bond process. The callability of the \$5.3 million bonds with the

proposed payment plan and the process of procurement for the bonds was clarified. The bond would be for a 15-year period callable at 10 years. She noted that both the EDC and the City's financial advisor Victor Quiroga had both recommended the 10-year callable bond plan. The EDC would be saving about \$400,000 in extra interest payments by using the recommended plan.

Councilmember Buck and Clay Binford discussed the difference in interest rates based on the repayment period and their contribution to savings. They also discussed the complexities of how, if the EDC sells Aviation District land during this ten year period when bonds are not callable, State law allows the use of escrow investments to pay bonds.

Mr. Binford clarified certain limitations on tax-exempt debt for Councilmember Najarian.

Mrs. Turner cautioned Council that, while the EDC could sell property to pay the bonds, there are other projects they could use the money for instead of committing the money to bond payments.

Councilmember Buck moved to approve Resolution No 971-2024. Councilmember Najarian seconded the motion.

**Vote: Yeas: Buck, Najarian, Goolsby, Bulman, Fitzpatrick, Vaughan
Nays: None**

Motion to approve carried.

Mayor Williams briefly recessed the meeting at 7:56 PM to sign documents related to the bond.

Mayor Williams reconvened the meeting at 8:02 PM.

Reunion Development – TABS D-H

Council discussed Reunion Development items.

Councilmember Bulman received clarification regarding emergency services and water restrictions. Emergency services, specific to Police and Fire, had been tracking their call volumes and predicted that at full build-out of the development, call volume would increase by 2-3%. Water restrictions were explained to not be controlled by Universal City and are not dependent on how much water the City has; the Edwards Aquifer Authority dictates water restrictions. Additionally, the City always budgets to buy more water rights.

Mrs. Turner noted that growth would be gradual giving Police and Fire the time to adjust and communicate need. For water concerns, she noted that the City has multiple water reuse contracts, and the development would set up reuse easements.

Mr. Luensmann confirmed that the City had plenty of water to support this growth.

Councilmember Buck and Chief Siemens reviewed the City's Police Department mutual aid agreements with surrounding EMS and police departments to guarantee the fastest response time.

Councilmember Goolsby confirmed that there would be no commercial loss with apartments since they

are considered commercial and taxed and charged for utilities at the same commercial rates.

Councilmember Buck noted that loss of commercially zoned properties was a concern for sales tax, but with apartments being considered commercial, the commercial tax burden would be placed on apartment residents. He also noted that the property had not succeeded in developing as a retail space for some time. He commented that, while he would love the space to be retail, this was not going to happen, and Reunion Development was a good alternative.

Mrs. Turner gave Council history of the property leading to the PUD. She elaborated on Councilmember Buck's consideration that the property failed as a retail space, leading to the mixed-use development.

In response to online comments regarding the property sale being a one-time revenue, Councilmember Fitzpatrick noted that at full build-out, the property would be taxed at a higher rate, bringing in revenue for the City. She asked everyone to remember that the development was not only being invested in by the City, but also Reunion Development partners. She asked how many acres would be park land and how the open space could be used, so as not to misrepresent what could be done with the open space.

Mr. Luensmann stated the parkland to be approximately 10-acres. However, this park connects to the linear parks system through trails.

Walking path specifications were clarified, and open spaces were clarified to be privately owned spaces that would be open to the public.

D. Ordinance No. 632-PC-583-FLUP-2024: An ordinance amending the Future Land Use Plan to change Land Use designation of property located at 11514 E. Loop 1604 N, Universal City, Texas from HC-Highway Commercial and OS-Open Space to HC-Highway Commercial, HDR-High Density Residential, and OS-Open Space; providing for severability; and establishing an effective date.

Councilmember Buck stated that, after conducting a public hearing on the request for an amendment to the Future Land Use Plan for the two tracts combined totaling an approximately 43-acre larger tract located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard, and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve PC 602 (ZC 253) and the amendment to the Future Land Use Plan from HC-Highway Commercial and OS-Open Space to HC-Highway Commercial, HDR-High Density Residential and OS-Open Space for the subject property with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. Staff approval of outstanding Master Development Agreement items
3. City Council approval of the Zone Change from OS-Open Space and C4-General Commercial to PUD 2024-101 District
4. City Council approval of the PUD Final Plan
5. City Council approval of the Resolution approving the Purchase and Sale Agreement for the 33-acre tract owned by the City
6. City Council approval of the EDC Resolution approving the Purchase and Sale Agreement for the 9.987-acre tract owned by the EDC
7. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

Councilmember Najarian seconded the motion.

Vote: Yeas: Buck, Najarian, Goolsby, Bulman, Fitzpatrick
Nays: None
Recuse: Vaughan

Motion to approve carried.

- E. Ordinance No. 581-Y-PUD-2024-101: An ordinance of the City Council of the City of Universal City, Texas, amending the Zoning Map of the City of Universal City, Texas for an approximately 43-acre property located at 11514 E. Loop 1604 N; rezoning said property from OS-Open Space and C4-General Commercial to PUD 2024-101 District, generally for Multi-Family Residential, Commercial, Office-Research and Open Space; adopting the PUD Final Plan related to PUD 2024-101 District; providing for severability; providing for the publication of the caption of this ordinance; and establishing an effective date.**

Regarding the Zone Change, Councilmember Najarian stated that, after conducting a public hearing on the request for a Zone Change for the two tracts combined totaling an approximately 43-acre larger tract located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard, and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve PC 603 (ZC 254) and the Zone Change from OS-Open Space and C4-General Commercial to PUD 2024-101 District for the subject property with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. Staff approval of outstanding Master Development Agreement items
3. City Council approval of the FLUP amendment from HC-Highway Commercial and OS- Open Space to HC-Highway Commercial, HDR-High Density Residential and OS-Open Space
4. City Council approval of the PUD Final Plan
5. City Council approval of the Resolution approving the Purchase and Sale Agreement for the 33-acre tract owned by the City
6. City Council approval of the EDC Resolution approving the Purchase and Sale Agreement for the 9.987-acre tract owned by the EDC
7. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

Councilmember Buck seconded the motion.

Vote: Yeas: Najarian, Buck, Goolsby, Bulman, Fitzpatrick
Nays: None
Recuse: Vaughan

Motion to approve carried.

Regarding the PUD and Ordinance, Councilmember Najarian stated that, after conducting a public hearing on the request for approval of the PUD Preliminary and Final Plans and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve PC 604 (ZC 255) and the associated PUD Preliminary and Final Plans and PUD Ordinance 581-Y-PUD-2024-101 for the two tracts combined totaling an approximately 43-acre larger tract located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. Staff approval of outstanding Master Development Agreement items

3. City Council approval of the FLUP amendment from HC-Highway Commercial and OS- Open Space to HC-Highway Commercial, HDR-High Density Residential and OS-Open Space
 4. City Council approval of the Zone Change from OS-Open Space and C4-General Commercial to PUD 2024-101 District
 5. City Council approval of the Resolution approving the Purchase and Sale Agreement for the 33-acre tract owned by the City
 6. City Council approval of the EDC Resolution approving the Purchase and Sale Agreement for the 9.987-acre tract owned by the EDC
 7. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council
- Mayor Pro Tem Goolsby seconded the motion.

Vote: Yeas: Najarian, Goolsby, Buck, Bulman, Fitzpatrick
Nays: None
Recuse: Vaughan

Motion to approve carried.

N. T. 2: Executive Session:

- a) Pursuant to Texas Gov't Code Sec. 551.072 regarding the purchase and value of real property if deliberation in open session would have a detrimental effect on the position of the corporation in negotiations with a third party; and for attorney consultation pursuant to Sec. 551.071(2); regarding:
 - i. 43 acres of vacant, undeveloped property owned by the City of Universal City (33.3 acres) and the Economic Development Corporation (9.994 acres) located at Loop 1604 and Byrd Boulevard
- b) Reconvene in Open Session and take action, if needed, on any item pertaining to or listed in the Executive Session section of this Agenda.

Mayor Williams began the Closed Session at 8:30 P.M.

Mayor Williams convened into Closed Session with present City Council Members, City Manager Kim Turner, City Attorney Megan Santee, Development Services & Economic Development Director Michael Cassata, and Public Works Director Randy Luensmann.

Mayor Williams and the City Council reconvened into Open Session at 9:09 P.M. No action was taken during the Closed Session.

- F. Ordinance No. 581-AA-2024: An ordinance of the City Council of the City of Universal City, Texas approving an agreement with Reunion Development Partners, LLC to program economic development incentives for public project enhancements, development standards, emergency service access, and correlated infrastructure relating to the development of Reunion Development in Universal City; and establishing a Savings Clause and an effective date.**

Councilmember Bulman stated that, after conducting a public hearing on the request for approval of the PUD Preliminary and Final Plans and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve the associated Master Development Agreement with Reunion Development Partners, LLC for the two tracts combined totaling an approximately 43-acre larger tract located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard with the following

conditions:

1. Staff approval of outstanding PUD Final Plan comments
 2. Staff approval of outstanding Master Development Agreement items
 3. City Council approval of the FLUP amendment from HC-Highway Commercial and OS- Open Space to HC-Highway Commercial, HDR-High Density Residential and OS-Open Space
 4. City Council approval of the Zone Change from OS-Open Space and C4-General Commercial to PUD 2024-101 District
 5. City Council approval of the Resolution approving the Purchase and Sale Agreement for the 33-acre tract owned by the City
 6. City Council approval of the EDC Resolution approving the Purchase and Sale Agreement for the 9.987-acre tract owned by the EDC
 7. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council
- Mayor Pro Tem Goolsby seconded the motion.

Vote: Yeas: Bulman, Goolsby, Buck, Fitzpatrick, Najarian

Nays: None

Recuse: Vaughan

Motion to approve carried.

- G. Resolution No. 970-A-2024: A resolution of the City of Universal City authorizing the sale of Real Property located at 11514 E. Loop 1604 N., Universal City, Texas, by Universal City, Texas, for projects to promote new or expanded business development.**

Councilmember Fitzpatrick stated that, after conducting a public hearing on the request for approval of the PUD Preliminary and Final Plans and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve the associated Purchase and Sale Agreement with Reunion Development Partners, LLC for the City-owned tract totaling approximately 33 acres located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. Staff approval of outstanding Master Development Agreement items
3. City Council approval of the FLUP amendment from HC-Highway Commercial and OS- Open Space to HC-Highway Commercial, HDR-High Density Residential and OS-Open Space
4. City Council approval of the Zone Change from OS-Open Space and C4-General Commercial to PUD 2024-101 District
5. City Council approval of the EDC Resolution approving the Purchase and Sale Agreement for the 9.987-acre tract owned by the EDC
6. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

Councilmember Bulman seconded the motion.

Vote: Yeas: Fitzpatrick, Bulman, Goolsby, Buck, Najarian

Nays: None

Recuse: Vaughan

Motion to approve carried.

- H. Resolution No. 970-B-2024: A resolution of the City of Universal City authorizing the sale of**

Real Property located at 11514 E. Loop 1604 N., Universal City, Texas, by the Universal City Economic Development Corporation, for projects to promote new or expanded business development.

Councilmember Najarian stated that, after conducting a public hearing on the request for approval of the PUD Preliminary and Final Plans and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve the EDC Resolution approving the associated Purchase and Sale Agreement with Reunion Development Partners, LLC for the EDC-owned tract totaling approximately 10 acres located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. Staff approval of outstanding Master Development Agreement items
3. City Council approval of the FLUP amendment from HC-Highway Commercial and OS- Open Space to HC-Highway Commercial, HDR-High Density Residential and OS-Open Space
4. City Council approval of the Zone Change from OS-Open Space and C4-General Commercial to PUD 2024-101 District
5. City Council approval of the Resolution approving the Purchase and Sale Agreement for the 33-acre tract owned by the City
6. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

Councilmember Bulman seconded the motion.

Vote: Yeas: Najarian, Bulman, Goolsby, Buck, Fitzpatrick

Nays: None

Recuse: Vaughan

Motion to approve carried.

E. Wright Rowhomes – TABS I-J

Council discussed items related to the E. Wright Rowhomes.

Mayor Pro Tem Goolsby confirmed that the rear-entry street is private property and subject to the Property Maintenance Code.

Councilmember Vaughan confirmed that the open space would be maintained by Mr. Raimondi, the property owner.

Mr. Cassata clarified that the open space is included as part of the platting process which will not allow the land to be parceled; the land will remain common space. He also clarified that the location behind the property would be separated by a fence.

Councilmember Fitzpatrick confirmed that the purchasing of property on E. Lindbergh was addressed with Judge Garcia; the property acquisition she referred to was done by Randolph Air Force Base while they were expanding their clear zone.

- I. **Ordinance No. 632-PC-584-FLUP-2024: An ordinance amending the Future Land Use Plan to change Land Use designation of property located at 604 Bowie Drive and 206-218 E. Wright Boulevard, Universal City, Texas (CB 5768 BLK 21 LOTS 1-5) from MDR-Medium Density**

Residential to HDR-High Density Residential; providing for severability; and establishing an effective date.

Councilmember Bulman stated that, after conducting a public hearing on the request for an amendment to the Future Land Use Plan for the properties at the southeast corner of Bowie Drive and E. Wright Boulevard, with the common addresses of 604 Bowie Drive and 206-218 E. Wright Boulevard, and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve PC 605 (ZC 256) and the amendment to the Future Land Use Plan from MDR-Medium Density Residential to HDR-High Density Residential for the subject property with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. City Council approval of the Zone Change from R-OT Old Town Residential to PUD 2024-102 District
3. City Council approval of the PUD Final Plan
4. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

Councilmember Buck seconded the motion.

**Vote: Yeas: Bulman, Buck, Goolsby, Najarian, Fitzpatrick, Vaughan
Nays: None**

Motion to approve carried.

- J. Ordinance No. 581-Y-PUD-102: An ordinance of the City Council of the City of Universal City, Texas amending the Zoning Map of the City of Universal City, Texas for an approximately 0.717-acre property, located at 604 Bowie Drive and 206-218 E. Wright Boulevard, Universal City, Texas; rezoning said property from R-OT Old Town Residential District to PUD 2024-102 District, generally for High-Density Residential and related uses; adopting the PUD Final Plan related to PUD 2024-102; providing for severability; providing for the publication of the caption of this ordinance; and establishing an effective date.**

Regarding the Zone Change, Councilmember Buck stated that, after conducting a public hearing on the request for a Zone Change for the properties located at the southeast corner of Bowie Drive and E. Wright Boulevard, with the common addresses of 604 Bowie Drive and 206-218 E. Wright Boulevard, and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve PC 606 (ZC 257) and the Zone Change from R-OT Old Town Residential to PUD 2024-102 District for the subject property with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. City Council approval of the FLUP amendment from MDR-Medium Density Residential to HDR-High Density Residential
3. City Council approval of the PUD Final Plan
4. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

Councilmember Bulman seconded the motion.

**Vote: Yeas: Buck, Bulman, Goolsby, Fitzpatrick, Najarian, Vaughan
Nays: None**

Motion to approve carried.

Regarding the PUD and Ordinance, Councilmember Fitzpatrick stated that, after conducting a public hearing on the request for approval of the PUD Preliminary and Final Plans and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve PC 607 (ZC 258) and the associated PUD Preliminary and Final Plans and PUD Ordinance 581-Y-PUD-2024- 102 for the properties at the southeast corner of Bowie Drive and E. Wright Boulevard, with the common addresses of 604 Bowie Drive and 206-218 E. Wright Boulevard, with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. City Council approval of the FLUP amendment from MDR-Medium Density Residential to HDR-High Density Residential
3. City Council approval of the Zone Change from R-OT Old Town Residential to PUD 2024-102 District
4. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

Mayor Pro Tem Goolsby seconded the motion.

**Vote: Yeas: Fitzpatrick, Goolsby, Buck, Bulman, Najarian, Vaughan
Nays: None**

Motion to approve carried.

Other Items

- K. Ordinance No. 307-B-2024: An ordinance amending the requirements for Vehicle Wrecker/Tow Services; superseding Ordinance 307-A-1989; amending Chapter 3-3, Article XI: Vehicle Wrecker Services in its entirety; providing for severability; setting an effective date; and amending the Universal City Code of Ordinances accordingly.**

Councilmember Bulman moved to approve Ordinance No. 307-B-2024. Councilmember Vaughan seconded the motion.

**Vote: Yeas: Bulman, Vaughan, Goolsby, Buck, Fitzpatrick, Najarian
Nays: None**

Motion to approve carried.

- L. Approval of Pay Application #2 invoice for the Ivy Lane Street Improvements-Construction.**

Councilmember Vaughan moved to approve Pay Application #2 for Ivy Lane Street Improvements-Construction. Councilmember Bulman seconded the motion.

**Vote: Yeas: Vaughan, Bulman, Goolsby, Buck, Fitzpatrick, Najarian
Nays: None**

Motion to approve carried.

- M. Bid Acceptance of the Kitty Hawk to Meadowland Drive Sanitary Sewer Improvements.**

Councilmember Bulman moved to approve Bid Acceptance by awarding the contract to T

Construction in the amount of \$1,049,359.15 and authorizing the City Manager to execute the contract. Councilmember Buck seconded the motion.

Vote: Yeas: Bulman, Buck, Goolsby, Fitzpatrick, Najarian, Vaughan
Nays: None

Motion to approve carried.

N. Ordinance No. 352-K-2024: An ordinance amending certain sections of Section 4-4-82 – Off Premises Signs of the City Code of Ordinances to amend the allowed locations and other requirements of off premises signs, providing severability, setting an effective date, and to amend the Universal City Codes accordingly.

Mr. Cassata explained the proposed changes to the Sign Code that allow certain off-premises signs in the Aviation District; it would allow agreements between business owners for sign use as well as allow the EDC and City to use signs in the right-of-way for off-premises uses. This was to address the lack of visibility of businesses on side streets from Pat Booker Road. This change would only be applicable for businesses in the Aviation District. Both the EDC and Planning and Zoning Commission were consulted in the creation of this amendment.

Concerns regarding sign-pollution or overabundance of signs were addressed. Only one off-premises sign would be allowed per business. Additionally, only four off-premises signs could be rented or utilized on one Pat Booker-fronting property in the Aviation District. The signs would be marquee signs, not individual pole signs. It was also clarified that signs would only have to comply with the Sign Code but not with the standards the City sets for the signs it owns. If businesses apply to the Storefront Improvement Program through the EDC, the EDC may place their own architectural requirements. Businesses on Pat Booker within the Aviation District could also have an off-premises sign, but they would also be limited to only one.

The Council discussed the motivations behind the amendment, stating it primarily targeted businesses on the side roads off Pat Booker. The intention was to help businesses not feel that they have to be on Pat Booker to have a prime retail space; instead, they could get the benefit of being in the viewshed of Pat Booker with the off-premises sign while being located off of Pat Booker. The safeguards to avoid abuse of the amendment include the limit of one off-premises sign per business, only four off-premise sign per 32 square foot sign on Pat Booker, and the fact that there are limited businesses that meet the specifications to participate in this amendment.

Councilmember Buck moved to approve Ordinance No. 352-K-2024. Councilmember Najarian seconded the motion.

Vote: Yeas: Buck, Najarian, Goolsby, Bulman, Fitzpatrick, Vaughan
Nays: None

Motion to approve carried.

N. T. 1: Accessory Structure Discussion.

This item was pulled from the agenda for later discussion with no contest from Council.

N. T. 2: Executive Session:

- c) Pursuant to Texas Gov't Code Sec. 551.072 regarding the purchase and value of real property if deliberation in open session would have a detrimental effect on the position of the corporation in negotiations with a third party; and for attorney consultation pursuant to Sec. 551.071(2); regarding:
 - ii. 216 Pat Booker Road
- d) Reconvene in Open Session and take action, if needed, on any item pertaining to or listed in the Executive Session section of this Agenda.

Mayor Williams began the Closed Session at 8:25 P.M.

Mayor Williams convened into Closed Session with present City Council Members, City Manager Kim Turner, City Attorney Megan Santee, Development Services & Economic Development Director Michael Cassata, and Public Works Director Randy Luensmann.

Mayor Williams and the City Council reconvened into Open Session at 9:13 P.M. No action was taken during the Closed Session.

- O. **Resolution No. 970-C-2024: A resolution of the City of Universal City authorizing the purchase of Real Property located at 216 Pat Booker Road, Universal City, Texas, by the Universal City Economic Development Corporation, for projects to promote new or expanded business development.**

Councilmember Buck moved to approve Ordinance No. 352-K-2024. Mayor Pro Tem Goolsby seconded the motion.

**Vote: Yeas: Buck, Goolsby, Fitzpatrick, Najarian
Nays: Bulman, Vaughan**

Motion to approve carried.

9. ADJOURNMENT: Mayor Williams adjourned the meeting at 9:56 P.M.

APPROVED:

John Williams, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk

RESOLUTION 971-2024**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS AUTHORIZING AND APPROVING PROJECTS AND EXPENDITURES RELATED TO PROMOTING NEW OR EXPANDED BUSINESS DEVELOPMENT BY THE UNIVERSAL CITY ECONOMIC DEVELOPMENT CORPORATION; AND OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the City of Universal City, Texas (the *City*) was authorized pursuant to the provisions of Section 4B, as amended, Texas Revised Civil Statutes Annotated Article 5190.6, now codified as Chapter 505, Texas Local Government Code, as amended (the *Act*), to create a nonprofit economic development corporation, known as the Universal City Economic Development Corporation (the *Corporation*); and

WHEREAS, the City Council of the City (the *Council*), authorized the calling of an election (the *1995 Election*) authorizing the levy of a one-half (1/2) of one percent (1%) additional sales and use tax (the *Sales Tax*) within the City in accordance with the provisions of the Act; and

WHEREAS, the majority of the residents of the City approved the levy of the Sales Tax at the 1995 Election held on August 12, 1995; and

WHEREAS, the Board of Directors of the Corporation (the *Board*) and the Council intend to participate in “Projects”, as defined in the Act, including to be developed to attract new businesses to the City and to promote “new or expanded business development” in the City, including (i) the acquisition, demolition, renovation, improvement, and equipment of the purchase and acquisition of land located in the vicinity of the entrance to Wal-Mart (the *Reunion Project*), near and around 510 Kitty Hawk Road, Universal City, Texas 78148, and the aviation district (the *Aviation District Project*, and together with the Reunion Project, the *2024 Projects*), near and around Booker Road outside Randolph Airforce Base, between Aviation and National Boulevards, Universal City, Texas 78148, to be developed to attract new businesses to the City and to promote “new or expanded business development” in the City, (ii) acquiring, constructing, purchasing, renovating, demolishing, enlarging, and improving the City’s streets, utilities, and drainage improvements incidental thereto to the 2024 Projects, along with the acquisition of land, easements, rights of way, and other interests in real property relating to the foregoing, (iii) the purchase of materials, supplies, equipment, machinery, landscaping, land, and rights-of-way for authorized needs and purposes relating to the aforementioned capital improvements, and (iv) the payment of professional services related to the construction and financing of the aforementioned 2024 Projects, which 2024 Projects will promote or develop new or expanded business enterprises in the City; and

WHEREAS, the Board intends to undertake projects pursuant to Section 505.158 of the Act (*Section 505.158*), and the Council affirms the City’s population is less than 20,000 residents and ratifies the Board’s previous determination that the 2024 Projects will promote new or expanded business development in the City; and

WHEREAS, certain provisions of the Act, including Section 505.158 and Section 501.073(a) of the Act, require the Council's approval of all programs and expenditures of the Corporation, and specifically provide that the Council must adopt this Resolution after two separate readings before the Corporation may undertake the 2024 Projects, which require expenditures in excess of \$10,000; and

WHEREAS, pursuant to Section 505.160 of the Act, the Corporation published notice of the 2024 Projects on March 18, 2024; and

WHEREAS, the Corporation held a public hearing for the 2024 Projects on April 11, 2024, as required by the provisions of Section 505.159 of the Act; and

WHEREAS, the Corporation neither received a petition calling for a referendum under the City's Home Rule Charter nor a petition from the City's qualified voters requesting an election be held prior to undertaking either 2024 Projects; and

WHEREAS, the Act authorizes the Corporation to operate, maintain, and finance the costs of the 2024 Projects and to issue obligations and bonds on behalf of the City to finance the 2024 Projects as described in the Act; and

WHEREAS, the Council hereby finds and determines the adoption of this Resolution is in the best interests of the residents of the City; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS THAT:

SECTION 1. The Council hereby finds, determines, and declares the prerequisites to approving the 2024 Projects occurred (including two separate readings of this Resolution), the 2024 Projects related to the Corporation are authorized by the Act, and approves the program and expenditures related to the 2024 Projects.

SECTION 2. The Mayor and the City Clerk of the City are hereby authorized to execute and seal this Resolution after its second reading.

SECTION 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of

such provision to other persons and circumstances shall nevertheless be valid, and the Council hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. This Resolution shall be in force and effect from and after the date of its adoption, and it is so resolved.

* * *

PASSED ON FIRST READING on the 16th day of April, 2024.

PASSED AND ADOPTED ON SECOND READING on the 21st day of May, 2024.

CITY OF UNIVERSAL CITY, TEXAS

Mayor

ATTEST:

City Clerk

(CITY SEAL)

Universal City Economic Development Corporation

March 14, 2024



*Financing Plan for the Issuance of
Sales Tax Revenue Bonds, Series 2024*



SPECIALIZED PUBLIC FINANCE INC.
FINANCIAL ADVISORY SERVICES

Victor Quiroga, Jr. | Managing Director
Office (210) 239-0204 | Cell (210) 887-1810
victor@spfmuni.com

Overview of the Proposed Plan of Finance

- ❑ The UCEDC has contemplated various projects necessitating financing

- ❑ Staff has identified and prioritized projects to finance by issuing Sales Tax Revenue Bonds in the approximate amount of \$5,300,000

- ❑ If allowed to move forward, a joint meeting with City Council is proposed for May 21, 2024 to issue the Bonds (i.e., lock-in interest rate)

- ❑ Delivery of the bond proceeds would then be scheduled for June 18, 2024

Notes:

Preliminary and subject to change.

Proforma based on Gross Revenue Pledge

➤ Option B: 15-Year Wraparound Repayment Term

(A)	(B)	(C)	(D)	(E)	(F) = (D) + (E)	(G)	(H) = (F) - (G)	(I) = (B) / (H)
FYE 9/30	Sales Tax Revenues	Growth	Existing EDC D/S	\$5,300,000 Series 2024 6/18 5.00%	Projected Total EDC D/S	Less: Available Funds	Total Net EDC D/S	D/S Coverage
2024	\$ 1,741,388		\$ 475,905	\$ -	\$ 475,905	\$ -	\$ 475,905	3.66x
2025	1,741,388	0.00%	475,925	357,757	833,682	-	833,682	2.09x
2026	1,741,388	0.00%	475,718	356,000	831,718	-	831,718	2.09x
2027	1,741,388	0.00%	290,271	566,750	857,021	-	857,021	2.03x
2028	1,741,388	0.00%	290,647	566,750	857,397	-	857,397	2.03x
2029	1,741,388	0.00%	290,816	566,000	856,816	-	856,816	2.03x
2030	1,741,388	0.00%	290,778	569,500	860,278	-	860,278	2.02x
2031	1,741,388	0.00%	290,531	567,000	857,531	-	857,531	2.03x
2032	1,741,388	0.00%	290,076	568,750	858,826	-	858,826	2.03x
2033	1,741,388	0.00%	290,413	569,500	859,913	-	859,913	2.03x
2034	1,741,388	0.00%	290,513	569,250	859,763	-	859,763	2.03x
2035	1,741,388	0.00%	290,375	568,000	858,375	-	858,375	2.03x
2036	1,741,388	0.00%	-	570,750	570,750	-	570,750	3.05x
2037	1,741,388	0.00%	-	567,250	567,250	-	567,250	3.07x
2038	1,741,388	0.00%	-	567,750	567,750	-	567,750	3.07x
2039	1,741,388	0.00%	-	567,000	567,000	-	567,000	3.07x
			\$ 4,041,969	\$ 8,098,007	\$ 12,139,976	\$ -	\$ 12,139,976	

Assumptions

- (1) FY 2024 Revenues assumes FY 2023 unaudited sales tax revenues of \$1,741,388 retrieved from the Comptroller's Office website.
- (2) All financing assumptions are as of March 7, 2024 for purposes of illustration only. Preliminary, subject to change.
- (3) Preliminary \$5,300,000 Series 2024 issue shown assuming an June 18, 2024 issuance at a flat 5.0% interest rate for purposes of illustration only.

Next Steps for a Successful Financing

- March 14, 2024: Financing Plan presented to the board; Adoption of resolution authorizing publication of notice of public hearing
- March 18, 2024: Publish notice of public hearing in Express News
- April 11, 2024: EDC holds public hearing
- April 16, 2024: Council conducts first reading on the proposed projects
- May 7, 2024: Council conducts second reading on the proposed projects
- May 17, 2024: Petition risk for projects expire
- May 21, 2024: Joint meeting with Council to approve the sale of the bonds
- June 18, 2024: Close the bond transaction

Notes:

Preliminary and subject to change.

CITY OF UNIVERSAL CITY

Date: 4/8/2024

TO: City Council

FROM: Kim M. Turner, City Manager

SUBJECT: Public Hearings: PCs 602, 603 & 604 & ZCs 253, 254 & 255 — A request for an amendment to the **Future Land Use Plan**, a **Zone Change**, and approval of **PUD Preliminary & Final Plans** at 11514 E. Loop 1604 N. to allow a mixed-use Planned Unit Development, per zoning ordinance 581.

SUBJECT: Ordinance No. 632-PC-583-FLUP-2024—An ordinance amending the Future Land Use Plan to change the land use designation at 11514 E. Loop 1604 N. from HC-Highway Commercial and OS-Open Space to HC-Highway Commercial, HDR-High Density Residential and OS-Open Space, per zoning ordinance 581.

SUBJECT: Ordinance No. 581-Y-PUD-2024-101—An ordinance amending the Zoning Map for approximately 43 acres at 11514 E. Loop 1604 N. from OS-Open Space and C4-General Commercial to PUD 2024-101 District and adopting the related PUD Final Plan, per zoning ordinance 581.

SUBJECT: Ordinance No. 581-AA-2024—An ordinance approving an agreement with Reunion Development Partners, LLC to program economic incentives for public project enhancements, development standards, emergency service access, and correlated infrastructure relating to the development of Reunion Development in Universal City, per zoning ordinance 581.

SUBJECT: Resolution 970-A-2024—Purchase & Sale Agreement for 32.966 +/- acres owned by the City of Universal City (City) to Reunion Development Group (Reunion).

SUBJECT: Resolution 970-B-2024—Approving the Purchase & Sale Agreement for 9.987 +/- acres owned by the City Universal Economic Development Corporation (UCEDC) to Reunion Development Group.

Historical Background

In 2022, the EDC and City Council selected Reunion Development Partners to move forward with development of the 43-acre site. Since then, City staff has worked with the Applicant on finalizing the project specifics.

Reunion is proposing a masterplan that includes a mix of commercial retail, commercial services, office-research/light-industrial, multi-family residential, senior housing, and open space. In addition to the standard sidewalk shown for internal PUD use, the overall development will have a 10-foot shared-use path (SUP) for pedestrians and bicyclists that will connect the different areas of the overall plan, but also provides access to adjacent properties on Kitty Hawk Road, Universal City Boulevard, and Byrd Boulevard. Additionally, the roadway network will ultimately connect the project site to Kitty Hawk Road, Loop 1604, Byrd Boulevard, and Universal City Boulevard. Further, two green space areas are being proposed and are designed to be ‘useable’ or ‘active’ open space, not just non-functional landscaped areas.

Thirty (30) notices were mailed to surrounding property owners; two objections were returned citing increased traffic and crime. No one other than the Applicant spoke “for” or “against” the proposed development at the Planning & Zoning Public Hearings. The members of the Planning & Zoning Commission unanimously approved the project and forwarded the requests to City Council for its final determination.

Action Requested

City Council actions will include **three Public Hearings**: one for the FLUP; one for the Rezoning; and one for the PUD Final Plan which includes the Development Agreement with Reunion. The Council will also act on **three ordinances**: Ordinance 632-PC-583-FLUP-2024; Ordinance No. 581-Y-PUD-2024-101; and Ordinance No. 581-AA-2024. All three Ordinances require two readings.

The City Council will act on **two Resolutions**: One for the sale of the City's 32.966 +/- acres; one for the sales of the UCEDC's 9.987 +/- acres. State law requires the Council conduct two readings on the UCEDC resolution.

Procurement Methodology

The Purchase Sales Agreements outline the respective closing costs for the City, UCEDC, and Reunion. Procurement for the project infrastructure by the City and the UCEDC is outlined in the PUD Development Agreement. The City will be the project manager for infrastructure design and construction and will bid the project utilizing the RFP process outlined in the City's Purchase Policy.

Source and Amount of Funding

The PUD Development Agreement identifies the amount and funding sources for land proceeds and contributions for infrastructure development. Water and wastewater impact fees and capital improvement funds will also be utilized for the project.

Staff Recommendation

Staff recommend approval of the mixed-use PUD, the master development agreement, and purchase and sales agreements for the City-owned and EDC-owned properties.

ORDINANCE NO. 632-PC-583-FLUP-2024
(Reunion Development)

AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN TO CHANGE LAND USE DESIGNATION OF PROPERTY LOCATED AT 11514 E. LOOP 1604 N, UNIVERSAL CITY, TEXAS FROM HC-HIGHWAY COMMERCIAL AND OS-OPEN SPACE TO HC-HIGHWAY COMMERCIAL, HDR-HIGH DENSITY RESIDENTIAL AND OS-OPEN SPACE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Sections 4-5-24 of the Code of Ordinances, City Council may approve an application for a Future Land Use Plan Amendment based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area, or to extend the boundary of an existing zoning district; and

WHEREAS, Chapter 213.003 of the Texas Local Government Code provides that the City may amend the City's comprehensive plan by ordinance following a public hearing at which the public is given the opportunity to give testimony and present written evidence and review by the City's Planning and Zoning Commission; and

WHEREAS, Reunion Development Partners, LLC requested a change in zoning classification from OS-Open Space and C4-General Commercial Districts to PUD 2024-101 District for the property described as 11514 E. Loop 1604 N, Universal City, Bexar County, Texas and assigned property identifications 307726, 306950, and 1014132, which would require an amendment to the City's Future Land Use Plan; and

WHEREAS, after proper delivery of notice, the Planning and Zoning Commission conducted a public hearing on the application for the Future Land Use Plan Amendment on April 1, 2024, where the public had the opportunity to provide testimony and written evidence regarding the proposed amendment to the City's Future Land Use Plan; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made recommendations in favor of the application for the Future Land Use Amendment; and

WHEREAS, after proper publication of notice and receipt of the Planning and Zoning Commission's recommendation, City Council conducted a public hearing on the application for the Future Land Use Plan Amendment on April 16, 2024, during which the public was provided another opportunity to give testimony and written evidence for or against the proposed amendment to the Future Land Use Plan; and

WHEREAS, after considering all of the testimony and written evidence provided by the public as well as the recommendation made by the Planning and Zoning Commission, the City Council finds that the proposed amendment to the Future Land Use Plan is commensurate with the overall vision and growth plan of the City and is in the best interest of the City of Universal City; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

SECTION 1. Recitals. The recitals set out above are adopted herein for all purposes.

SECTION 2. The Property. The real property (“Property”) subject to the amendments authorized by this Ordinance is an approximate 43-acre parcel, more or less, generally located at 11514 E. Loop 1604 N, Universal City, Bexar County, Texas and assigned property identifications 307726, 306950, and 1014132.

SECTION 3. The Future Land Use Plan Amendment. The Future Land Use Plan is hereby amended by revising the Future Land Use for the Property from **HC-HIGHWAY COMMERCIAL AND OS-OPEN SPACE TO HC-HIGHWAY COMMERCIAL, HDR-HIGH DENSITY RESIDENTIAL AND OS-OPEN SPACE.**

SECTION 4. Map Revision. The City Manager is hereby authorized and directed to revise the Future Land Use Plan map and take all other steps reasonably necessary to facilitate the purpose of this ordinance.

SECTION 5. Continuation clause. All provisions of the Future Land Use Plan and Code of Ordinances of the City of Universal City not herein amended or repealed shall remain in full force and effect.

SECTION 6. Repealer clause. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 7. Severability clause. If any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 9. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 10. Effective Date. This ordinance will take effect upon its passage, approval and publication as provided by law.

PASSED, on first reading by the City Council of the City of Universal City on this the 16th day of April 2024.

PASSED AND APPROVED, on second reading by the City Council of the City of Universal City on this the 7th day of May 2024.

CITY OF UNIVERSAL CITY, TEXAS

John Williams, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk

APPROVED AS TO FORM:

Megan R. Santee, City Attorney
DENTON, NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH, P.C.

Motion to Approve – FLUP:

PC 602 (ZC 253)

After conducting a public hearing on the request for an amendment to the Future Land Use Plan for the two tracts combined totaling an approximately 43-acre larger tract located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard, and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve PC 602 (ZC 253) and the amendment to the Future Land Use Plan from HC-Highway Commercial and OS-Open Space to HC-Highway Commercial, HDR-High Density Residential and OS-Open Space for the subject property with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. Staff approval of outstanding Master Development Agreement items
3. City Council approval of the Zone Change from OS-Open Space and C4-General Commercial to PUD 2024-101 District
4. City Council approval of the PUD Final Plan
5. City Council approval of the Resolution approving the Purchase and Sale Agreement for the 33-acre tract owned by the City
6. City Council approval of the EDC Resolution approving the Purchase and Sale Agreement for the 9.987-acre tract owned by the EDC
7. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

ORDINANCE NO. 581-Y-PUD-2024-101
(Reunion Development)

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF UNIVERSAL CITY, TEXAS AMENDING THE ZONING MAP OF THE CITY OF UNIVERSAL CITY, TEXAS FOR AN APPROXIMATELY 43-ACRE PROPERTY, LOCATED AT 11514 E. LOOP 1604 N; REZONING SAID PROPERTY FROM OS-OPEN SPACE AND C4-GENERAL COMMERCIAL TO PUD 2024-101 DISTRICT, GENERALLY FOR MULTI-FAMILY RESIDENTIAL, COMMERCIAL, OFFICE-RESEARCH AND OPEN SPACE; ADOPTING THE PUD FINAL PLAN RELATED TO PUD 2024-101 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 4-5-24 and Section 4-5-56 of the Code of Ordinances, City Council may approve an application for an Official Zoning Map Amendment and a Planned Unit Development to provide some flexibility to traditional zoning by offering a mechanism to balance specific site constraints and development plans with the larger interest of the community and the integrity of the Zoning Ordinance; and

WHEREAS, Chapter 211.003 of the Texas Local Government Code provides that the City Council may regulate the height, number of stories, size of buildings, percentage of a lot that may be occupied, the size of yards, courts, and other open spaces, population density, the location and use of buildings, and land for business; and

WHEREAS, Chapter 211.004 of the Texas Local Government Code provides that zoning regulations must be adopted in accordance with a comprehensive plan; and

WHEREAS, Chapter 211.006 of the Texas Local Government Code provides the procedures that the City Council must follow to exercise the authority relating to zoning regulations and zoning district boundaries; and

WHEREAS, as further described in Sections Two, Three, and Four of this Ordinance, Reunion Development Partners, LLC has submitted an application for a Zoning Map Amendment and a Planned Unit Development for an approximately 43-acre tract assigned property identifications 307726, 306950, and 1014132, generally located at 11514 E. Loop 1604 N, Universal City, Bexar County, Texas, which is more fully depicted and legally described on **Exhibits “A” and “B”**, attached hereto, from OS-Open Space and C4-General Commercial Districts to PUD 2024-101 District, generally for multi-family residential, commercial, office-research and open space; and

WHEREAS, after proper delivery of notice, the Planning and Zoning Commission conducted a public hearing on the application for the Zoning Map Amendment and Planned Unit Development on April 1, 2024, during which parties in interest and citizens had an opportunity to be heard on the matter; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation in favor of the applications for the Zoning Map Amendment and Planned Unit

Development and made the findings for the Planned Unit Development required by Section 4-5-56 of the Code of Ordinances; and

WHEREAS, after proper publication of notice and receipt of the Planning and Zoning Commission’s recommendation, the City Council conducted a public hearing on the applications for the Zoning Map Amendment and Planned Unit Development on April 16, 2024, during which parties in interest and citizens had another opportunity to be heard on the matter; and

WHEREAS, after conducting a public hearing on the matter where parties in interest and citizens had an opportunity to be heard, and considering all of the testimony and written evidence provided by the public as well as the recommendation made by the Planning and Zoning Commission, the findings of which are included hereto as **Exhibit “C”**, the City Council finds the Zoning Map Amendment is in accordance with the City’s Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City and the Planned Unit Development conforms with the requirements of Section 4-5-56 of the City Code; provided there is full compliance with the conditions set out in Section Four of this Ordinance; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

SECTION 1. Recitals. The recitals set out above are adopted herein for all purposes.

SECTION 2. The Property. The real property (“Property”) subject to the amendments authorized by this Ordinance is a 43-acre tract, more or less, assigned the property identifications 307726, 306950, and 1014132, generally located at 11514 E. Loop 1604 N, which is more fully depicted and legally described on **Exhibits “A” and “B”**, attached hereto.

SECTION 3. The Zoning Map Amendment. The City’s Official Zoning Map is hereby amended by revising the Zoning Classification of the Property from OS-Open Space and C4-General Commercial Districts as shown on the Zoning Map to PUD 2024-101 District, generally for multi-family residential, commercial, office-research and open space.

SECTION 4. The Planned Unit Development. The Property shall develop in accordance with the PUD 2024-101 Development Regulations, including the approved PUD Final Plan, as provided for in **Exhibit “D”**, which shall include among other things, the permitted uses, lot design standards, and the following Exhibits:

Exhibit “D-1” – PUD 2024-101 Development Regulations

Exhibit “D-2” – PUD Plans (including overall site plan, thoroughfare plan, & architectural design images)

Exhibit “D-3” – Master Development Agreement

SECTION 5. Map Revision. The City Manager is hereby authorized and directed to revise the Official Zoning Map and take all other steps reasonably necessary to facilitate the purpose of this ordinance.

SECTION 6. Continuation Clause. All provisions of the Code of Ordinances of the City of Universal City not herein amended or repealed shall remain in full force and effect.

SECTION 7. Repealer Clause. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 8. Severability Clause. If any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 9. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10. It is officially found, determined, and declared that the meeting at which this Ordinance was adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 11. Effective Date. This ordinance will take effect upon its passage, approval and publication as provided by law.

PASSED, on first reading by the City Council of the City of Universal City on this the 16th day of April 2024.

PASSED AND APPROVED, on second reading by the City Council of the City of Universal City on this the 7th day of May 2024.

CITY OF UNIVERSAL CITY, TEXAS

John Williams, Mayor

ATTEST:

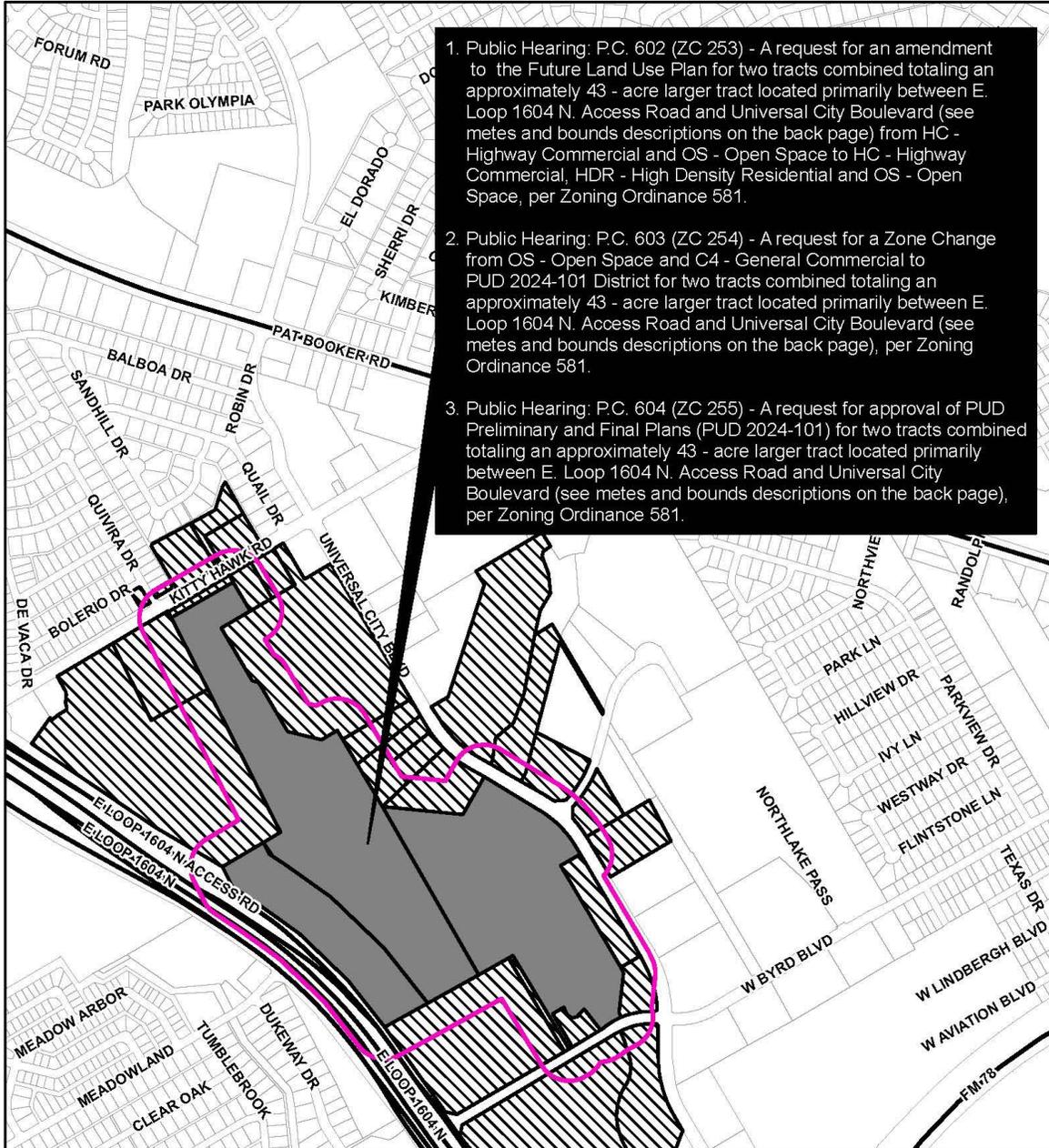
Maribel Garcia, Deputy City Clerk

APPROVED AS TO FORM:

Megan R. Santee, City Attorney
DENTON, NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH, P.C.

EXHIBIT "A"

NOTIFICATION MAP



1. Public Hearing: P.C. 602 (ZC 253) - A request for an amendment to the Future Land Use Plan for two tracts combined totaling an approximately 43 - acre larger tract located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard (see metes and bounds descriptions on the back page) from HC - Highway Commercial and OS - Open Space to HC - Highway Commercial, HDR - High Density Residential and OS - Open Space, per Zoning Ordinance 581.
2. Public Hearing: P.C. 603 (ZC 254) - A request for a Zone Change from OS - Open Space and C4 - General Commercial to PUD 2024-101 District for two tracts combined totaling an approximately 43 - acre larger tract located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard (see metes and bounds descriptions on the back page), per Zoning Ordinance 581.
3. Public Hearing: P.C. 604 (ZC 255) - A request for approval of PUD Preliminary and Final Plans (PUD 2024-101) for two tracts combined totaling an approximately 43 - acre larger tract located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard (see metes and bounds descriptions on the back page), per Zoning Ordinance 581.

P.C. 602 (ZC 253), P.C. 603 (ZC 254), P.C. 604 (ZC 255)

TWO TRACTS COMBINED TOTALING AN APPROXIMATELY 43 - ACRE LARGER TRACT LOCATED PRIMARILY BETWEEN THE E LOOP 1604 N ACCESS ROAD AND UNIVERSAL CITY BLVD

Date Prepared: Thursday, Mar. 14, 2024



Legend

- 200 Ft Buffer
- Affected Parcels



The City of Universal City
Texas
2150 Universal City Blvd
Universal City, TX 78148

EXHIBIT "B"

METES & BOUNDS DESCRIPTIONS



QUIDDITY

Texas Board of Professional Engineers and Land Surveyors Reg. No. F-23290

4350 Lockhill Selma Rd., Suite 100
 San Antonio, Texas 78249
 Tel: 210.494.5511
 Fax: 210.494.5519
www.jonescarter.com

METES AND BOUNDS DESCRIPTION OF A 9.987 ACRE TRACT OF LAND

A Metes and Bounds description of a 9.987 acre tract of land situated in the Maria Lucia Torres Survey No.81, Abstract 745, County Block 5053, City of Universal City, Bexar County, Texas; being all of that certain 10.00 acre tract described in instrument to Universal City Industrial Development Corporation recorded in Volume 13260, Page 1797 of the Bexar County Real Property Records; also containing a portion of Gilbert Ward Subdivision 1, plat of which is recorded in Volume 6400, Page 218 of the Bexar County Deed and Plat Records; and being more particular described as follows:

Notes:

1. *The bearings, distances, areas and coordinates shown herein are Texas Coordinate System grid, South Central Zone (NAD'83), as determined by Global Positioning System (GPS). All distance units cited herein are U.S. Survey Feet and are horizontal "on the grid" distances. For converting grid distances to surface, use the grid to surface scale factor of 1.00017.*
2. *Survey boundary calls effectively match reference instruments. Reference bearing and distance citations are not required.*

BEGINNING at a 1/2-inch iron rod (with cap stamped "QUIDDITY") set on the northeasterly right-of-way line of FM Loop 1604 (variable width right-of-way) marking the western-most corner of Lot 1, Block 2 of Victory Assembly of God Subdivision, plat of which is recorded in Volume 9569, Page 4 of the Bexar County Deed and Plat Records; also marking the southern-most corner of the herein described tract; said beginning point having Texas Grid Coordinates: North: 13,745,054.30 feet, East: 2,188,850.75 feet;

THENCE, along said northeasterly right-of-way line of FM Loop 1604 the following four(4) courses and distances:

1. North 38°16'30" West, 373.56 feet to a 1/2-inch iron rod found marking an angle point;
2. North 46°19'26" West, 420.53 feet to a TxDOT right-of-way monument (an aluminum disk) found marking an angle point;
3. North 54°32'57" West, 324.63 feet to a TxDOT right-of-way monument (an aluminum disk) found marking an angle point;
4. North 56°45'34" West, 188.01 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set replacing a bent iron rod found marking the southern-most corner of Lot 1, Block 70 of HEB at Kitty Hawk Subdivision, plat of which is recorded in Volume 9551, Page 199 of the Bexar County Deed and Plat Records;

THENCE, along the boundary of said Lot 1, Block 70 the following two(2) courses and distances:

1. North 26°39'23" West, 143.17 feet to a 1/2-inch iron rod found for corner;
2. North 59°08'47" East, 299.53 feet to a 1/2-inch iron rod found marking a westerly corner of that certain 37.73 acre tract described in instrument to The City of Universal City recorded in Volume 13260, Page 1789 of the Bexar County Real Property Records;



THENCE, along the boundary of said 37.73 acre tract the following five(5) courses and distances:

1. South 26°42'24" East, 83.23 feet to a 1/2-inch iron rod found at an angle point;
2. South 56°28'27" East, 114.47 feet to a 1/2-inch iron rod found at an angle point;
3. South 54°40'07" East, 352.15 feet to a 1/2-inch iron rod found at an angle point;
4. South 46°18'04" East, 462.78 feet to a 1/2-inch iron rod found at an angle point;
5. South 38°21'28" East, 442.61 feet to a 1/2-inch iron rod found for corner on the northwesterly boundary of aforesaid Lot 1, Block 2 Victory Assembly of God Subdivision;

THENCE, South 60°43'37" West, 303.67 feet along said Lot 1, Block 2 to the POINT OF BEGINNING, containing 9.987 acres of land in Bexar County, Texas, as shown on drawing no. 19724 filed under Job No. S0305-0022-00 in the office of QUIDDITY ENGINEERING, San Antonio, Texas.

QUIDDITY ENGINEERING

Michael A. Romans
Registered Professional Land Surveyor #4657
Signature Date: March 27, 2024





METES AND BOUNDS DESCRIPTION OF A 33.152 ACRE TRACT OF LAND

A Metes and Bounds description of a 33.152 acre tract of land situated in the Maria Lucia Torres Survey No.81, Abstract 745, County Block 5053, The City of Universal City, Bexar County, Texas; containing a portion of that certain 37.73 acre tract described in instrument to The City of Universal City recorded in Volume 13260, Page 1789 of the Bexar County Official Public Records (BCOPR); also containing a portion of that certain 39.672 acre tract described in instrument to The City of Universal City recorded in Volume 7303, Page 1325, BCOPR; also containing a portion of Gilbert Ward Subdivision 1, plat of which is recorded in Volume 6400, Page 218 of the Bexar County Deed and Plat Records; and being more particularly described as follows:

Notes:

1. *The bearings, distances, areas and coordinates shown herein are Texas Coordinate System grid, South Central Zone (NAD'83), as determined by Global Positioning System (GPS). All distance units cited herein are U.S. Survey Feet and are horizontal "on the grid" distances. For converting grid distances to surface, use the grid to surface scale factor of 1.0001611.*
2. *Survey boundary calls effectively match reference instruments. Reference bearing and distance citations are not required.*

COMMENCING at a 1/2-inch iron rod (with cap stamped "QUIDDITY") set on the northeasterly right-of-way line of FM Loop 1604 (variable width right-of-way) marking the western-most corner of Lot 1, Block 2 of Victory Assembly of God Subdivision, plat of which is recorded in Volume 9569, Page 4 of the Bexar County Deed and Plat Records, and marking the southern-most corner of that certain 10.00 acre tract described in instrument to Universal City Industrial Development Corporation recorded in Volume 13260, Page 1797 of the Bexar County Real Property Records; said commencing point having Texas Grid Coordinates: North: 13,745,054.30 feet, East: 2,188,850.75 feet;

THENCE, North 60°43'37" East, 303.84 feet along the common boundary of said Lot 1, Block 2 and said 10.00 acre tract to a 1/2-inch iron rod found marking a southern-most corner of said 37.73 acre tract and the POINT OF BEGINNING of the herein described tract; said beginning point having Texas Grid Coordinates: North: 13,745,202.87 feet, East: 2,189,115.79 feet;

THENCE, along the northeasterly boundary of said 10.00 acre tract the following five(5) courses and distances:

1. North 38°21'28" West, 442.61 feet to a 1/2-inch iron rod found at an angle point;
2. North 46°18'04" West, 462.78 feet to a 1/2-inch iron rod found at an angle point;
3. North 54°40'07" West, 352.15 feet to a 1/2-inch iron rod found at an angle point;
4. North 56°28'27" West, 114.47 feet to a 1/2-inch iron rod found at an angle point;
5. North 26°42'24" West, 83.23 feet to a 1/2-inch iron rod found for corner on the southeasterly boundary of Lot 1, Block 70 of HEB at Kitty Hawk Subdivision, plat of which is recorded in Volume 9551, Page 199 of the Bexar County Deed and Plat Records.



THENCE, along the boundary of said Lot 1, Block 70 the following two(2) courses and distances:

1. North 59°05'34" East, 124.51 feet to a 1/2-inch iron rod found for corner;
2. North 27°12'27" West, 835.69 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set for corner;

THENCE, crossing said 37.73 acre tract the following five(5) courses and distances:

1. North 62°47'33" East, 72.00 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set for corner;
2. North 27°12'27" West, 111.42 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
3. North 14°39'47" West, 199.23 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set for corner in the easterly boundary of a 16-foot wide Sanitary Sewer Easement (Volume 5847, Page 648, Bexar County Deed Records);
4. North 04°46'28" East, 111.70 feet along said easement boundary to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set for corner;
5. North 59°28'13" East, 23.51 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set marking the western-most corner of that certain "Conservation Easement" described in instrument recorded in Volume 17150, Page 1629, BCOPR;

THENCE, along the southwesterly boundary of said "Conservation Easement" the following eleven(11) courses and distances:

1. South 24°05'28" East, 88.69 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
2. South 30°31'46" East, 231.52 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
3. South 75°31'46" East, 34.05 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
4. South 30°31'46" East, 231.11 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
5. South 14°28'14" West, 8.34 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
6. South 30°31'46" East, 48.67 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
7. South 75°31'46" East, 19.53 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
8. South 30°31'46" East, 68.56 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
9. South 63°55'58" East, 100.14 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
10. South 72°40'06" East, 64.20 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;



11. South 89°46'19" East, 89.86 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point; having Texas Grid Coordinates:
North: 13,746,800.68 feet, East: 2,188,425.02 feet;

THENCE, crossing said 37.73 acre and said 39.672 acre City of Universal City tracts the following twelve(12) courses and distances:

1. North 85°45'30" East, 88.71 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
2. South 29°00'26" East, 45.03 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
3. South 52°09'14" East, 36.46 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
4. South 20°35'00" East, 209.74 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
5. South 42°53'31" East, 250.30 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
6. South 08°25'56" West, 36.15 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
7. South 81°34'01" East, 653.59 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at a point of curvature;
8. along the arc of a tangent curve to the left having a radius of 505.27 feet, a central angle of 08°58'49", a long chord bearing South 86°03'25" East, 79.11 feet, a total arc length of 79.19 feet, to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set for corner;
9. South 00°32'50" East, 72.00 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set for corner;
10. along the arc of a non-tangent curve to the left having a radius of 20.00 feet, a central angle of 82°39'35", a long chord bearing South 48°07'22" West, 26.42 feet, a total arc length of 28.85 feet, to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at a point of compound curvature;
11. along the arc of a tangent curve to the left having a radius of 805.89 feet, a central angle of 37°19'21", a long chord bearing South 11°52'06" East, 515.73 feet, a total arc length of 524.96 feet, to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at a point of tangency;
12. South 30°31'46" East, 553.74 feet to a 1/2-inch iron rod found marking the western-most corner of Lot 1 of the Mark Vaughan Subdivision, amending plat of which is recorded in Volume 9562, Page 117 of the Bexar County Deed and Plat Records (BCDPR);

THENCE, South 30°31'46" East, 263.54 feet along the southwest boundary of said Lot 1 to a 1/2-inch iron rod found situated in the northwesterly right-of-way line of West Byrd Street (60 feet wide, Volume 9523, Page 220, BCDPR);

THENCE, South 59°28'14" West, 60.00 feet along said northwesterly right-of-way line of West Byrd Street to a 1/2-inch iron rod found marking the eastern-most corner of Lot 1, Block 2 of aforementioned Victory Assembly of God Subdivision;



THENCE, along the boundary of said Lot 1, Block 2 the following two(2) courses and distances:

1. North 30°31'46" West, 686.47 feet to a 1/2-inch iron rod found for corner;
2. South 60°43'37" West, 589.73 feet to the POINT OF BEGINNING, containing 33.152 acres of land in Bexar County, Texas, as shown on exhibit filed under Job No. S0305-0022-00 in the office of QUIDDITY ENGINEERING, San Antonio, Texas.



QUIDDITY ENGINEERING

Michael A. Romans
Registered Professional Land Surveyor #4657
Signature Date: April 6, 2024

EXHIBIT "C"

FINDINGS OF FACT

Reunion – PUD Application

STANDARDS FOR GRANTING A PLANNED UNIT DEVELOPMENT

When considering the requested action, the Planning and Zoning Commission and City Council must determine that the following Findings of Fact exist. All applicants must provide a written response to each of the standards listed below. The response to each standard should thoroughly explain how the PUD being requested will meet the established criteria. If a standard does not apply, then mark N/A.

A. The entire property proposed for the PUD shall be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners of all tracts.

Finding: The entire Property is currently owned by The City of Universal City. Reunion Development Partners is operating under a memo of understanding (MOU) to purchase the entire Property and develop it under a unified and uniquely planned PUD. Any future owners of the property will be subject to the requirements of the PUD unless otherwise amended.

B. The applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which the PUD may be established pursuant to this section.

Finding: As demonstrated in the submitted PUD Plan, the 46.26-acre property with 38.57-acres of development and 7.69-acres of public infrastructure is being developed as a unified whole with individual lots that meet the PUD objectives by providing for the efficient use of land with a creative approach that will result in a better development and design that would not be possible under the current OS and C4 zoning district.

C. All covenants, deed restrictions, easements and similar restrictions to be recorded in connection with the PUD shall stipulate that they may not be modified, removed or released without the express consent of the City Council and that they must be enforced by future landowners within the proposed development.

Finding: The Applicant and Owner agree that covenants, deed restrictions, easements and similar restrictions to be recorded in connection with the City's PUD approval shall stipulate that any sections of the restrictions pertaining to the PUD must run with the land (be enforceable against future landowners), and may not be modified, removed or released without the express consent of the City Manager, or designee, or, if in the City Manager's estimation, City Council consideration and approval at a public meeting is required.

D. The Applicant may be required to submit a proposed Development Agreement as part of the PUD application. As part of the PUD approval, the City must approve the Development Agreement.

Finding: No Development Agreement is in place at the time of the PUD application. However, the Applicant acknowledges that a Development Agreement may be required as part of the PUD process and must be approved by the City.

E. Any area of a PUD not used for structures, streets, or parking lots, shall be landscaped. The perimeter of the PUD shall be designed to ensure compatibility with uses surrounding the PUD by including uses within the PUD that are compatible with such surrounding uses, including setbacks, screening, or natural or man-made buffers within such perimeter.

Finding: The applicant and owner will set this narrative through the development agreement.

F. Private streets are prohibited unless expressly approved by the City Council. If so approved, they shall meet all Universal City construction standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a property owners' association meeting the requirements set forth in this section.

Finding: Private streets are not being proposed as part of the proposed PUD project.

G. Whenever the City Council determines that development of a PUD will create a need for land for public purposes of the City within the proposed PUD, the City Council may require that such land be designated and dedicated to the City for such use. In addition, the City Council may require evidence that all requirements of City ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met with respect to the proposed PUD.

Finding: The total acreage within the PUD is 46.26-acres. The PUD will have 38.57-acres of developable land and 7.69-acres of public infrastructure for the roads. No land dedication to the City for public use is required within the proposed PUD. Additionally, the proposed PUD will not require land dedication to the City in the future.

H. Thirty percent of the area of a residential-only PUD is required to be set aside and maintained as common open space. This thirty percent shall be calculated based on the net area of the site, which is the total area of a site available for development, excluding street rights-of-way, floodplains, and other publicly dedicated improvements. The location of common open space shall be consistent with its intended function as set forth in the application and PUD plans. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the final plan as appropriate to the intended leisure or recreational uses for which such open space is intended.

1. The following uses shall be considered common open space:
 - a. Parks and playgrounds, including skate parks and dog parks.
 - b. Indoor or outdoor active recreation facilities, including basketball courts, ball fields, swimming pools and tennis courts.

- c. Jogging trails, bike trails and fitness courses.
- d. Nature preserves, bird sanctuaries, natural water features and similar conservation areas.
- e. Detention/retention ponds may be counted toward common open space but must be accessible to the public via nature trails, boardwalks, and/or perimeter walkways, and they must be designed as natural water features and landscaped with native vegetation. Detention/retention ponds may only count toward twelve percent of the common open space area requirement.

Finding: N/A

2. Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement, or development other than that shown on the approved final plan. The safeguards must be perpetual and must run with the land. Such safeguards may be released, but only with the express written consent of the City Council, which shall occur at a public meeting.

Finding: N/A

3. The final plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in accordance with predetermined standards.

Finding: N/A

4. When the requirements of this section are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners' association, such association shall meet each of the following standards:

- a. The by-laws and rules of the association and all declarations, covenants, and restrictions to be recorded must be included as part of the final plan prior to the final plan becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this chapter.

Finding: N/A

- b. The association must be established and all covenants and restrictions must be recorded prior to the sale or lease of any property within the area of the PUD designated to have the use of the proposed open space or improvements.

Finding: N/A

c. The association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it.

Finding: N/A

d. Membership in the association must be mandatory for each property owner and any successive owner having a right to the use or enjoyment of such open space or improvements.

Finding: N/A

e. Every property owner having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with state statutes.

Finding: N/A

f. The association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment shall not be fixed at more than two-thirds of the members voting on the issue.

Finding: N/A

I. Planned unit developments shall not adversely affect the natural environment of the community as a whole. Natural assets and features, such as existing trees and native vegetation, shall be protected and preserved to the greatest extent practical.

Finding: Other than changes made to the Property throughout the normal course of development, the PUD will not adversely affect the natural environment of the community as a whole. Additionally, the Applicant and Owner will make efforts consistent with the PUD plan to protect required assets and features, such as existing trees and native vegetation, as outlined and agreed to within the development agreement.

J. The site shall be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development. The streets and driveways within the proposed development shall be adequate to serve the uses within the development. The applicant shall be responsible for the cost and installation of additional traffic controls and regulating devices that are required.

Finding: The PUD will be accessible to city designed public streets that are capable of carrying necessary traffic loads generated by the PUD, as acknowledged in curb cut/driveway permits to be issued by TxDOT and Universal City. Additionally, all streets and driveways within the PUD will be adequately designed to serve the proposed use, as acknowledged in the PUD Final Plan. No traffic control devices or regulating devices are required by the PUD at the time of application. Should any devices be required by the PUD in the future, the Applicant and Owner agree that the PUD will be responsible for the cost of its roughly proportional share of traffic control devices or regulating devices calculated in compliance with the Texas Local Government Code Chapter 212 along with any and all other parties who may be responsible for such costs.

K. The pedestrian circulation system and its related walkways shall be located to provide for separation of pedestrian and vehicular movement and for maximum pedestrian safety.

Finding: All pedestrian circulation within the PUD will be designed to provide separation of pedestrian and vehicular movement.

L. All planned unit developments shall provide for underground installation of utilities, including electricity, cable and telephone. Provisions shall be made for acceptable design and construction of storm sewer facilities and appropriate storm retention and detention devices. The construction and maintenance of all utilities, roadways, parking facilities and other site improvements shall be in accordance with the requirements of this Ordinance and other regulations of the City.

Finding: The PUD will provide utilities including electricity, cable and telephone in accordance with Universal City standards and regulations. Additionally, the construction and maintenance of all utilities, roadways, parking facilities and other site improvements will be made in accordance with Universal City standards and regulations.

EXHIBIT "D"

DEVELOPMENT REGULATIONS & PLANS

EXHIBIT “D-1”

PUD 2024-101 DEVELOPMENT REGULATIONS

- I.** The subject property shall be zoned “PUD 2024-101 District” and shall conform to the development regulations contained herein. This planned unit development is intended to allow flexibility in planning and designing a mixed-use development and related uses in order to achieve a higher and better use of the overall property.

In accordance with Ordinance 581-W-2021, the approved PUD shall become null and void if construction work on the PUD has not begun within either eighteen (18) months or thirty (30) months with an authorized extension by City Council. Earthwork for the installation of the public infrastructure network related to this PUD shall constitute construction work on the PUD. Should the approved PUD become null and void, the subject property shall remain zoned PUD 2024-101 District until it has been rezoned to another zoning classification in accordance with the zoning amendment procedures provided in the Municipal Code.

- II. PERMITTED LAND USES** – Only land uses identified in the Use Table below shall be permitted (either by right or with a Specific Use Permit) on the subject property. All other uses shall be prohibited.

Use Table

Key:

P = Permitted use

S = Specific use

- = Not permitted

P* = Permitted use but no more than 25% of total combined lease space of the building or buildings to be occupied on each lot. Exception to allow no more than 35% of the building(s) to be occupied must be granted by City Council after recommendation by P&Z Commission, both at a public hearing.

P** = Permitted use but only if built as part of a larger unified development incorporating both Lot 5 and Lot 7 together.

LOT 1 = Commercial/Office; LOT 2 = Multifamily Residential; LOT 3 = Multifamily Residential; LOT 4 = Multifamily Residential or Senior Housing; LOT 5 = Commercial Retail; LOT 6 = Commercial Retail; LOT 7 = Private Open Space and/or Flex Lot when combined as unified development with LOT 5; LOT 8 = Private Open Space

Use	PUD 2024-101 (REUNION)							
*See Zoning Code Section 4-5-52-Use Table for description of Use categories identified below.								
	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8
RESIDENTIAL USES								
Condominium residential. (includes rowhomes)	P	P	P	P	-	-	-	
Apartment residential.	-	P	P	P	-	-	-	-
CIVIC USES								
Administrative services.	P	-	-	-	-	-	-	-
Club or lodge.	P	-	-	-	-	-	-	-
College and university facilities.	P	-	-	-	-	-	-	-
Community recreation.	-	-	-	-	-	-	P	S
Convalescent services.	S	S	S	P	-	-	-	-
Cultural services.	-	-	-	-	-	-	P	-
Day care services (Commercial)	P	-	-	-	-	-	-	-
Life care services.	-	S	S	P	-	-	-	-
Local utility services.	P	P	P	P	P	P	P	P
Park and recreation services.	P	P	P	P	P	P	P	P
Postal facilities.	P	-	-	-	-	-	-	-
Public assembly.	P	P	P	P	P	P	P	P
Safety services.	S	S	S	S	S	S	S	S
COMMERCIAL USES								
Administrative and business offices. (see Note 2)	P	-	-	-	P*	P*	-	-
Automotive washing.	P	-	-	-	-	-	-	-
Business or trade school.	P	-	-	-	P*	P*	-	-
Cocktail lounge.	P	-	-	-	P	P	P**	-
Indoor sports and recreation.	P	-	-	-	P	P	P**	-
Outdoor sports and recreation.	S	-	-	-	S	S	P**	-
Indoor entertainment.	P	-	-	-	P	P	P**	-
Outdoor entertainment.	-	-	-	S	S	-	P	P
Construction sales and services. (see Note 3)	P	-	-	-	-	-	-	-
Consumer repair services. (see Note 4)	P	-	-	-	S	S	-	-
Financial services.	P	-	-	-	P*	P*	-	-
Food sales.	P	-	-	-	P	P	P	P

Use	PUD 2024-101 (REUNION)							
*See Zoning Code Section 4-5-52-Use Table for description of Use categories identified below.								
	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6	LOT 7	LOT 8
General retail sales.	P	-	-	-	P	P	P**	-
Kennels and Pet Services.	P	-	-	-	P*	P*	-	-
Laundry services.	S	-	-	-	-	-	-	-
Liquor sales.	P	-	-	-	P	P	P	P
Health care offices.	P	-	-	-	P*	P*	P**	-
Personal improvement services.	P	-	-	-	P*	P*	-	-
Personal services.	P	-	-	-	P*	P*	-	-
Professional office.	P	-	-	-	P*	P*	-	-
Restaurant-convenience.	P	-	-	-	P	P	P**	-
Restaurant-general.	P	-	-	-	P	P	P**	-
Veterinary services.	P	-	-	-	P*	P*	-	-
Hotel-motel.	P	P	P	P	P	S	P**	-
Local convenience store.	P	-	-	-	P	P	-	-
Artisan sales. (see Note 5)	P	-	-	-	P	P	-	-
Restaurant-neighborhood.	P	-	-	-	P	P	P**	-
Accessory Residential Units— Commercial District	S	-	-	-	S	S	-	-
INDUSTRIAL USES								
Custom manufacturing. (see Note 6)	P	-	-	-	-	-	-	-
Light manufacturing.	P	-	-	-	-	-	-	-
Warehousing and distribution.								
A. Convenience storage.	S	-	-	-	-	-	-	-
B. General warehousing and distribution. (see Note 4)	S	-	-	-	-	-	-	-
C. Limited warehousing and distribution.	P	-	-	-	-	-	-	-
Research services.	P	-	-	-	-	-	-	-

Notes

1. Ancillary uses associated with an apartment complex, condominium complex, and a hotel shall be permitted. These uses include a leasing office, resident office spaces, clubhouse, pool, cabanas, dog park, outdoor recreation area, carports, and garage/storage facilities for resident household goods.
2. Administrative and Business Offices use includes healthcare sales (not healthcare offices & clinics).

3. Construction sales and services use & General warehousing and distribution use: All outdoor storage must be screened from public view.
4. Consumer repair services use: All incidental storage shall be completely indoors on Lots 5 & 6.
5. Artisan sales use: Must be completely indoors on Lots 5 & 6.
6. Direct sale to consumers of those goods produced on site is permitted.
7. Open Space shall be considered any landscaped areas, passive or active green space, parks, playgrounds, dog parks, BBQ areas, pool, trails, fitness center, and 12% of any detention pond, either on public or private land within the subdivision (residential, civic, commercial or industrial land uses). A minimum of three (3) acres of open space shall be required; however, the park improvements and area surrounding the existing City-owned pond adjacent to the subdivision shall not be included in this three-acre open space requirement.
8. Parkland shall be considered land dedicated to the City in accordance with Section 4-2-32 of the Municipal Code. Any parkland fee-in-lieu dedication provided in accordance with Section 4-2-32 of the Municipal Code may be utilized for improvements to the park area surrounding the City-owned pond adjacent to the subdivision.
9. Lot 7 shall be designated as Open Space; however, may be combined with Lot 5 as a unified development for both lots.
10. Lot 8 shall be useable/active open space that is privately-owned but accessible by the general public.

III. LOT DESIGN STANDARDS

Lot Number	Maximum Density	Minimum Lot Area	Minimum Lot Width	Minimum Front Setback ¹²	Minimum Side Setback	Minimum Rear Setback	Maximum Building Height	Maximum Lot Cover	Maximum Subdivision Cover
1	12 Units/Acre (residential)	1 Acre	70 Feet	15 Feet	15 Feet	15 Feet	50 Feet	-	85%
2	35 Units/Acre	2 Acres	75 Feet	15 Feet	15 Feet	15 Feet	60 Feet	-	85%
3	35 Units/Acre	2 Acres	75 Feet	15 Feet	15 Feet	15 Feet	60 Feet	-	85%
4	35 Units/Acre	2 Acres	75 Feet	15 Feet	15 Feet	15 Feet	60 Feet	-	85%
5	-	1 Acre	70 Feet	15 Feet	15 Feet	15 Feet	60 Feet	-	85%
6	-	1 Acre	70 Feet	15 Feet	15 Feet	15 Feet	40 Feet	-	85%
7	-	-	-	-	-	-	-	-	-
8	-	-	130 Feet	-	-	-	-	-	-
5 & 7 Unified	-	3 Acres	70 Feet	15 Feet	15 Feet	15 Feet	60 Feet	-	85%

Notes

1. The total number of lots in the PUD may increase or decrease per approval of a revised PUD Plan and Replat, in accordance with procedures provided in the Municipal Code and State law.

2. The size of each lot may increase or decrease based on market conditions, per approval of the City Manager or designee; any required Replat shall be in accordance with procedures provided in the Municipal Code and State law.
3. The number and size of the principal buildings on each lot may vary as long as the lot design standards are met.
4. On Lots 2 & 3, both apartment/condominium units and hotel rooms shall count towards density calculations.
5. Permanent structures, including signs, trash enclosures and other accessory structures, shall not be placed in any easement. Parking and drive-aisle pavement shall be allowed in an easement at the property owner's risk; that is, the easement holder shall not be responsible for restoration of the property should easement-related work be required and performed.
6. Parking and drive-aisles shall be allowed in the yard setbacks.
7. Lot 1 Front Yard shall be considered the lot area fronting New Street A, unless a revised development plan indicates otherwise, which shall be determined by the City.
8. Lots 2 & 3 Front Yards shall be considered the lot area fronting New Street A, unless a revised development plan indicates otherwise, which shall be determined by the City.
9. Lot 4 Front Yard shall be considered the lot area fronting New Street B, unless a revised development plan indicates otherwise, which shall be determined by the City.
10. Lots 5 & 6 Front Yards shall be considered the lot area fronting Loop 1604 Frontage Road, unless a revised development plan indicates otherwise, which shall be determined by the City.
11. Lots 2 & 3 Unit Type Composition: Unit type (studio, 1-3 bedroom), unit size, and number of units/hotel rooms per floor and in each building may be adjusted as long as the maximum density is not exceeded and parking requirements are met.
12. The Street Sections associated with the Pedestrian Connectivity exhibit identify planting, sidewalk, and building zones; lots with a residential development shall have a minimum setback of 15 feet, but to provide architectural articulation, wall sections for each building shall be situated between 15 feet and 25 feet of the adjacent lot line.
13. If Lot 1 is developed with rowhomes, then individual trash and recycling bins shall not be stored or placed for pickup fronting New Street A.

IV. ARCHITECTURAL DESIGN

- a. Lots 1, 2, 3 & 4 Architectural Requirements
 - i. Condominiums and/or rowhomes: a minimum of 25% of building exterior materials must be either one or a combination of the following materials: brick, stone, or faux stone veneer. Developers are strongly encouraged to incorporate as much masonry as feasible on building exteriors. Note masonry does not include siding product types, such as LP SmartSide Siding and HardiPlank Siding.
 - ii. Multi-Family Residential, Hotel and/or Senior Housing buildings shall conform with Ordinance 559-K-2021 related to architectural design standards except Sec. 4-5-107 para. (4) (a) and (4) (b) may be achieved by

alternate means. Additionally, a minimum of 25% of building exterior materials must be either one or a combination of the following materials: brick, stone, or faux stone veneer. Developers are strongly encouraged to incorporate as much masonry as feasible on building exteriors. Note masonry does not include siding product types, such as LP SmartSide Siding and HardiPlank Siding.

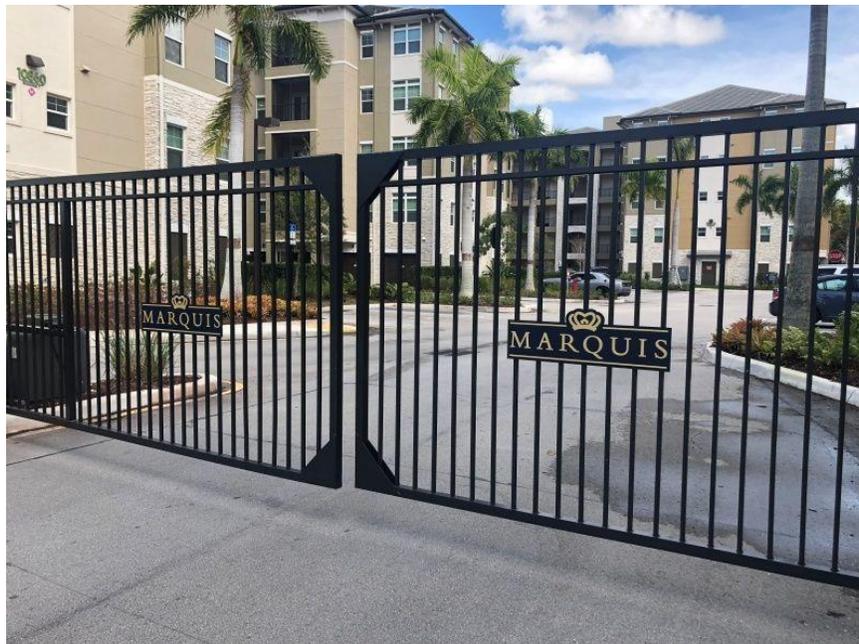
- iii. Buildings other than multi-family residential, hotel or senior housing shall conform with Ordinance 559-K-2021 related to architectural design standards except Sec. 4-5-107 para. (4) (a) and (4) (b) may be achieved by alternate means. Concrete panel/tilt wall construction is acceptable provided any building façade adjacent to or facing a public street shall incorporate at least four (4) of the following external building elements:
 - a. Concrete reveals in the wall
 - b. Awnings
 - c. Decorative Windows (glazing)
 - d. Recessed Entries
 - e. Decorative Lighting Features
 - f. Ornamental Cornices
 - iv. Trash Enclosure Materials shall be painted CMU or other material acceptable to the Director of Development or designee
 - v. All façade walls facing a Truck Court, if applicable, shall be exempt from Articulation Requirements.
- b. Lots 5, 6 & Unified 5 & 7 Architectural Requirements
- i. 100% of building exterior materials must be either one or a combination of the following materials: brick, stone, faux stone veneer, decorative concrete block, faux stucco veneer (EIFS) or stucco with stucco comprising a maximum of thirty-five percent (35%) of the building exterior materials, per face.
 - ii. Fiber reinforced cement siding, including LP SmartSide Siding and HardiPlank Siding, is not acceptable as an exterior finish with regards to meeting the above exterior material percentage requirement.
 - iii. Regular Concrete Masonry Unit (CMU) is not acceptable as an exterior finish unless a brick, stucco or stone veneer is applied to 100% of the exposed exterior finish.
 - iv. Concrete panel/tilt wall is acceptable provided that a minimum of fifty percent (50%) of the concrete panel/tilt wall is covered with brick, stone, faux stone veneer, or decorative concrete block material. Fifty percent (50%) of the remaining concrete panel/tilt wall must be finished, stamped and stained in texture and appearance.

V. FENCING/SCREENING

Fencing, when installed, and required, shall conform with Article VII of the Zoning Code with the following exceptions:

- a. Fences and gates fronting New Street A, New Street B, F. M. Loop 1604 Frontage Road, and/or Lot 8:
 - i. Shall be aluminum, steel, wrought iron or similar in style, as depicted in the relevant examples below.
 - ii. Shall not be chain link, cyclone style or galvanized metal in style.
- b. Fences and gates not fronting New Street A, New Street B, FM Loop 1604 Frontage Road, and/or Lot 8:
 - i. May be wooden in style, as depicted in the example below, except fencing between Lots 2 & 3, if provided, and on the east side of Lot 4, adjacent to the church, which shall be aluminum, steel, wrought iron or similar in style.
 - ii. Shall not be galvanized chain link, cyclone style or galvanized metal in style.
 - iii. Fencing on Lot 6 adjacent to Lots 3 & 4, if provided, shall be 8 feet in height.
 - iv. Fencing on Lot 1 at the rear/adjacent to the conservation easement can be eight-foot (8') tall black vinyl coated chain link.
- c. Masonry columns connecting fence sections shall be permitted.
- d. To provide adequate buffering for the residential properties on Lots 3 and 4, additional landscaped screening, where feasible, shall be incorporated into the site design of the proposed developments on Lot 6 and reviewed and approved by City staff as part of the building permit submittal. Buffering may include tall shrubs, additional trees, and a berm to minimize vehicle headlight impacts.

NEW STREETS A & B, FM LOOP 1604, & LOT 8-FRONTING FENCE/GATE EXAMPLES



NOT FRONTING NEW STREETS A & B, FM LOOP 1604 OR LOT 8 FENCE
EXAMPLE



VI. OUTDOOR STORAGE

- a. Outdoor Display, as provided for in Section 4-5-83 of the Zoning Code, is allowed on Lots 1 – 6.
- b. Limited Outdoor Storage and General Outdoor Storage, as described in Section 4-5-83 of the Zoning Code, shall:
 - i. Not be allowed on Lots 2, 3, 4, 5 & 6.
 - ii. Conform with Section 4-5-83 of the Zoning Code unless superseded by either the Use Table in Section II of this document or conditions placed on a Specific Use Permit approval.
- c. General Outdoor Storage, if allowed, shall not require a Temporary Use Permit, but shall be screened from public view; that is, view from New Street A and/or New Street B.
- d. Any allowed outdoor storage is required to be on an improved surface, which shall be a surface made of concrete or asphalt. Base gravel, crushed granite, and/or caliche are not acceptable surfaces, except where required by Utility Grantor for encroachment of an easement. Chip seal may be approved, on a case-by-case basis, by the Director of the Public Works Department, or designee.
- e. Trash containers shall be screened from public view by a trash enclosure in accordance with the Municipal Code.

VII. LIGHTING

- a. All lighting shall be shielded or downward facing to the greatest extent possible to reduce light pollution and shall aim to emit zero footcandles at the lot line. A specification sheet for each external lighting fixture type shall be included as part of the building permit submittal.
- b. A photometric plan shall be included as part of the building permit submittal for Lots 5 & 6 showing low footcandles at the rear lot lines.

VIII. PARKING

- a. The size and number of parking spaces provided on each lot shall meet the requirements in the Zoning Code for that use type, except as provided for in this Ordinance.
- b. Multi-family: one (1) parking space per bedroom plus an additional ten percent (10%) shall be required.
- c. Senior Complex: one (1) parking space per unit plus an additional ten percent (10%) shall be required; garage and carport spaces shall count towards the total required number of spaces.
- d. Rowhomes: two (2) enclosed, rear-loading parking spaces shall be required; however, tandem parking spaces may be allowed in certain situations depending on the unit width design and number of bedrooms; tandem parking design means one (1) enclosed space and one (1) space on a driveway that is at least twenty-one feet (21') in depth measured from the garage door to the rear property line (not the apron or curb).
- e. Parallel parking spaces adjacent to Lot 8 may be used to meet the parking requirements for developments on Lots 2, 3 and 4. Parallel parking spaces on New Streets A and B shall not be used to meet the parking requirements for any development within the subdivision.
- f. Compact parking spaces, measured as 8-feet by 16-feet, may account for up to 20 percent of the total number of parking spaces provided on each lot.
- g. Accessible parking spaces shall be provided as required in the Federal and State statutes and Municipal Code.
- h. Carports shall be permitted on all lots. Carports shall conform with the Visibility Triangle, as defined in the Municipal Code.
- i. All parking areas and vehicular travel lanes, to include fire lanes, in the front, sides and rear yards are required to be on an improved surface, which shall be a surface made of concrete or asphalt. Base gravel, crushed granite, chip seal, and/or caliche are not acceptable surfaces.

IX. CURB CUTS

- a. Drive-aisle curb cuts on New Streets A & B shall require approval from the City of Universal City and shall be included as part of the plans submitted for building permit.

- b. Drive-aisle curb cuts on FM Loop 1604 Frontage Road shall require approval from the Texas Department of Transportation.
- c. Changes to the number and location of curb cuts shall be reflected on an updated Final PUD Plan submitted for review and approved by City Staff. A public meeting/hearing shall not be required.

X. SIGNS

- a. Unless specified below, signage shall require building permit submittal and shall comply with the requirements identified in the Universal City Sign Code.
 - i. Lot 1:
 - 1. Residential: One (1) monument sign shall be permitted with a maximum height of twelve feet (12’).
 - 2. Non-Residential: One (1) wall sign per suite and one (1) monument sign with a maximum height of twelve feet (12’) for the entire lot shall be permitted.
 - 3. No pole sign shall be permitted.
 - ii. Lots 2, 3 & 4-Multifamily/Hotel and Senior Complexes: No more than a total of four (4) monument signs combined shall be permitted. The maximum height of each monument sign shall be twelve feet (12’). Pole signs shall not be allowed.
 - iii. Lots 5, 6 & Unified 5 &7: One (1) pole sign and two (2) monument signs shall be permitted on each lot.
 - 1. The maximum height of each pole sign shall be 70 feet.
 - 2. The maximum height of each monument sign shall be twelve feet (12’).
 - iv. On an individual basis, the maximum height of each monument sign, or pole sign, if approved, shall be measured from either street grade or foundation finish floor of the principal building.
 - v. Each sign shall conform with the Visibility Triangle requirements in the Municipal Code.
 - vi. Each monument sign shall require a building permit prior to installation. The sign building permit application shall include a site plan identifying the sign location(s) and dimension(s), including proposed landscaping.
 - vii. Signs cannot be placed in an easement unless authorized by the easement holder.

XI. COVENANTS, CONDITIONS AND RESTRICTIONS

- a. Developer agrees to impose covenants, conditions, and restrictions (“CC&Rs”) on the Property to facilitate compliance with the PUD by future owners and tenants. Developer agrees that the standards within the CC&Rs will be consistent with the PUD.
- b. Prior to the issuance of the first certificate of occupancy for a building in the PUD, Developer shall submit to the City the CC&Rs applicable to the PUD for

review and approval by the City Manager or his/her designee. The first certificate of occupancy (temporary or full) shall not be issued until the CC&Rs applicable to the PUD have been approved in writing by the City.

- c. Any future amendment to the CC&R standards that is inconsistent with the PUD must be reviewed and approved in writing by the City Manager or his/her designee, or, if in the City Manager's estimation, City Council consideration and approval at a public meeting is required. Future amendments to the CC&Rs may not be denied without cause.

XII. PEDESTRIAN CONNECTIVITY

- a. Internal and external pedestrian connectivity shall be provided in accordance with the approved Final PUD plan. See Pedestrian Connectivity sheet and Street Sections
- b. Any revision or change to the approved Pedestrian Connectivity plan must be reviewed and approved in writing by the City Manager or his/her designee, or, if in the City Manager's estimation, City Council consideration and approval at a public meeting.

XIII. LANDSCAPING

As part of the building permit submittal for each Lot, a final landscape plan shall be included and shall meet the following guidelines:

- a. Lot 1 – Light Industrial Development (or as allowed by the Use Table)
 - 10% minimum landscaping requirement of the overall subject property.
 - A sufficient landscaping buffer shall be provided adjacent to any community park/greenspace/open space which shall be reflected on the landscape plan submitted as part of the building permit application. Buffering techniques may include use of berms and increased non-deciduous trees and shrubs resulting in more than the 10% minimum landscaping requirement of the overall subject property.
 - An average landscape buffer of 15 feet in depth shall be provided adjacent to New Street A.
 - Existing perimeter trees shall be preserved where feasible except where utilities may create conflicts.
 - Two three-inch caliper shade trees shall be planted for each 100 linear feet of street frontage; existing trees meeting this size may be included in this count.
 - One shade tree shall be planted in designated landscape areas for every 10 parking spaces or fraction thereof; however, installation of a carport shall void this requirement for the linear feet of the carport.
 - A landscaped island shall be provided at the end of each parking row and shall include at least one shade tree.
 - Shrubs and groundcover shall be maintained so as not to exceed 30 inches in height to ensure driver visibility.

- Plant selection and location should consider and avoid conflicts with both underground and above ground utilities. All utilities shall be located on the final landscape plan submitted as part of the building permit application.
 - Irrigation of all landscaping is required and shall be reflected on an irrigation plan submitted as part of the building permit application.
 - No more than 30% of a single species of tree shall be used on the subject property.
 - A combination of shade trees, ornamental trees, shrubs, ground cover, and succulents shall be planted on the subject property in conformance with these PUD Development Regulations.
 - Trees with a high propensity for bird nesting shall not be planted.
- b. Lots 2, 3 & 4 – Multifamily/Hotel and Senior Complexes
- 25% minimum landscaping requirement on the subject property.
 - An average landscape buffer of 15 feet in depth shall be provided adjacent to all street rights-of-way (New Streets A & B).
 - An average landscape buffer of 15 feet in depth shall be provided along the perimeter of the subject property with no more than 50% comprising turf grass.
 - Existing perimeter trees shall be preserved where feasible except where utilities may create conflicts.
 - Two three-inch caliper shade trees shall be planted for each 80 linear feet of street frontage; existing trees meeting this size may be included in this count.
 - One shade tree shall be planted for every 10 parking spaces or fraction thereof; however, installation of a carport shall void this requirement for the linear feet of the carport.
 - A landscaped island shall be provided at the end of each parking row and shall include at least one shade tree.
 - Two ornamental trees and one shade tree shall be planted for each 100 linear feet of the non-street property perimeter.
 - Shrubs and groundcover shall be maintained so as not to exceed 30 inches in height to ensure driver visibility.
 - Plant selection and location should consider and avoid conflicts with both underground and above ground utilities. All utilities shall be located on the final landscape plan submitted as part of the building permit application.
 - Irrigation of all landscaping is required and shall be reflected on an irrigation plan submitted as part of the building permit application.
 - No more than 30% of a single species of tree shall be used on the subject property.
 - A combination of shade trees, ornamental trees, shrubs, ground cover, and succulents shall be planted on the subject property in conformance with these PUD Development Regulations.
 - Trees with a high propensity for bird nesting shall not be planted.
- c. Lots 5, 6 & Unified 5 & 7 – Retail Development

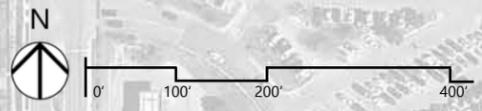
- 10% minimum landscaping requirement of the overall subject property unless an increase is determined necessary to adequately buffer against the adjacent residential and senior facility properties at the rear. Buffering techniques may include use of berms and increased non-deciduous trees and shrubs resulting in more than the 10% minimum landscaping requirement of the overall subject property.
 - At least 50% of the total required on-site landscaping shall be located in the front yard fronting FM Loop 1604 Frontage Road.
 - An average landscape buffer of 15 feet in depth shall be provided adjacent to all street rights-of-way (New Street B and FM Loop 1604 Frontage Road).
 - Existing perimeter trees shall be preserved where feasible except where utilities may create conflicts.
 - Two three-inch caliper shade trees shall be planted for each 80 linear feet of street frontage; existing trees meeting this size may be included in this count.
 - One shade tree shall be planted for every 10 parking spaces or fraction thereof; however, installation of a carport shall void this requirement for the linear feet of the carport.
 - A landscaped island shall be provided at the end of each parking row and shall include at least one shade tree.
 - Two ornamental trees shall be planted for each 100 linear feet of the non-street property perimeter.
 - Shrubs and groundcover shall be maintained so as not to exceed 30 inches in height to ensure driver visibility.
 - Plant selection and location should consider and avoid conflicts with both underground and above ground utilities. All utilities shall be located on the final landscape plan submitted as part of the building permit application.
 - Irrigation of all landscaping is required and shall be reflected on an irrigation plan submitted as part of the building permit application.
 - No more than 30% of a single species of tree shall be used on the subject property.
 - A combination of shade trees, ornamental trees, shrubs, ground cover, and succulents shall be planted on the subject property in conformance with these PUD Development Regulations.
 - Trees with a high propensity for bird nesting shall not be planted.
 - Depending on the configuration of buildings, a viewshed shall be provided through the center of Lot 6 to the open space on Lot 8.
- d. Lot 7 – Private Open Space Only (Not Unified Lots 5 & 7)
- Prior to issuance of the first certificate of occupancy for a use on Lot 5, a landscape and amenities plan shall be submitted to the City for Staff review and approval. Completion of construction of the approved landscaping and amenities plan shall occur no later than 24 months after landscaping and amenities plan approval by City Staff.
- e. Lot 8 – Private Open Space

- A landscape and amenities plan shall be submitted to the City for Staff review and approval as part of the building permit submittal for Lot 2, 3 or 4, whichever occurs first. Completion of construction of the approved landscaping and amenities plan shall occur no later than 24 months after landscaping and amenities plan approval by City Staff.

EXHIBIT “D-2”

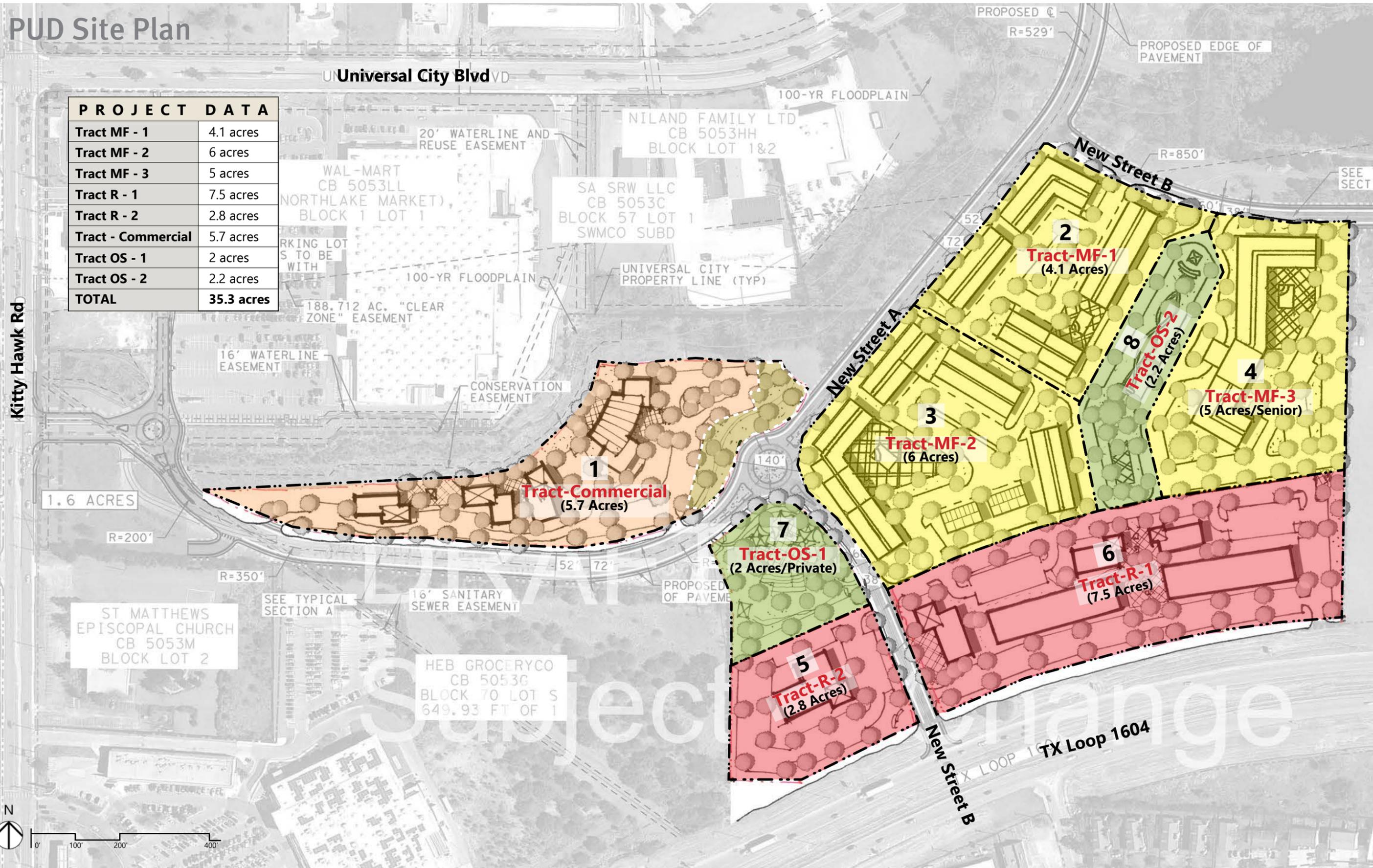
**PUD PLANS
(INCLUDING OVERALL SITE PLAN, THOROUGHFARE PLAN &
ARCHITECTURAL DESIGN IMAGES)**

Concept Plan

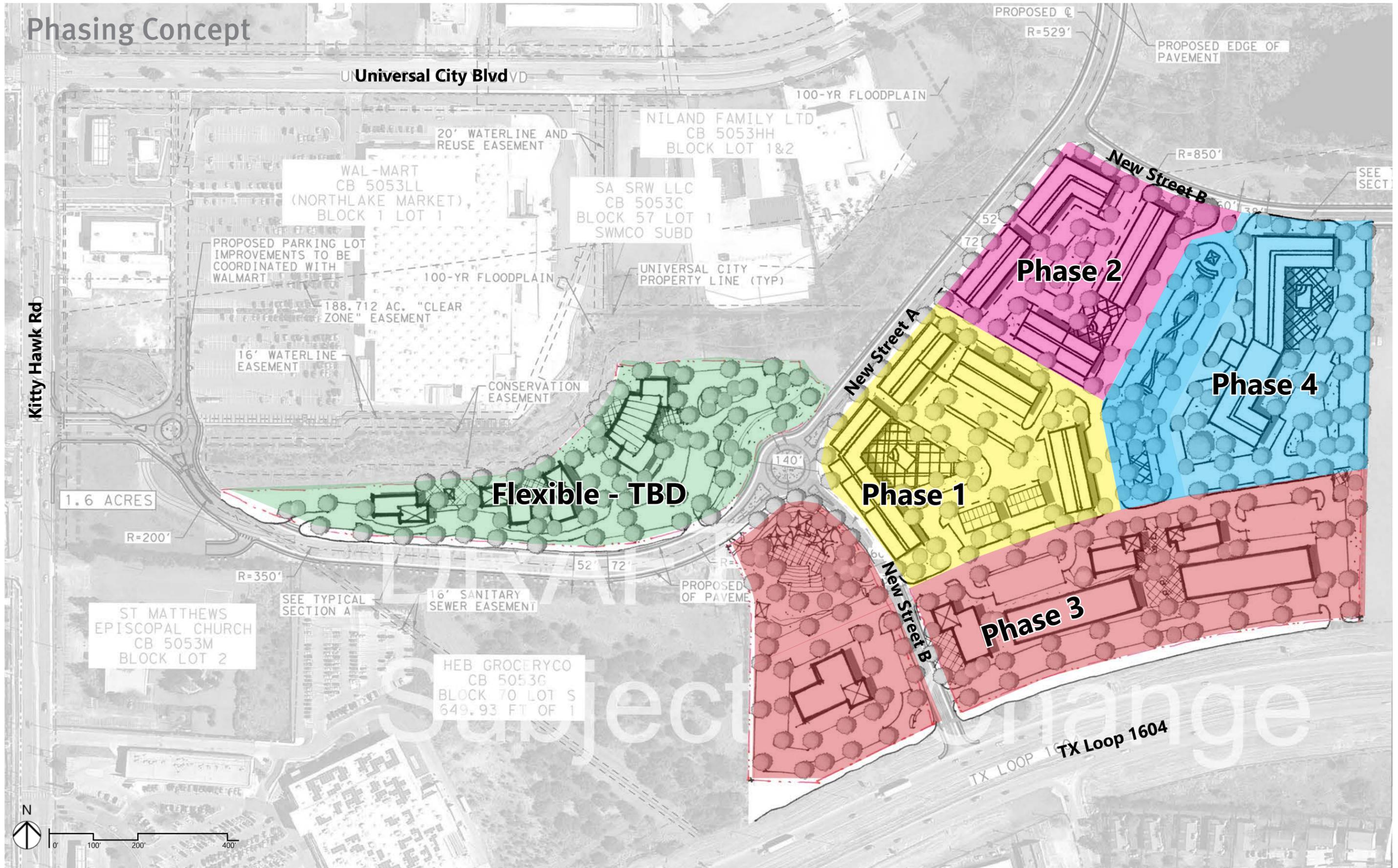


PUD Site Plan

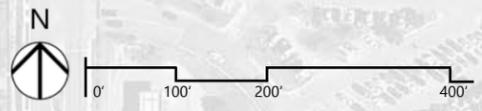
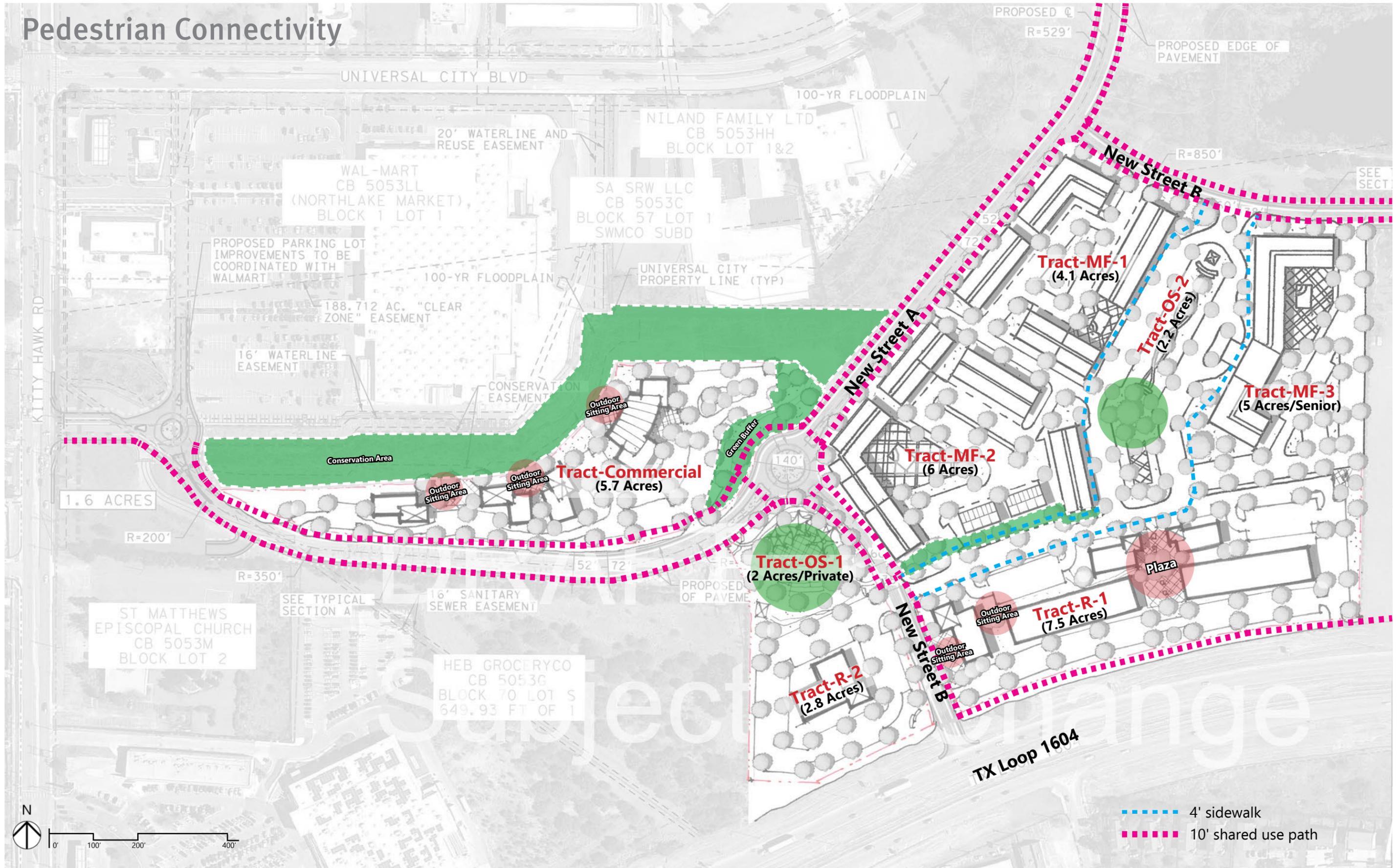
PROJECT DATA	
Tract MF - 1	4.1 acres
Tract MF - 2	6 acres
Tract MF - 3	5 acres
Tract R - 1	7.5 acres
Tract R - 2	2.8 acres
Tract - Commercial	5.7 acres
Tract OS - 1	2 acres
Tract OS - 2	2.2 acres
TOTAL	35.3 acres



Phasing Concept

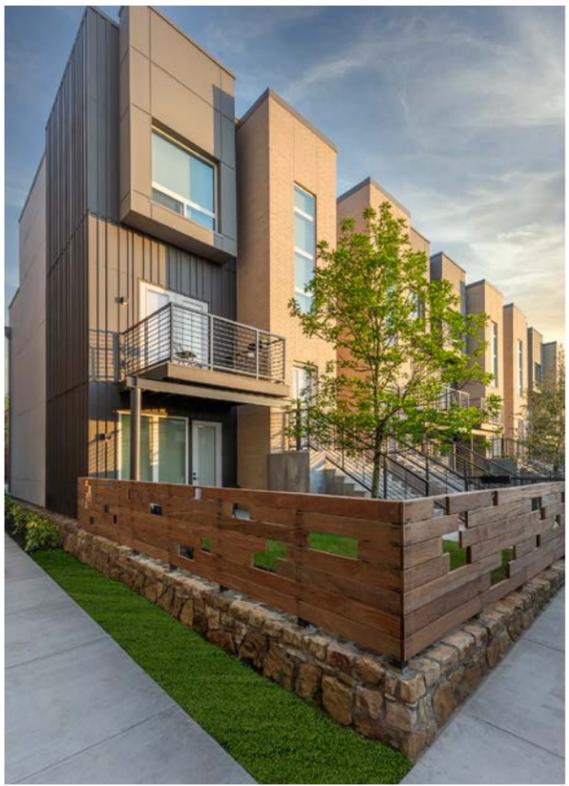


Pedestrian Connectivity



- 4' sidewalk
- 10' shared use path

Residential Design Images

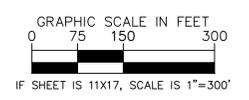
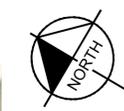


Retail/Commercial Design Images



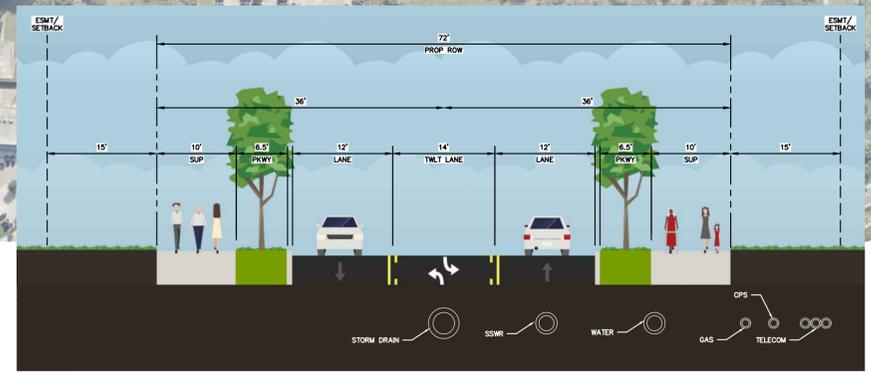
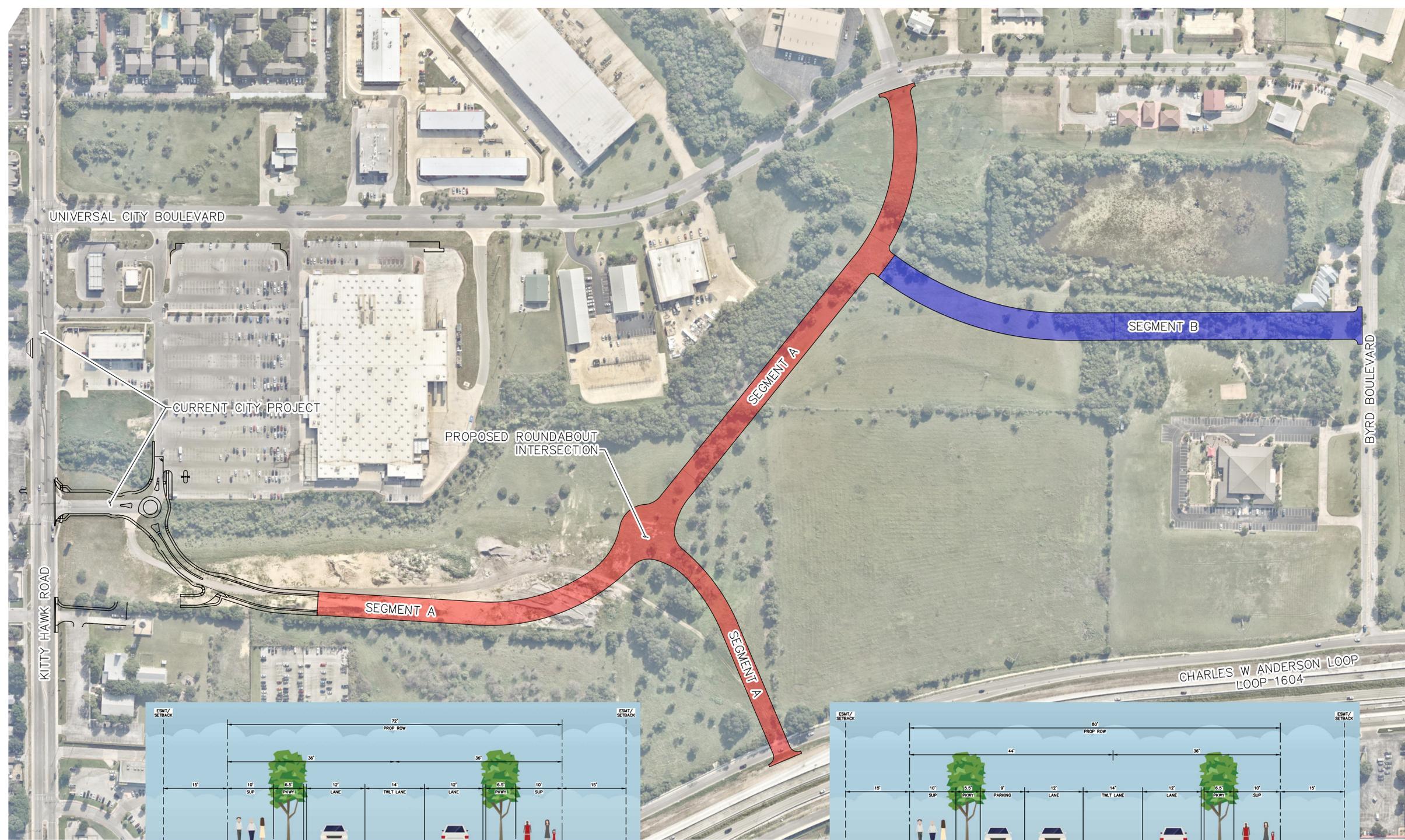
Open Space Design Images



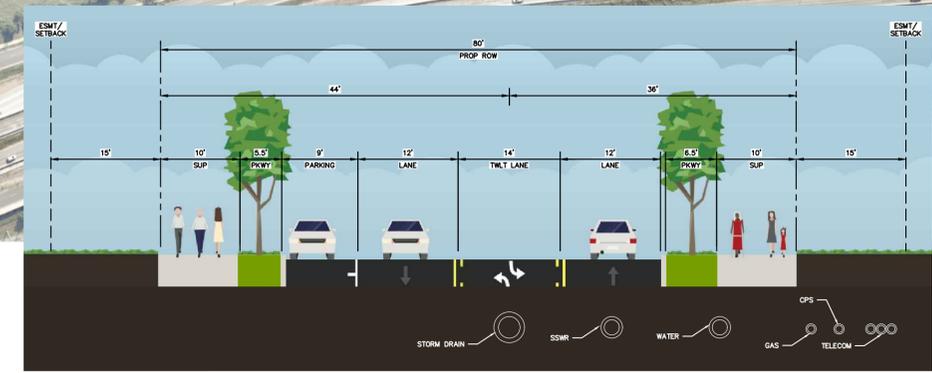


LEGEND

- SEGMENT A
- SEGMENT B



SEGMENT A

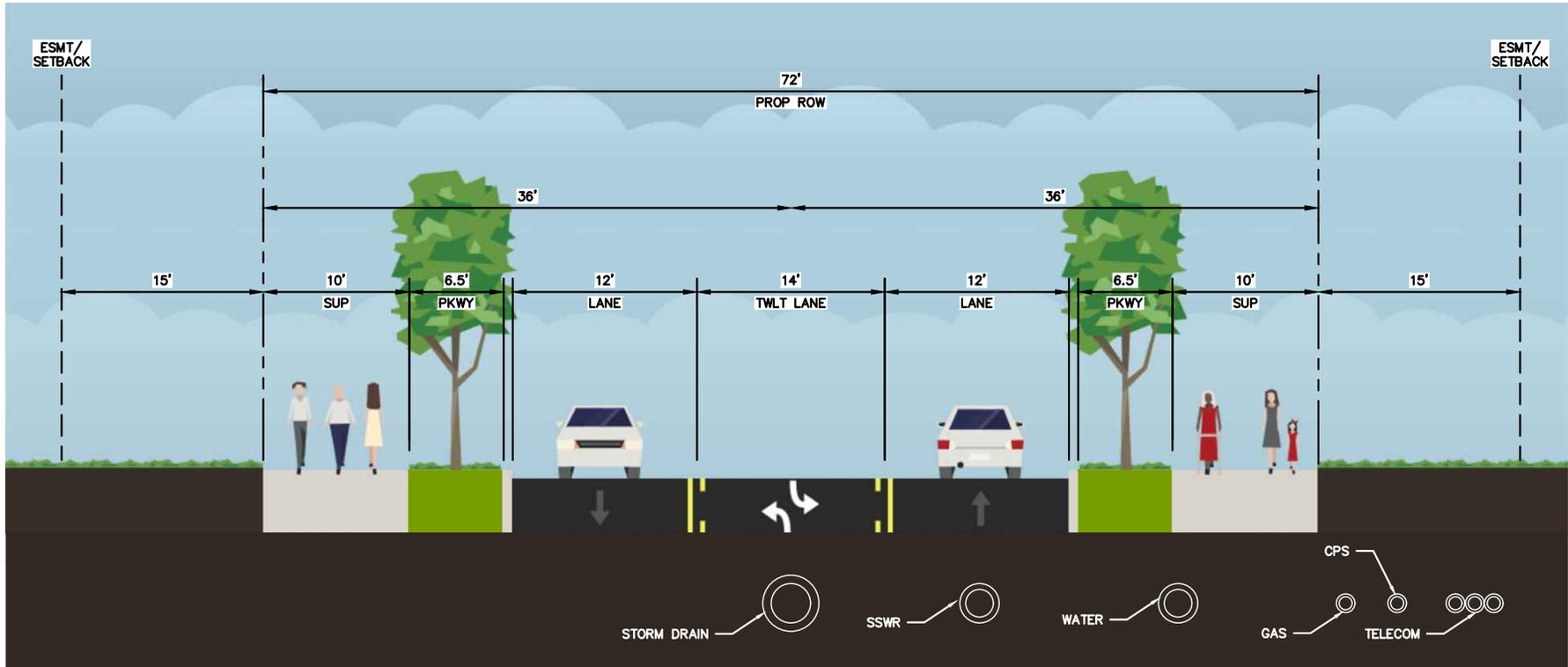


SEGMENT B

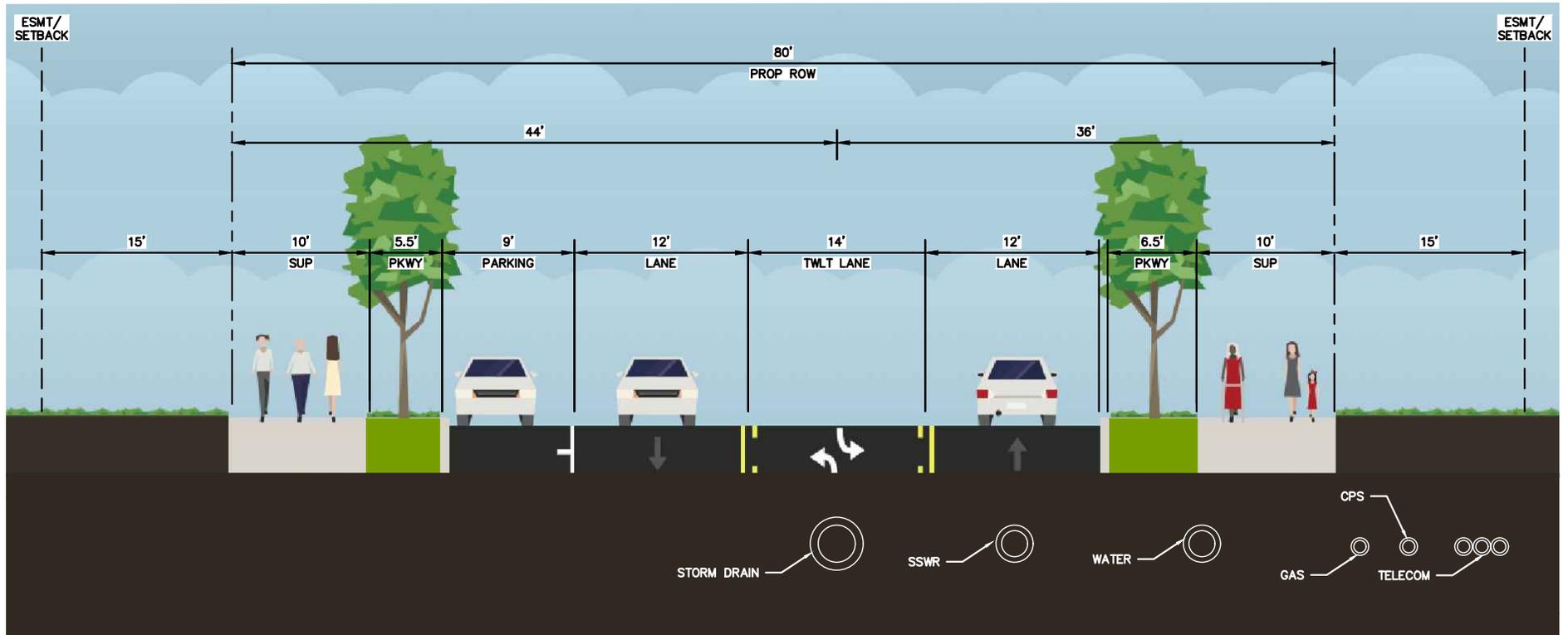
UNIVERSAL CITY THOROUGHFARE - SEGMENTED FUTURE DEVELOPMENT - JANUARY 2024



SEGMENT A
TYPICAL SECTION

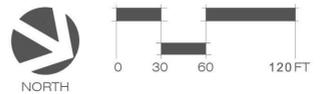


SEGMENT B
TYPICAL SECTION





NORTHLAKE POND & PARK IMPROVEMENTS - CONCEPTUAL DRAFT



MARCH 2024



UNIVERSAL CITY BLVD

100 YR FLOODPLAIN

50.136 AC. DEVELOPABLE LAND

KITTY HAWK RD

W BYRD BLVD

E LOOP 1604 N

E LOOP 1604 N

MEADOWLAND

DUKEWAY DR



EXHIBIT "D-3"

MASTER DEVELOPMENT AGREEMENT

(TO BE PROVIDED)

Motion to Approve – Zone Change:

PC 603 (ZC 254)

After conducting a public hearing on the request for a Zone Change for the two tracts combined totaling an approximately 43-acre larger tract located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard, and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve PC 603 (ZC 254) and the Zone Change from OS-Open Space and C4-General Commercial to PUD 2024-101 District for the subject property with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. Staff approval of outstanding Master Development Agreement items
3. City Council approval of the FLUP amendment from HC-Highway Commercial and OS-Open Space to HC-Highway Commercial, HDR-High Density Residential and OS-Open Space
4. City Council approval of the PUD Final Plan
5. City Council approval of the Resolution approving the Purchase and Sale Agreement for the 33-acre tract owned by the City
6. City Council approval of the EDC Resolution approving the Purchase and Sale Agreement for the 9.987-acre tract owned by the EDC
7. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

Motion to Approve – PUD Preliminary and Final Plans:

PC 604 (ZC 255)

After conducting a public hearing on the request for approval of the PUD Preliminary and Final Plans and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve PC 604 (ZC 255) and the associated PUD Preliminary and Final Plans and PUD Ordinance 581-Y-PUD-2024-101 for the two tracts combined totaling an approximately 43-acre larger tract located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. Staff approval of outstanding Master Development Agreement items
3. City Council approval of the FLUP amendment from HC-Highway Commercial and OS-Open Space to HC-Highway Commercial, HDR-High Density Residential and OS-Open Space
4. City Council approval of the Zone Change from OS-Open Space and C4-General Commercial to PUD 2024-101 District
5. City Council approval of the Resolution approving the Purchase and Sale Agreement for the 33-acre tract owned by the City
6. City Council approval of the EDC Resolution approving the Purchase and Sale Agreement for the 9.987-acre tract owned by the EDC
7. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

ORDINANCE NO. 581-AA-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS APPROVING AN AGREEMENT WITH REUNION DEVELOPMENT PARTNERS, LLC TO PROGRAM ECONOMIC INCENTIVES FOR PUBLIC PROJECT ENHANCEMENTS, DEVELOPMENT STANDARDS, EMERGENCY SERVICE ACCESS, AND CORRELATED INFRASTRUCTURE RELATING TO THE DEVELOPMENT OF REUNION DEVELOPMENT IN UNIVERSAL CITY; AND ESTABLISHING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Universal City, Texas is a home-rule municipality located in Bexar County, Texas and duly established under the Texas Constitution and the laws of this State; and

WHEREAS, REUNION DEVELOPMENT PARTNERS, LLC (“Developer”), a limited liability company established under Texas law, is a respected and seasoned professional development firm with experience in residential, commercial, and mixed-use development across the state of Texas; and

WHEREAS, Developer was the selected respondent to the Request for Proposals for Development Off Loop 1604 (the “RFP”) now submitted by the City of Universal City for the acquisition and development of certain real property located at 11514 E. Loop 1604 in Universal City, and as further described herein; and

WHEREAS, the City and the Developer desire to enter into an agreement to facilitate the development of a planned unit development and related subdivision and promote local economic development and stimulate business and commercial activity within the City limits; and

WHEREAS, Article III, Section 52-a of the Texas Constitution and Chapter 380 of the Texas Local Government Code authorizes a local government to establish and provide for the administration of one or more programs, for making loans and grants and providing personnel and services of the municipality, to promote state or local economic development and to stimulate business and commercial activity in the municipality; and

WHEREAS, under Chapter 380 of the Texas Local Government Code, the City has adopted an economic development program to promote local economic development and stimulate business and commercial activity within the city limits; and

WHEREAS, the lack of master-planned communities that establish land use controls and provide for roadway infrastructure and orderly economic growth that protects the environment now and in the future hinders business and industrial development within the City; and

WHEREAS, pursuant to the RFP, Developer is in the process of acquiring, or has acquired, approximately 42.96 acres of property, wholly located within the City and more particularly described in **EXHIBIT A**, and desires to develop a mixed-use planned unit development and related subdivision on the property consisting of streets, utilities, drainage improvements, suitable

for residential, commercial and industrial uses, and as contemplated in Developer's response to the RFP (the "Project"); and

WHEREAS, the Project consists of multiple components, including the Reunion Development Road Improvements, Reunion Development Subdivision Development Standards, and an Emergency Service Access, necessary for the development of the Reunion Development Planned Unit Development and related Subdivision subject to the Master Development Agreement; and

WHEREAS, the proposed mixed-use subdivision will contribute to the economic development of the City by making it more attractive to business and industrial projects, generating increased development, increased real property value and tax revenue for City, increased related neighborhood services, and have both a direct and indirect positive overall improvement/stimulus in the local and state economy; and

WHEREAS, the City, aided by financial contributions from the Developer, shall construct the Reunion Development Road Improvements as provided in **EXHIBIT B** to necessitate the orderly, safe, and healthful development of the mixed-use subdivision; and

WHEREAS, Developer has requested financial incentives from the City to facilitate the development of the Project with the requested enhancements; and

WHEREAS, the City Council finds that without the requested incentives the Project cannot go forward with the proposed Reunion Development Road Improvements; and

WHEREAS, the City has found and determined that by entering into this Agreement, the construction and acquisition of the public improvements will further the public interest and welfare; and

WHEREAS, City Council finds that the Project promotes state and local economic development and shall stimulate local business and commercial activity in the City of Universal City and, is therefore, an eligible project for the purpose of the Texas Local Government Code 380; and

WHEREAS, Developer has agreed, in exchange and as consideration for funding by City, to satisfy and comply with the terms and conditions of the Agreement attached hereto as **EXHIBIT C**.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Approval and Authorization. The agreement attached hereto as **EXHIBIT C** is hereby approved and the City Manager is hereby authorized to execute an agreement, substantially similar to **EXHIBIT C**, and all documents necessary to accomplish the purposes of this Ordinance.

Section 3. All ordinance, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the law of the State of Texas and the United State of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 3. Open Meetings. It is hereby officially found, determined, and declared that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 4. Effective Date. This Ordinance shall be effective immediately upon adoption by the City Council.

FIRST READING PASSED AND APPROVED THIS _____ DAY OF _____ 20__.

SECOND READING PASSED AND ADOPTED THIS _____ DAY OF _____ 20__.

UNIVERSAL CITY, TEXAS

John Williams, Mayor

ATTEST:

APPROVED AS TO FORM”

Maribel Garcia, Deputy City Clerk

Megan R. Santee, City Attorney
DENTON, NAVARRO RODRIGUEZ
BERNAL SANTEE & ZECH, P.C.

Exhibits:

Exhibit A: Reunion Development Metes & Bounds Descriptions

Exhibit B: Reunion Development Road Improvement Plans

Exhibit C: Master Development Agreement

EXHIBIT A
METES & BOUNDS DESCRIPTIONS



QUIDDITY

Texas Board of Professional Engineers and Land Surveyors Reg. No. F-23290

4350 Lockhill Selma Rd., Suite 100
 San Antonio, Texas 78249
 Tel: 210.494.5511
 Fax: 210.494.5519
www.jonescarter.com

METES AND BOUNDS DESCRIPTION OF A 9.987 ACRE TRACT OF LAND

A Metes and Bounds description of a 9.987 acre tract of land situated in the Maria Lucia Torres Survey No.81, Abstract 745, County Block 5053, City of Universal City, Bexar County, Texas; being all of that certain 10.00 acre tract described in instrument to Universal City Industrial Development Corporation recorded in Volume 13260, Page 1797 of the Bexar County Real Property Records; also containing a portion of Gilbert Ward Subdivision 1, plat of which is recorded in Volume 6400, Page 218 of the Bexar County Deed and Plat Records; and being more particular described as follows:

Notes:

1. *The bearings, distances, areas and coordinates shown herein are Texas Coordinate System grid, South Central Zone (NAD'83), as determined by Global Positioning System (GPS). All distance units cited herein are U.S. Survey Feet and are horizontal "on the grid" distances. For converting grid distances to surface, use the grid to surface scale factor of 1.00017.*
2. *Survey boundary calls effectively match reference instruments. Reference bearing and distance citations are not required.*

BEGINNING at a 1/2-inch iron rod (with cap stamped "QUIDDITY") set on the northeasterly right-of-way line of FM Loop 1604 (variable width right-of-way) marking the western-most corner of Lot 1, Block 2 of Victory Assembly of God Subdivision, plat of which is recorded in Volume 9569, Page 4 of the Bexar County Deed and Plat Records; also marking the southern-most corner of the herein described tract; said beginning point having Texas Grid Coordinates: North: 13,745,054.30 feet, East: 2,188,850.75 feet;

THENCE, along said northeasterly right-of-way line of FM Loop 1604 the following four(4) courses and distances:

1. North 38°16'30" West, 373.56 feet to a 1/2-inch iron rod found marking an angle point;
2. North 46°19'26" West, 420.53 feet to a TxDOT right-of-way monument (an aluminum disk) found marking an angle point;
3. North 54°32'57" West, 324.63 feet to a TxDOT right-of-way monument (an aluminum disk) found marking an angle point;
4. North 56°45'34" West, 188.01 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set replacing a bent iron rod found marking the southern-most corner of Lot 1, Block 70 of HEB at Kitty Hawk Subdivision, plat of which is recorded in Volume 9551, Page 199 of the Bexar County Deed and Plat Records;

THENCE, along the boundary of said Lot 1, Block 70 the following two(2) courses and distances:

1. North 26°39'23" West, 143.17 feet to a 1/2-inch iron rod found for corner;
2. North 59°08'47" East, 299.53 feet to a 1/2-inch iron rod found marking a westerly corner of that certain 37.73 acre tract described in instrument to The City of Universal City recorded in Volume 13260, Page 1789 of the Bexar County Real Property Records;



THENCE, along the boundary of said 37.73 acre tract the following five(5) courses and distances:

1. South 26°42'24" East, 83.23 feet to a 1/2-inch iron rod found at an angle point;
2. South 56°28'27" East, 114.47 feet to a 1/2-inch iron rod found at an angle point;
3. South 54°40'07" East, 352.15 feet to a 1/2-inch iron rod found at an angle point;
4. South 46°18'04" East, 462.78 feet to a 1/2-inch iron rod found at an angle point;
5. South 38°21'28" East, 442.61 feet to a 1/2-inch iron rod found for corner on the northwesterly boundary of aforesaid Lot 1, Block 2 Victory Assembly of God Subdivision;

THENCE, South 60°43'37" West, 303.67 feet along said Lot 1, Block 2 to the POINT OF BEGINNING, containing 9.987 acres of land in Bexar County, Texas, as shown on drawing no. 19724 filed under Job No. S0305-0022-00 in the office of QUIDDITY ENGINEERING, San Antonio, Texas.

QUIDDITY ENGINEERING

Michael A. Romans
Registered Professional Land Surveyor #4657
Signature Date: March 27, 2024





METES AND BOUNDS DESCRIPTION OF A 33.152 ACRE TRACT OF LAND

A Metes and Bounds description of a 33.152 acre tract of land situated in the Maria Lucia Torres Survey No.81, Abstract 745, County Block 5053, The City of Universal City, Bexar County, Texas; containing a portion of that certain 37.73 acre tract described in instrument to The City of Universal City recorded in Volume 13260, Page 1789 of the Bexar County Official Public Records (BCOPR); also containing a portion of that certain 39.672 acre tract described in instrument to The City of Universal City recorded in Volume 7303, Page 1325, BCOPR; also containing a portion of Gilbert Ward Subdivision 1, plat of which is recorded in Volume 6400, Page 218 of the Bexar County Deed and Plat Records; and being more particularly described as follows:

Notes:

1. *The bearings, distances, areas and coordinates shown herein are Texas Coordinate System grid, South Central Zone (NAD'83), as determined by Global Positioning System (GPS). All distance units cited herein are U.S. Survey Feet and are horizontal "on the grid" distances. For converting grid distances to surface, use the grid to surface scale factor of 1.0001611.*
2. *Survey boundary calls effectively match reference instruments. Reference bearing and distance citations are not required.*

COMMENCING at a 1/2-inch iron rod (with cap stamped "QUIDDITY") set on the northeasterly right-of-way line of FM Loop 1604 (variable width right-of-way) marking the western-most corner of Lot 1, Block 2 of Victory Assembly of God Subdivision, plat of which is recorded in Volume 9569, Page 4 of the Bexar County Deed and Plat Records, and marking the southern-most corner of that certain 10.00 acre tract described in instrument to Universal City Industrial Development Corporation recorded in Volume 13260, Page 1797 of the Bexar County Real Property Records; said commencing point having Texas Grid Coordinates: North: 13,745,054.30 feet, East: 2,188,850.75 feet;

THENCE, North 60°43'37" East, 303.84 feet along the common boundary of said Lot 1, Block 2 and said 10.00 acre tract to a 1/2-inch iron rod found marking a southern-most corner of said 37.73 acre tract and the POINT OF BEGINNING of the herein described tract; said beginning point having Texas Grid Coordinates: North: 13,745,202.87 feet, East: 2,189,115.79 feet;

THENCE, along the northeasterly boundary of said 10.00 acre tract the following five(5) courses and distances:

1. North 38°21'28" West, 442.61 feet to a 1/2-inch iron rod found at an angle point;
2. North 46°18'04" West, 462.78 feet to a 1/2-inch iron rod found at an angle point;
3. North 54°40'07" West, 352.15 feet to a 1/2-inch iron rod found at an angle point;
4. North 56°28'27" West, 114.47 feet to a 1/2-inch iron rod found at an angle point;
5. North 26°42'24" West, 83.23 feet to a 1/2-inch iron rod found for corner on the southeasterly boundary of Lot 1, Block 70 of HEB at Kitty Hawk Subdivision, plat of which is recorded in Volume 9551, Page 199 of the Bexar County Deed and Plat Records.



THENCE, along the boundary of said Lot 1, Block 70 the following two(2) courses and distances:

1. North 59°05'34" East, 124.51 feet to a 1/2-inch iron rod found for corner;
2. North 27°12'27" West, 835.69 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set for corner;

THENCE, crossing said 37.73 acre tract the following five(5) courses and distances:

1. North 62°47'33" East, 72.00 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set for corner;
2. North 27°12'27" West, 111.42 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
3. North 14°39'47" West, 199.23 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set for corner in the easterly boundary of a 16-foot wide Sanitary Sewer Easement (Volume 5847, Page 648, Bexar County Deed Records);
4. North 04°46'28" East, 111.70 feet along said easement boundary to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set for corner;
5. North 59°28'13" East, 23.51 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set marking the western-most corner of that certain "Conservation Easement" described in instrument recorded in Volume 17150, Page 1629, BCOPR;

THENCE, along the southwesterly boundary of said "Conservation Easement" the following eleven(11) courses and distances:

1. South 24°05'28" East, 88.69 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
2. South 30°31'46" East, 231.52 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
3. South 75°31'46" East, 34.05 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
4. South 30°31'46" East, 231.11 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
5. South 14°28'14" West, 8.34 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
6. South 30°31'46" East, 48.67 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
7. South 75°31'46" East, 19.53 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
8. South 30°31'46" East, 68.56 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
9. South 63°55'58" East, 100.14 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
10. South 72°40'06" East, 64.20 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;



11. South $89^{\circ}46'19''$ East, 89.86 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point; having Texas Grid Coordinates:
North: 13,746,800.68 feet, East: 2,188,425.02 feet;

THENCE, crossing said 37.73 acre and said 39.672 acre City of Universal City tracts the following twelve(12) courses and distances:

1. North $85^{\circ}45'30''$ East, 88.71 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
2. South $29^{\circ}00'26''$ East, 45.03 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
3. South $52^{\circ}09'14''$ East, 36.46 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
4. South $20^{\circ}35'00''$ East, 209.74 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
5. South $42^{\circ}53'31''$ East, 250.30 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
6. South $08^{\circ}25'56''$ West, 36.15 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at an angle point;
7. South $81^{\circ}34'01''$ East, 653.59 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at a point of curvature;
8. along the arc of a tangent curve to the left having a radius of 505.27 feet, a central angle of $08^{\circ}58'49''$, a long chord bearing South $86^{\circ}03'25''$ East, 79.11 feet, a total arc length of 79.19 feet, to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set for corner;
9. South $00^{\circ}32'50''$ East, 72.00 feet to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set for corner;
10. along the arc of a non-tangent curve to the left having a radius of 20.00 feet, a central angle of $82^{\circ}39'35''$, a long chord bearing South $48^{\circ}07'22''$ West, 26.42 feet, a total arc length of 28.85 feet, to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at a point of compound curvature;
11. along the arc of a tangent curve to the left having a radius of 805.89 feet, a central angle of $37^{\circ}19'21''$, a long chord bearing South $11^{\circ}52'06''$ East, 515.73 feet, a total arc length of 524.96 feet, to a 1/2-inch iron rod (with cap stamped "QUIDDITY") set at a point of tangency;
12. South $30^{\circ}31'46''$ East, 553.74 feet to a 1/2-inch iron rod found marking the western-most corner of Lot 1 of the Mark Vaughan Subdivision, amending plat of which is recorded in Volume 9562, Page 117 of the Bexar County Deed and Plat Records (BCDPR);

THENCE, South $30^{\circ}31'46''$ East, 263.54 feet along the southwest boundary of said Lot 1 to a 1/2-inch iron rod found situated in the northwesterly right-of-way line of West Byrd Street (60 feet wide, Volume 9523, Page 220, BCDPR);

THENCE, South $59^{\circ}28'14''$ West, 60.00 feet along said northwesterly right-of-way line of West Byrd Street to a 1/2-inch iron rod found marking the eastern-most corner of Lot 1, Block 2 of aforementioned Victory Assembly of God Subdivision;



QUIDDITY

Texas Board of Professional Engineers and Land Surveyors Reg. No. F-23290

4350 Lockhill Selma Rd., Suite 100

San Antonio, Texas 78249

Tel: 210.494.5511

Fax: 210.494.5519

www.jonescarter.com

THENCE, along the boundary of said Lot 1, Block 2 the following two(2) courses and distances:

1. North $30^{\circ}31'46''$ West, 686.47 feet to a 1/2-inch iron rod found for corner;
2. South $60^{\circ}43'37''$ West, 589.73 feet to the POINT OF BEGINNING, containing 33.152 acres of land in Bexar County, Texas, as shown on exhibit filed under Job No. S0305-0022-00 in the office of QUIDDITY ENGINEERING, San Antonio, Texas.

QUIDDITY ENGINEERING

Michael A. Romans

Registered Professional Land Surveyor #4657

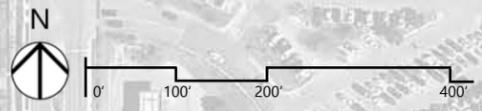
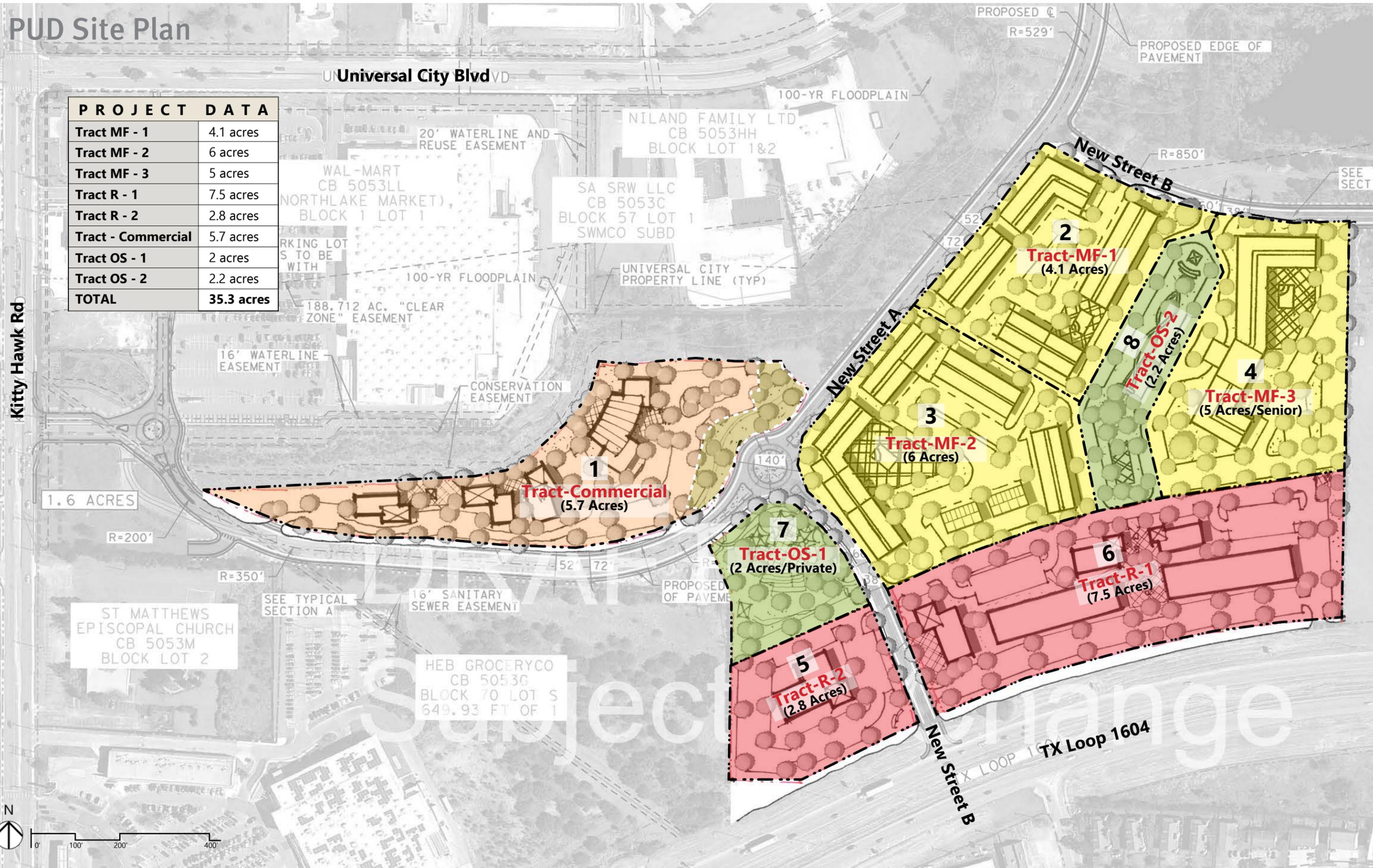
Signature Date: April 6, 2024



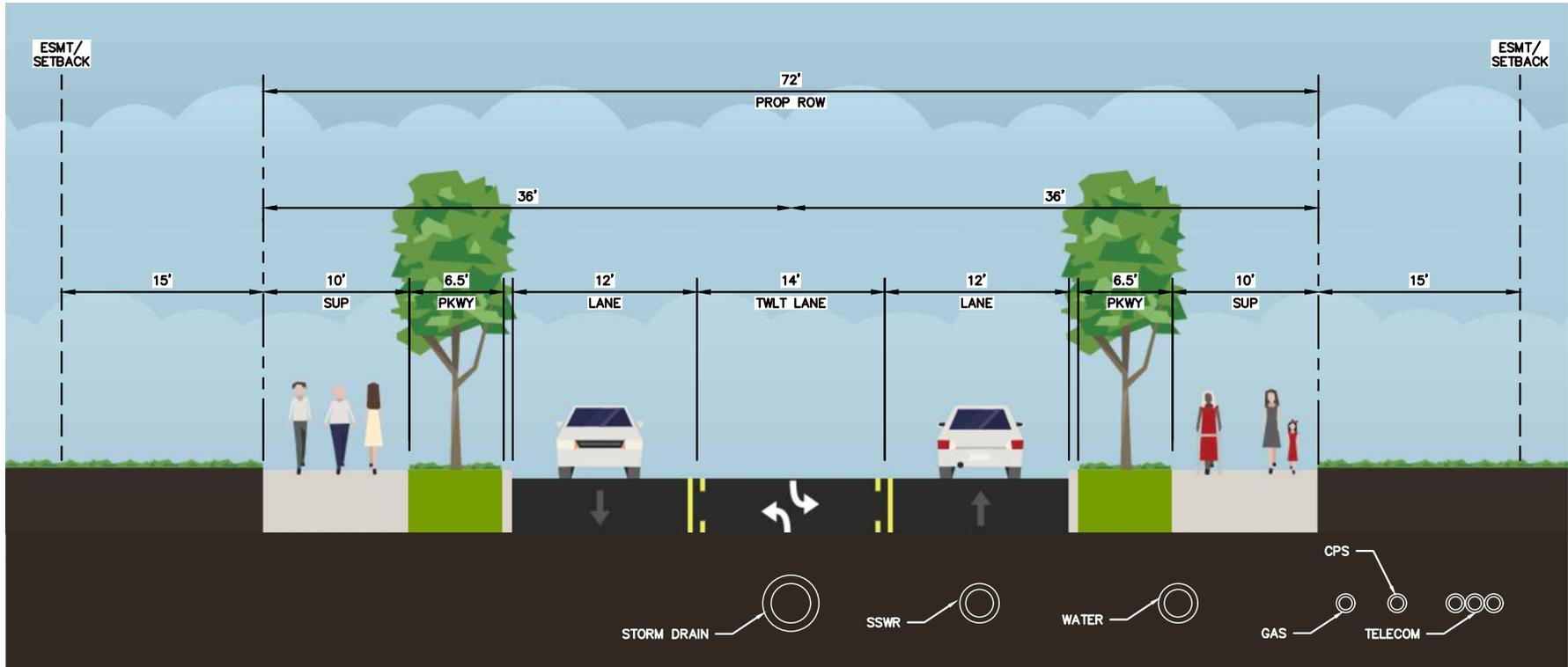
EXHIBIT B
ROAD IMPROVEMENT PLANS

PUD Site Plan

PROJECT DATA	
Tract MF - 1	4.1 acres
Tract MF - 2	6 acres
Tract MF - 3	5 acres
Tract R - 1	7.5 acres
Tract R - 2	2.8 acres
Tract - Commercial	5.7 acres
Tract OS - 1	2 acres
Tract OS - 2	2.2 acres
TOTAL	35.3 acres



SEGMENT A
TYPICAL SECTION



SEGMENT B
TYPICAL SECTION

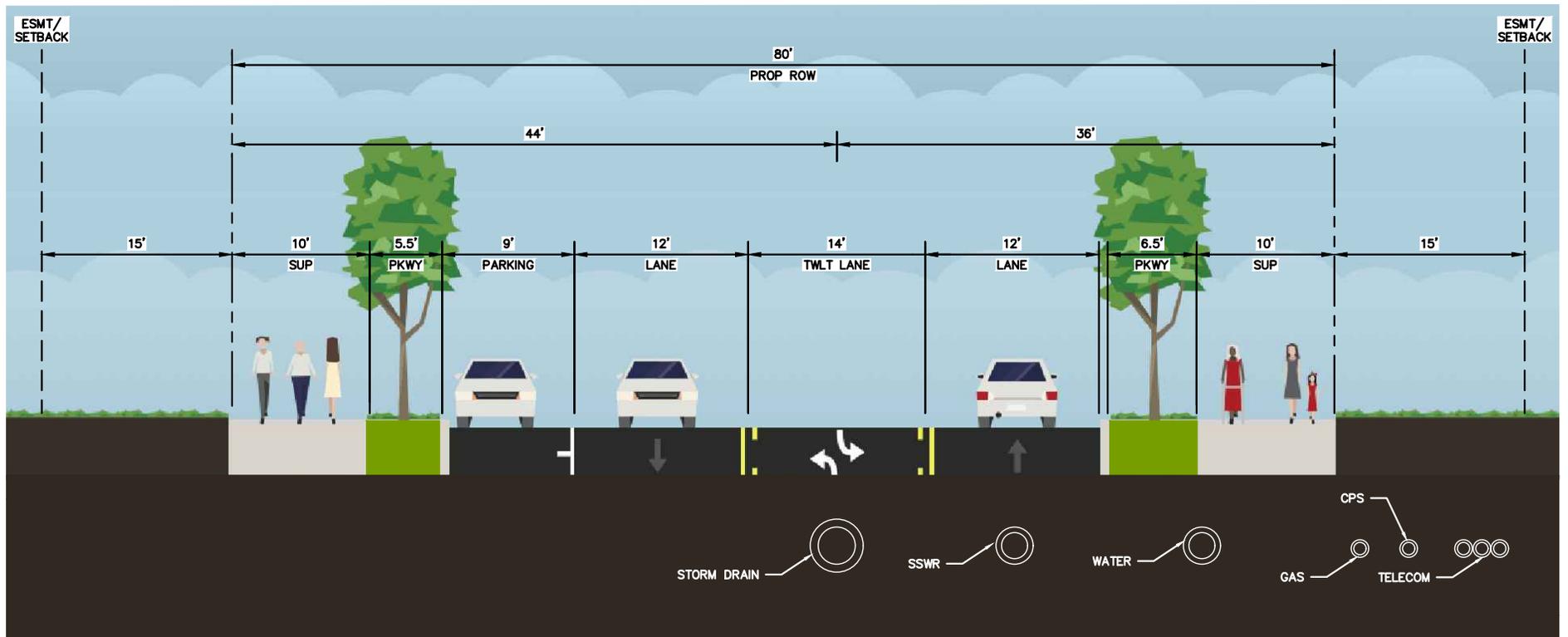


EXHIBIT C
MASTER DEVELOPMENT AGREEMENT
(TO BE PROVIDED)

Motion to Approve – Master Development Agreement:

After conducting a public hearing on the request for approval of the PUD Preliminary and Final Plans and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve the associated Master Development Agreement with Reunion Development Partners, LLC for the two tracts combined totaling an approximately 43-acre larger tract located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. Staff approval of outstanding Master Development Agreement items
3. City Council approval of the FLUP amendment from HC-Highway Commercial and OS-Open Space to HC-Highway Commercial, HDR-High Density Residential and OS-Open Space
4. City Council approval of the Zone Change from OS-Open Space and C4-General Commercial to PUD 2024-101 District
5. City Council approval of the Resolution approving the Purchase and Sale Agreement for the 33-acre tract owned by the City
6. City Council approval of the EDC Resolution approving the Purchase and Sale Agreement for the 9.987-acre tract owned by the EDC
7. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

RESOLUTION NO. 970-A-2024

**A RESOLUTION OF THE CITY OF UNIVERSAL CITY
AUTHORIZING THE SALE OF REAL PROPERTY
LOCATED AT 11514 E. LOOP 1604 N., UNIVERSAL CITY, TEXAS,
FOR PROJECTS TO PROMOTE
NEW OR EXPANDED BUSINESS DEVELOPMENT**

WHEREAS, The City Council of the City of Universal City recalls that the City of Universal City (“City”), in 2007, approved the purchase of a certain 33-acre property, more or less, at 11514 E. Loop 1604 N., in order to promote new or expanded business development; and

WHEREAS, The City has negotiated for the sale of real property consisting of approximately 32.966 acres at 11514 E. Loop 1604 N. in Universal City, Texas, and as provided in substantial form by the contract in **Exhibit A** to this Resolution (the “Property”), as part of a project to develop a vacant tract of land in order to promote new or expanding business development; and,

WHEREAS, The City Council further finds that the sale of the Property by the City will effectuate the projects’ aims of promoting new or expanding business development, thereby serving a public purpose and providing a benefit to the City.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF UNIVERSAL CITY:

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the City and are fully incorporated into the body of this Resolution.

Section 2. That the sale of the Property presented and approved in the City Resolution is approved.

FIRST READING PASSED AND APPROVED ON THIS THE 16TH DAY OF APRIL 2024.

SECOND READING PASSED AND ADOPTED THIS 7TH DAY OF MAY 2024.

John Williams, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk

EXHIBIT “A”

PURCHASE AND SALE AGREEMENT

[TO BE ADDED UPON APPROVAL & EXECUTION]

Motion to Approve – Purchase and Sale Agreement – City-Owned Property:

After conducting a public hearing on the request for approval of the PUD Preliminary and Final Plans and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve the associated Purchase and Sale Agreement with Reunion Development Partners, LLC for the City-owned tract totaling approximately 33 acres located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. Staff approval of outstanding Master Development Agreement items
3. City Council approval of the FLUP amendment from HC-Highway Commercial and OS-Open Space to HC-Highway Commercial, HDR-High Density Residential and OS-Open Space
4. City Council approval of the Zone Change from OS-Open Space and C4-General Commercial to PUD 2024-101 District
5. City Council approval of the EDC Resolution approving the Purchase and Sale Agreement for the 9.987-acre tract owned by the EDC
6. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

RESOLUTION NO. 970-B-2024

**A RESOLUTION OF THE CITY OF UNIVERSAL CITY
AUTHORIZING THE SALE OF REAL PROPERTY
LOCATED AT 11514 E. LOOP 1604 N., UNIVERSAL CITY, TEXAS,
BY THE UNIVERSAL CITY ECONOMIC DEVELOPMENT
CORPORATION, FOR PROJECTS TO PROMOTE
NEW OR EXPANDED BUSINESS DEVELOPMENT**

WHEREAS, The City Council of the City of Universal City recalls that the Universal City Economic Development Corporation (UCEDC), in 2007, authorized the purchase of a certain 10-acre property, more or less, at 11514 E. Loop 1604 N., in order to promote new or expanded business development, and which authorization to purchase was subsequently approved by City Council on July 3, 2007; and

WHEREAS, The UCEDC has negotiated for the sale of real property consisting of approximately 9.987 acres at 11514 E. Loop 1604 N. in Universal City, Texas, and as provided in substantial form by the contract in **Exhibit A** to this Resolution (the “Property”), as part of a project to develop a vacant tract of land in order to promote new or expanding business development; and,

WHEREAS, The City Council finds that the UCEDC passed a resolution authorizing the sale of the Property, as shown as **Exhibit B** to this resolution; and

WHEREAS, The City Council further finds that the sale of the Property by the UCEDC will effectuate the projects’ aims of promoting new or expanding business development, thereby serving a public purpose and providing a benefit to the City.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF UNIVERSAL CITY:

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the City and are fully incorporated into the body of this Resolution.

Section 2. That the sale of the Property presented and approved in the UCEDC Resolution is approved.

FIRST READING PASSED AND APPROVED ON THIS THE 16TH DAY OF APRIL 2024.

SECOND READING PASSED AND ADOPTED THIS 7TH DAY OF MAY 2024.

John Williams, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk

EXHIBIT “A”

PURCHASE AND SALE AGREEMENT

[TO BE ADDED UPON APPROVAL & EXECUTION]

EXHIBIT “B”

EDC RESOLUTION APPROVING SALE OF PROPERTY

[FINAL VERSION TO BE ADDED UPON APPROVAL & EXECUTION]

RESOLUTION NO. 2024-9

**A RESOLUTION OF THE UNIVERSAL CITY
ECONOMIC DEVELOPMENT CORPORATION
AUTHORIZING THE SALE OF REAL PROPERTY
LOCATED AT 11514 E. LOOP 1604 N., UNIVERSAL CITY, TEXAS;
AND PROVIDING FOR SIGNATORY AUTHORITY**

WHEREAS, Section 505.158 of the Texas Local Government Code provides that for a municipality with a population of 20,000 or less, “project” includes the land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the corporation’s board of directors to promote new or expanded business development; and

WHEREAS, as the most current Census, dated April 1, 2020, the population for the City of Universal City is 19,720; and

WHEREAS, the Universal City Economic Development Corporation (“UCEDC”) and REUNION DEVELOPMENT PARTNERS LLC (“Developer”) have negotiated the sale by the UCEDC and purchase of property by Developer, consisting of approximately 9.987 acres at 11514 E. Loop 1604 N., as provided in substantial form by the contract in **Exhibit A** to this Resolution (the “Property”), and to be part of a project to develop a vacant tract of land in order to promote new or expanding business development; and,

WHEREAS, the UCEDC Board of Directors have determined that the sale of Property as authorized by this Resolution is consistent with and meets the definition of “project” as that term is defined in Chapter 501 and 505 of the Texas Local Government Code, and in particular Section 505.158 of the Texas Local Government Code; and the definition of “cost” as that term is defined by Section 501.152 of the Texas Local Government Code.

NOW, THEREFORE BE IT RESOLVED BY THE UNIVERSAL CITY ECONOMIC DEVELOPMENT CORPORATION:

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the UCEDC and are fully incorporated into the body of this Resolution.

Section 2. That the UCEDC finds and determines that the sale of the Property will promote new or expanding business development within the City of Universal City, Texas, and is otherwise consistent with Section 505.158 of the Act.

Section 3. The UCEDC hereby approves the sale of the Property and determines doing so is reasonably expected to benefit, directly, or indirectly, the Corporation as required by Texas Local Government Code §501.156.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 7. This Resolution shall be in force and effect from and after its final reading, and it is so resolved.

Section 8. The President, along with the Secretary or Executive Director of the corporation, are authorized, empowered and directed to execute any and all transactions documents necessary for and on behalf of the UCEDC and in its name, that are consistent therewith and to deliver the same to the title company and for closing to sell the property.

PASSED, APPROVED AND DULY RESOLVED by the Universal City Economic Development Corporation on this the 11th day of April 2024.

Dick Crow, President

ATTEST:

Roland Hinojosa, Secretary

EXHIBIT “A”

PURCHASE AND SALE AGREEMENT

[TO BE ADDED UPON APPROVAL & EXECUTION]

Motion to Approve – Purchase and Sale Agreement – EDC-Owned Property:

After conducting a public hearing on the request for approval of the PUD Preliminary and Final Plans and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve the EDC Resolution approving the associated Purchase and Sale Agreement with Reunion Development Partners, LLC for the EDC-owned tract totaling approximately 10 acres located primarily between E. Loop 1604 N. Access Road and Universal City Boulevard with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. Staff approval of outstanding Master Development Agreement items
3. City Council approval of the FLUP amendment from HC-Highway Commercial and OS-Open Space to HC-Highway Commercial, HDR-High Density Residential and OS-Open Space
4. City Council approval of the Zone Change from OS-Open Space and C4-General Commercial to PUD 2024-101 District
5. City Council approval of the Resolution approving the Purchase and Sale Agreement for the 33-acre tract owned by the City
6. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

CITY OF UNIVERSAL CITY

Date: 4/5/2024

TO: City Council**FROM:** Kim M. Turner, City Manager**SUBJECT: Public Hearings:** PCs 605, 606 & 607 & ZCs 256, 257 & 258 — A request for an amendment to the **Future Land Use Plan**, a **Zone Change**, and approval of **PUD Preliminary & Final Plans** for combined properties at 604 Bowie Drive and 206 – 218 E. Wright Boulevard to allow a residential Planned Unit Development, per zoning ordinance 581.**SUBJECT: Ordinance No. 632-PC-584-FLUP-2024**— An ordinance amending the Future Land Use Plan to change the land use designation at 604 Bowie Drive and 206 – 218 E. Wright Boulevard from MDR-Medium Density Residential to HDR-High Density Residential, per zoning ordinance 581.**SUBJECT: Ordinance No. 581-Y-PUD-2024-102**— An ordinance amending the Zoning Map for approximately 0.717 acre at 604 Bowie Drive and 206 – 218 E. Wright Boulevard from R-OT Old Town Residential District to PUD 2024-102 District and adopting the related PUD Final Plan, per zoning ordinance 581.**Historical Background**

In 2020, the City generated the Aviation District Masterplan to establish a framework and design guidelines for revitalization of the area. Included in the masterplan goals is the desire to provide for a mix of residential and commercial uses, as well as walkability in and around the Aviation District.

The applicant is proposing a residential planned unit development (PUD) comprised of 11 rowhome units on approximately 0.717 acres. A point of access will be provided on Bowie Drive. All units will have access at the back (rear-loading). The internal drive aisle can accommodate the largest fire apparatus in Universal City and a turnaround area for all vehicles (passenger, fire and garbage) will be provided at the southeast portion of the property. An approximately 5,000-square-foot, common open space area will be provided at the rear of the property. Processing the project as a PUD allows an increased number of units but provides the City with the opportunity to weigh in on the architecture, exterior materials and overall residential use type.

41 notices were mailed to surrounding property owners; one letter was returned indicating no objection. No one other than the Applicant spoke “for” or “against” the proposed development at the Planning & Zoning Public Hearings. The members of the Planning & Zoning Commission unanimously approved the project and forwarded the requests to City Council for its final determination.

Action Requested

City Council actions will include **three Public Hearings**: one for the FLUP; one for the Rezoning; and one for the PUD Final Plan. The Council will also act on **two ordinances**; Ordinance 632-PC-584-FLUP-2024; and Ordinance No. 581-Y-PUD-2024-102. Both Ordinances require two readings.

Procurement Methodology

This is a zoning procedure only and requires no procurement by the City.

Source and Amount of Funding

This is a zoning procedure only and requires no funding by the City.

Staff Recommendation

Staff recommend approval of the residential PUD. By allowing 11 rowhome dwelling units on 0.717 acres, thereby maximizing the useable space on the subject property, the proposed project constitutes a significant step forward in achieving the vision of the Aviation District Masterplan.

ORDINANCE NO. 632-PC 584-FLUP-2024
(SE Bowie Dr. & E. Wright Blvd.)

AN ORDINANCE AMENDING THE FUTURE LAND USE PLAN TO CHANGE LAND USE DESIGNATION OF PROPERTIES LOCATED AT 604 BOWIE DRIVE AND 206-218 E. WRIGHT BOULEVARD, UNIVERSAL CITY, TEXAS (CB 5768 BLK 21 LOTS 1-5) FROM MDR-MEDIUM DENSITY RESIDENTIAL TO HDR-HIGH DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Sections 4-5-24 of the Code of Ordinances, City Council may approve an application for a Future Land Use Plan Amendment based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area, or to extend the boundary of an existing zoning district; and

WHEREAS, Chapter 213.003 of the Texas Local Government Code provides that the City may amend the City's comprehensive plan by ordinance following a public hearing at which the public is given the opportunity to give testimony and present written evidence and review by the City's Planning and Zoning Commission; and

WHEREAS, Richard Raimondi requested a change in zoning classification from R-OT Old Town Residential to PUD 2024-102 for the property described as CB 5768 BLK 21 LOTS 1-5, Universal City, Bexar County, Texas and assigned the physical addresses of 604 Bowie Drive and 206 – 218 E. Wright Boulevard, Universal City, Texas which would require an amendment to the City's Future Land Use Plan; and

WHEREAS, after proper delivery of notice, the Planning and Zoning Commission conducted a public hearing on the application for the Future Land Use Plan Amendment on April 1, 2024, where the public had the opportunity to provide testimony and written evidence regarding the proposed amendment to the City's Future Land Use Plan; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made recommendations in favor of the application for the Future Land Use Amendment; and

WHEREAS, after proper publication of notice and receipt of the Planning and Zoning Commission's recommendation, City Council conducted a public hearing on the application for the Future Land Use Plan Amendment on April 16, 2024, during which the public was provided another opportunity to give testimony and written evidence for or against the proposed amendment to the Future Land Use Plan; and

WHEREAS, after considering all of the testimony and written evidence provided by the public as well as the recommendation made by the Planning and Zoning Commission, the City Council finds that the proposed amendment to the Future Land Use Plan is commensurate with the overall vision and growth plan of the City and is in the best interest of the City of Universal City; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

SECTION 1. Recitals. The recitals set out above are adopted herein for all purposes.

SECTION 2. The Property. The real property (“Property”) subject to the amendments authorized by this Ordinance is an approximate 0.717-acre parcel, more or less, legally described as CB 5768 BLK 21 LOTS 1-5, Universal City, Bexar County, Texas and assigned the physical addresses of 604 Bowie Drive and 206 – 218 E. Wright Boulevard, Universal City, Texas.

SECTION 3. The Future Land Use Plan Amendment. The Future Land Use Plan is hereby amended by revising the Future Land Use for the Property from **MDR-MEDIUM DENSITY RESIDENTIAL TO HDR-HIGH DENSITY RESIDENTIAL**, subject to the conditions set out in Section 5.

SECTION 4. Map Revision. The City Manager is hereby authorized and directed to revise the Future Land Use Plan map and take all other steps reasonably necessary to facilitate the purpose of this ordinance, subject to the conditions set out in Section 5.

SECTION 5. Conditional Approval. Pursuant to Section 4-5-54 (entitled “Planned Unit Development”) of the Code of Ordinances, the following conditions are imposed:

1. This ordinance shall become null and void if approval of the preliminary and final plats of subdivision by the Planning and Zoning Commission has not occurred within two years of this ordinance’s effective date.

SECTION 6. Continuation clause. All provisions of the Future Land Use Plan and Code of Ordinances of the City of Universal City not herein amended or repealed shall remain in full force and effect.

SECTION 7. Repealer clause. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 8. Severability clause. If any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 9. This Ordinance shall be construed shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 11. Effective Date. This ordinance will take effect upon its passage, approval and publication as provided by law.

PASSED, on first reading by the City Council of the City of Universal City on this the 16th day of April 2024.

PASSED AND APPROVED, on second reading by the City Council of the City of Universal City on this the 7th day of May 2024.

CITY OF UNIVERSAL CITY, TEXAS

John Williams, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk

APPROVED AS TO FORM:

Megan R. Santee, City Attorney
DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH, P.C.

Motion to Approve – FLUP:

PC 605 (ZC 256)

After conducting a public hearing on the request for an amendment to the Future Land Use Plan for the properties at the southeast corner of Bowie Drive and E. Wright Boulevard, with the common addresses of 604 Bowie Drive and 206-218 E. Wright Boulevard, and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve PC 605 (ZC 256) and the amendment to the Future Land Use Plan from MDR-Medium Density Residential to HDR-High Density Residential for the subject property with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. City Council approval of the Zone Change from R-OT Old Town Residential to PUD 2024-102 District
3. City Council approval of the PUD Final Plan
4. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

ORDINANCE NO. 581-Y-PUD-2024-102

(SE Bowie Dr. & E. Wright Blvd.)

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF UNIVERSAL CITY, TEXAS AMENDING THE ZONING MAP OF THE CITY OF UNIVERSAL CITY, TEXAS FOR AN APPROXIMATELY 0.717-ACRE PROPERTY, LOCATED AT 604 BOWIE DRIVE AND 206-218 E. WRIGHT BOULEVARD, UNIVERSAL CITY, TEXAS; REZONING SAID PROPERTY FROM R-OT OLD TOWN RESIDENTIAL DISTRICT TO PUD 2024-102 DISTRICT, GENERALLY FOR HIGH-DENSITY RESIDENTIAL AND RELATED USES; ADOPTING THE PUD FINAL PLAN RELATED TO PUD 2024-102; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 4-5-24 and Section 4-5-56 of the Code of Ordinances, City Council may approve an application for an Official Zoning Map Amendment and a Planned Unit Development to provide some flexibility to traditional zoning by offering a mechanism to balance specific site constraints and development plans with the larger interest of the community and the integrity of the Zoning Ordinance; and

WHEREAS, Chapter 211.003 of the Texas Local Government Code provides that the City Council may regulate the height, number of stories, size of buildings, percentage of a lot that may be occupied, the size of yards, courts, and other open spaces, population density, the location and use of buildings, and land for business; and

WHEREAS, Chapter 211.004 of the Texas Local Government Code provides that zoning regulations must be adopted in accordance with a comprehensive plan; and

WHEREAS, Chapter 211.006 of the Texas Local Government Code provides the procedures that the City Council must follow to exercise the authority relating to zoning regulations and zoning district boundaries; and

WHEREAS, as further described in Sections Two, Three, and Four of this Ordinance, Richard Raimondi has submitted an application for a Future Land Use Plan Amendment, Zoning Map Amendment and a Planned Unit Development for an approximately 0.717-acre tract assigned the physical addresses of 604 Bowie Drive and 206 – 218 E. Wright Boulevard, Universal City, Texas, generally located at the southeast corner of the intersection of Bowie Drive and E. Wright Boulevard, which is more fully depicted and legally described on **Exhibits “A” and “B”**, attached hereto, for a rezoning from R-OT Old Town Residential District to PUD 2024-102 District, generally for high-density residential and related uses; and

WHEREAS, after proper delivery of notice, the Planning and Zoning Commission conducted a public hearing on the application for the Future Land Use Plan Amendment, Zoning Map Amendment and Planned Unit Development on April 1, 2024, during which parties in interest and citizens had an opportunity to be heard on the matter; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation in favor of the applications for the Future Land Use Plan Amendment, Zoning

Map Amendment and Planned Unit Development and made the findings for the Planned Unit Development required by Section 4-5-56 of the Code of Ordinances; and

WHEREAS, after proper publication of notice and receipt of the Planning and Zoning Commission’s recommendation, the City Council conducted a public hearing on the applications for the Future Land Use Plan Amendment, Zoning Map Amendment and Planned Unit Development on April 16, 2024, during which parties in interest and citizens had another opportunity to be heard on the matter; and

WHEREAS, after conducting a public hearing on the matter where parties in interest and citizens had an opportunity to be heard, and considering all of the testimony and written evidence provided by the public as well as the recommendation made by the Planning and Zoning Commission, the findings of which are included hereto as **Exhibit “C”**, the City Council finds the Zoning Map Amendment is in accordance with the City’s Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City and the Planned Unit Development conforms with the requirements of Section 4-5-56 of the City Code; provided there is full compliance with the conditions set out in Section Four of this Ordinance; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

SECTION 1. Recitals. The recitals set out above are adopted herein for all purposes.

SECTION 2. The Property. The real property (“Property”) subject to the amendments authorized by this Ordinance is a 0.717-acre tract, more or less, assigned the physical addresses of 604 Bowie Drive and 206 – 218 E. Wright Boulevard, Universal City, Texas, generally located at the southeast corner of the intersection of Bowie Drive and E. Wright Boulevard, which is more fully depicted and legally described on **Exhibits “A” and “B”**, attached hereto.

SECTION 3. The Zoning Map Amendment. The City’s Official Zoning Map is hereby amended by revising the Zoning Classification of the Property from R-OT Old Town Residential District as shown on the Zoning Map to PUD 2024-102 District, generally for high-density residential and related uses, subject to the conditions set out in Section 6.

SECTION 4. The Planned Unit Development. Subject to the conditions set out in Section 6, the Property shall develop in accordance with the PUD 2024-102 Development Regulations, including the approved PUD Final Plan, as provided for in **Exhibit “D”**, which shall include among other things, the permitted uses, lot design standards, and the following Exhibits:

Exhibit “D-1” – PUD 2024-102 Development Regulations

Exhibit “D-2” – PUD Plans (including site plan and architectural elevations)

SECTION 5. Map Revision. The City Manager is hereby authorized and directed to revise the Official Zoning Map and take all other steps reasonably necessary to facilitate the purpose of this ordinance, subject to the conditions set out in Section 6.

SECTION 6. Conditional Approval. Pursuant to Section 4-5-54 (entitled “Planned Unit Development”) of the Code of Ordinances, the following conditions are imposed:

1. This ordinance shall become null and void if approval of the preliminary and final plats of subdivision by the Planning and Zoning Commission has not occurred within two years of this ordinance’s effective date.

SECTION 7. Continuation Clause. All provisions of the Code of Ordinances of the City of Universal City not herein amended or repealed shall remain in full force and effect.

SECTION 8. Repealer Clause. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 9. Severability Clause. If any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 10. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 11. It is officially found, determined, and declared that the meeting at which this Ordinance was adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 12. Effective Date. This ordinance will take effect upon its passage, approval and publication as provided by law.

PASSED, on first reading by the City Council of the City of Universal City on this the 16th day of April 2024.

PASSED AND APPROVED, on second reading by the City Council of the City of Universal City on this the 7th day of May 2024.

CITY OF UNIVERSAL CITY, TEXAS

John Williams, Mayor

ATTEST:

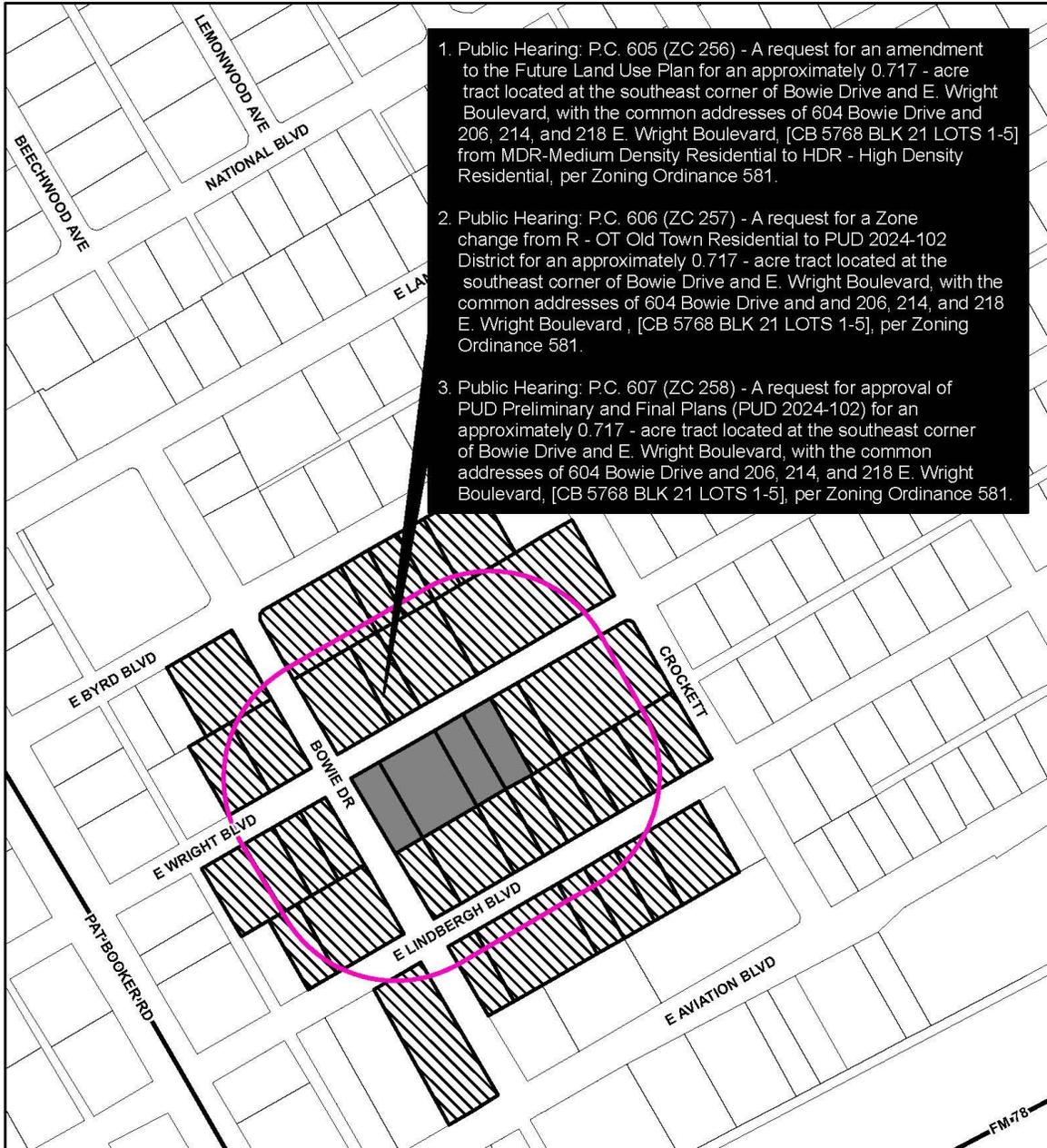
Maribel Garcia, Deputy City Clerk

APPROVED AS TO FORM:

Megan R. Santee, City Attorney
DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH, P.C.

EXHIBIT "A"

NOTIFICATION MAP



P.C. 605 (ZC 256), P.C. 606 (ZC 257), P.C. 607 (ZC 258)
604 BOWIE DR AND AND 206, 214, AND 218 E. WRIGHT BLVD

Date Prepared: Thursday, Mar. 14, 2024

0 150 300
Feet

Legend

-  200 Ft Buffer
-  Affected Parcels



The City of Universal City
Texas
2150 Universal City Blvd
Universal City, TX 78148

EXHIBIT "B"

LEGAL DESCRIPTIONS

604 Bowie Drive: CB 5768 BLK 21 LOT 1

206 E. Wright Boulevard: CB 5768 BLK 21 LOT 2&3

214 E. Wright Boulevard: CB 5768 BLK 21 LOT 4

218 E. Wright Boulevard: CB 5768 BLK 21 LOT 5

EXHIBIT "C"

FINDINGS OF FACT

E. WRIGHT ROWHOMES

STANDARDS FOR GRANTING A PLANNED UNIT DEVELOPMENT

When considering the requested action, the Planning and Zoning Commission and City Council must determine that the following Findings of Fact exist. All applicants must provide a written response to each of the standards listed below. The response to each standard should thoroughly explain how the PUD being requested will meet the established criteria. **Please provide a detailed response to each of the following criteria** (*attach additional pages, if necessary*). If a standard does not apply, then mark N/A.

- A. The entire property proposed for the PUD shall be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners of all tracts.

Finding: The entire property is owned by Richard Raimondi.

- B. The applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which the PUD may be established pursuant to this section.

Finding: As demonstrated in the submitted PUD Plan, the 0.717-acre property is being developed as a unified whole with attached rowhomes that meet the PUD objectives and Aviation District Masterplan by providing for the efficient use of land with a creative approach that will result in a better development and design that would not be possible under the current R-OT "Old Town Residential" district.

- C. All covenants, deed restrictions, easements and similar restrictions to be recorded in connection with the PUD shall stipulate that they may not be modified, removed or released without the express consent of the City Council and that they must be enforced by future landowners within the proposed development.

Finding: The Applicant and Owner agree that covenants, deed restrictions, easements and similar restrictions to be recorded in connection with the City's PUD approval shall stipulate that they may not be modified, removed or released without the express consent of the City Council and that they must be enforced by future landowners within the proposed development.

- D. The Applicant may be required to submit a proposed Development Agreement as part of the PUD application. As part of the PUD approval, the City must approve the Development Agreement.

Finding: While not anticipated at this time, the applicant acknowledges that a Development Agreement may be required as part of the PUD process and must be approved by the City.

- E. Any area of a PUD not used for structures, streets, or parking lots, shall be landscaped. The perimeter of the PUD shall be designed to ensure compatibility with uses surrounding the PUD by including uses within the PUD that are compatible with such surrounding uses, including setbacks, screening, or natural or man-made buffers within such perimeter.

E. WRIGHT ROWHOMES

Finding: The Applicant agrees that any area of the PUD not used for structures, streets or parking lots shall be landscaped in accordance with City residential standards and the perimeter of the PUD shall be designed to ensure compatibility with the surrounding context.

F. Private streets are prohibited unless expressly approved by the City Council. If so approved, they shall meet all Universal City construction standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a property owners' association meeting the requirements set forth in this section.

Finding: Private streets are not being proposed as part of the proposed PUD project.

G. Whenever the City Council determines that development of a PUD will create a need for land for public purposes of the City within the proposed PUD, the City Council may require that such land be designated and dedicated to the City for such use. In addition, the City Council may require evidence that all requirements of City ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met with respect to the proposed PUD.

Finding: Although not anticipated, the Applicant and Owner acknowledge that City Council may require that land be designated and dedicated to the City for public use.

H. Thirty percent of the area of a residential-only PUD is required to be set aside and maintained as common open space. This thirty percent shall be calculated based on the net area of the site, which is the total area of a site available for development, excluding street rights-of-way, floodplains, and other publicly dedicated improvements. The location of common open space shall be consistent with its intended function as set forth in the application and PUD plans. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the final plan as appropriate to the intended leisure or recreational uses for which such open space is intended.

1. The following uses shall be considered common open space:

a. Parks and playgrounds, including skate parks and dog parks.

b. Indoor or outdoor active recreation facilities, including basketball courts, ball fields, swimming pools and tennis courts.

c. Jogging trails, bike trails and fitness courses.

d. Nature preserves, bird sanctuaries, natural water features and similar conservation areas.

e. Detention/retention ponds may be counted toward common open space but must be accessible to the public via nature trails, boardwalks, and/or perimeter walkways, and they must be designed as natural water features and landscaped with native vegetation. Detention/retention ponds may only count toward twelve percent of the common open space area requirement.

Finding: The applicant believes that due to the intended use of the property as a residential rowhome community, as well as the fact that approximately 16% common

E. WRIGHT ROWHOMES

open space will be provided for use and enjoyment by the residents in the rowhomes, the common open space provide is reasonable.

2. Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement, or development other than that shown on the approved final plan. The safeguards must be perpetual and must run with the land. Such safeguards may be released, but only with the express written consent of the City Council, which shall occur at a public meeting.

Finding: The applicant agrees that adequate safeguards shall be provided and may only be released with the express written consent of City Council at a public meeting.

3. The final plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in accordance with predetermined standards.

Finding: The Applicant agrees the final plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in accordance with predetermined standards.

4. When the requirements of this section are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners' association, such association shall meet each of the following standards:

a. The by-laws and rules of the association and all declarations, covenants, and restrictions to be recorded must be included as part of the final plan prior to the final plan becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this chapter.

Finding: N/A

b. The association must be established and all covenants and restrictions must be recorded prior to the sale or lease of any property within the area of the PUD designated to have the use of the proposed open space or improvements.

Finding: N/A

c. The association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it.

Finding: N/A

d. Membership in the association must be mandatory for each property owner and any successive owner having a right to the use or enjoyment of such open space or improvements.

Finding: N/A

E. WRIGHT ROWHOMES

e. Every property owner having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with state statutes.

Finding: N/A

f. The association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment shall not be fixed at more than two-thirds of the members voting on the issue.

Finding: N/A

I. Planned unit developments shall not adversely affect the natural environment of the community as a whole. Natural assets and features, such as existing trees and native vegetation, shall be protected and preserved to the greatest extent practical.

Finding: The applicant agrees that the PUD will not adversely affect the natural environment of the community as a whole. Additionally, best efforts will be taken with the PUD to protect required assets and features, such as existing trees and native vegetation.

J. The site shall be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development. The streets and driveways within the proposed development shall be adequate to serve the uses within the development. The applicant shall be responsible for the cost and installation of additional traffic controls and regulating devices that are required.

Finding: The PUD will be accessible to public streets that are capable of carrying necessary traffic loads generated by the PUD. Additional traffic controls and regulating devices are not anticipated for this development.

K. The pedestrian circulation system and its related walkways shall be located to provide for separation of pedestrian and vehicular movement and for maximum pedestrian safety.

Finding: All pedestrian circulation within the PUD will be designed to provide separation of pedestrian and vehicular movement.

L. All planned unit developments shall provide for underground installation of utilities, including electricity, cable and telephone. Provisions shall be made for acceptable design and construction of storm sewer facilities and appropriate storm retention and detention devices. The construction and maintenance of all utilities, roadways, parking facilities and other site improvements shall be in accordance with the requirements of this Ordinance and other regulations of the City.

Finding: The PUD will provide utilities including electricity, cable and telephone in accordance with Universal City standards and regulations. Additionally, the construction and maintenance of all utilities, common driveways, parking facilities and other site improvements will be made in accordance with Universal City standards and regulations.

EXHIBIT “D”

DEVELOPMENT REGULATIONS & PLANS

EXHIBIT “D-1”

PUD 2024-102 DEVELOPMENT REGULATIONS

EXHIBIT "D-1"

PUD 2024-102 DEVELOPMENT REGULATIONS

- I.** The subject property shall be zoned "PUD 2024-102 District" and shall conform to the development regulations contained herein. This planned unit development is intended to allow flexibility in planning and designing a mixed-use development and related uses in order to achieve a higher and better use of the overall property.
- II. PERMITTED LAND USES** – Only land uses identified in the Use Table below shall be permitted (either by right or with a Specific Use Permit) on the subject property. All other uses shall be prohibited.

Use Table

Key:

P = Permitted use

S = Specific use

- = Not permitted

LOT 1 = Single-Family Residential; LOT 901 = Common Open Space

Use	PUD 2024-102 (E. WRIGHT ROWHOMES)	
*See Zoning Code Section 4-5-52-Use Table for description of Use categories identified below.		
	LOT 1	LOT 901
RESIDENTIAL USES		
Townhouse residential.	P	-
Condominium residential.	P	-
Apartment residential.	P	-
CIVIC USES		
Local utility services.	P	P

Notes

1. Ancillary uses associated with townhouses, condominiums and apartment homes and the related development shall be permitted. These uses include, but are not limited to, a dog park, outdoor recreation area, community mailbox or cluster box unit (CBU), privacy walls with gates, and residential trash enclosures. However, individual or a community shed shall not be permitted on the property.

III. LOT DESIGN STANDARDS

No. of Lots / Units	Max. Density	Min. Lot Area	Min. Lot Width	Front Setback	Min. Side Setback	Min. Rear Setback	Max. Building Height	Max. Lot Cover	Max. Development Cover
1 / 11	15 Units / Acre	0.5 Acre (subdivision)	250 Feet	5 Feet (14'-15' from back of curb)	6 Feet	65 Feet	35 Feet	78%	78%

Notes

1. The total number of lots and units in the PUD may increase or decrease per approval of a revised PUD Plan and Replat, in accordance with procedures provided in the Municipal Code and State law.
2. The size of the principal building(s) on each lot may vary as long as the lot design standards are met.
3. Permanent structures, including signs, trash enclosures and other accessory structures, shall not be placed in any easement. Parking, drive-aisle pavement, and common open space shall be allowed in an easement at the property owner’s risk; that is, the easement holder shall not be responsible for restoration of the property should easement-related work be required and performed.
4. The Front Yard for each unit shall be the area fronting E. Wright.

IV. ARCHITECTURAL DESIGN

- a. Residential buildings shall be consistent with the Conceptual Street Elevations as depicted and described in Exhibit “D” of the Ordinance approving PUD 2024-102. A minimum of 25% of building exterior materials must be a combination of the following masonry materials: brick, stone/rock (including limestone), faux stone veneer, or stucco with at least 17% comprised of stone/rock (including limestone) and/or brick. Note masonry does not include siding product types, such as LP SmartSide Siding and HardiPlank Siding. Roof material shall consist of composite shingles, metal, or tile.

V. FENCING/SCREENING

Fencing/Screening shall conform with Article VII of the Zoning Code with the following exceptions, as depicted further in Ordinance PUD 2024-102:

- a. A community trash enclosure shall comply with the City’s specifications as identified in the Municipal Code.
- b. Community fencing shall be either decorative metal (wrought iron, aluminum, or similar) or wooden and may be 6-feet in height.
- c. Masonry columns connecting fence sections shall be permitted.

METAL FENCE EXAMPLE



WOODEN FENCE EXAMPLE



VI. LIGHTING

- a. All lighting shall be shielded or downward facing to the greatest extent possible to reduce light pollution and shall aim to emit zero footcandles at the lot line.

VII. PARKING

- a. Each residential unit shall provide two parking spaces in an enclosed garage with a minimum size of 440 square feet and two parking spaces on each driveway.

VIII. CURB CUTS

- a. In accordance with the approved PUD Plan, as depicted in Exhibit “A” in Ordinance PUD 2024-102, a total of one drive-aisle curb cut shall be permitted on Bowie Drive.
- b. Changes to the number and location of curb cuts shall be reflected on an updated Final PUD Plan submitted for review and approved by City Staff. A public meeting/hearing shall not be required.

IX. SIGNS

- a. Unless specified below, signage shall require building permit submittal and shall comply with the requirements identified in the Universal City Sign Code.
 - i. Two community monument signs shall be permitted, one on E. Wright Boulevard and the other on Bowie Drive.
 - ii. The maximum height of the monument sign shall be six feet (6’) as measured from street grade and conform with the Visibility Triangle requirements of the Municipal Code. The monument sign shall require a building permit prior to installation. The monument sign building permit application shall include a site plan identifying the sign location and dimension, including proposed landscaping. The monument sign cannot be placed in an easement.
 - iii. A pole sign shall not be allowed.

X. LANDSCAPING

As part of the building permit submittal, a final landscape plan shall be included and shall meet the following guidelines:

- The grass area fronting each unit shall be landscaped.
- The grass area on the sides of the two end units shall be landscaped.
- 15% minimum landscaping requirement on the common open space area of the subject property; additionally, at least two shade trees shall be provided in the common open space area.
- Shrubs and groundcover shall be maintained so as not to exceed 30 inches in height to ensure driver visibility.

- Tree and shrub species shall be selected and located to maintain safe sight line distances.
- Plant selection and location should consider and avoid conflicts with both underground and above ground utilities. All utilities shall be located on the final landscape plan submitted as part of the building plans submittal.
- Irrigation of all landscaping is required and shall be reflected on an irrigation plan submitted as part of the building plans submittal.
- A combination of the shade trees, ornamental trees, shrubs, ground cover, succulents, and turf grass shall be planted on the subject property in conformance with these PUD Development Regulations.

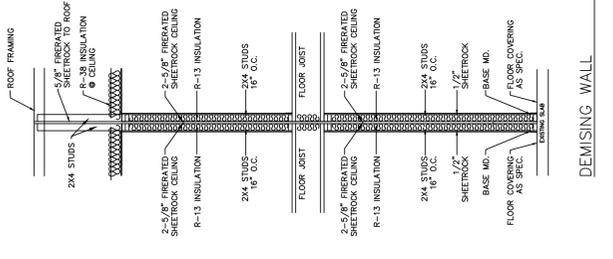
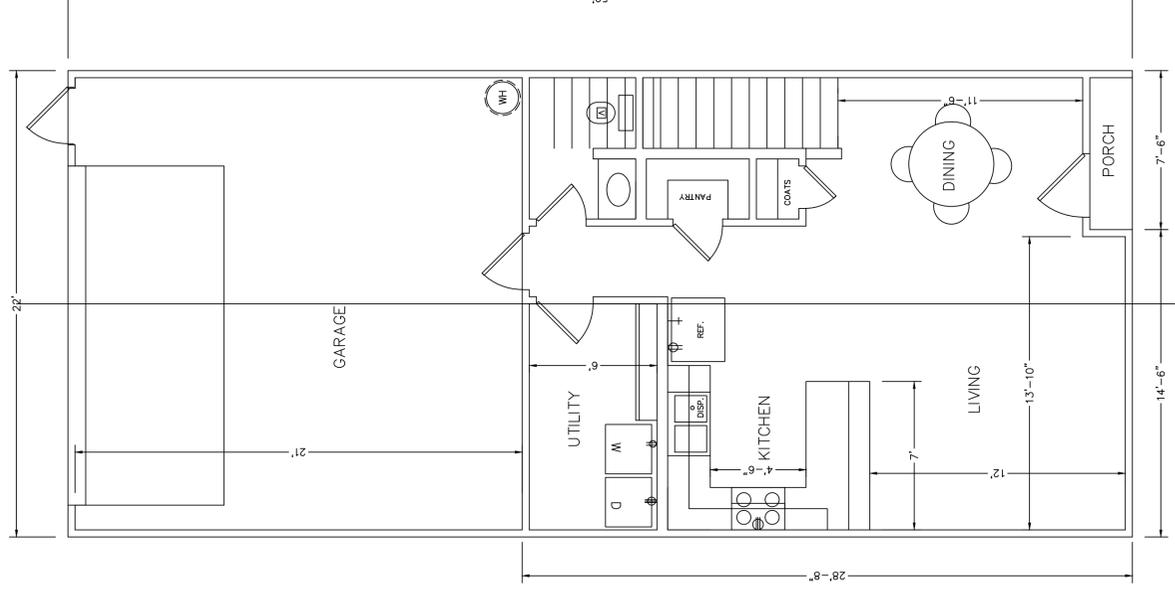
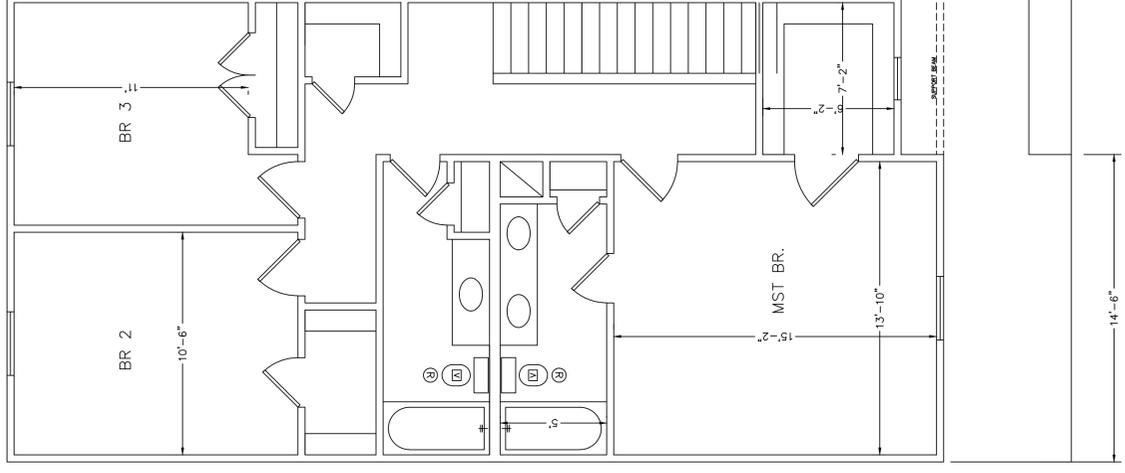
EXHIBIT "D-2"

PUD PLANS

LEGEND	
◇	LIGHT
⊙	RECESSED LIGHT
⊞	SWITCH
⊕	ELECTRICAL PLUG (110)
⊕	ELECTRICAL PLUG (220)
⊕	HIDDEN PLUG
⊕	WATERPROOF PLUG
REF	REFRIGERATOR
⊕	TELEVISION ANTENNA
⊕	TELEPHONE JACK
⊕	OUTLET FOR ICE MAKER IN REFRIG.
⊕	CO ₂ CARBON MONOXIDE & SMOKE DETECTOR
⊕	FLUORESCENT
⊕	UNDER COUNTER FLUORESCENT
HEAT	HEATER, LIGHT, VENT
HEAT	HEATER, VENT
M.C.	MEDICINE CABINET
WH	WATER HEATER
WS	WATER SOFTENER
S/R	SHELF AND ROD
S/ZR	SHELF AND TWO RODS
A/C	AIR-CONDITIONER
HB	HOSE BIB
⊕	GAS OUTLET
SHL	SHELVES

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 USE OR REPRODUCTION OF THESE PLANS AND SKETCHES
 ARE STRICTLY PROHIBITED. VIOLATORS WILL BE PROSECUTED.

Brian Smith
 DESIGNERS INC.
 (210)658-9726
 REF. #6279-00



REF# 6279-00
 RICHARD RAIMONDI
 210-387-3791
 rraimondi10@gmail.com
 LIVING AREA
 DOWN = 616
 UP = 908
 TOTAL LIVING = 1524
 GARAGE = 469
 PORCH = 15

NOTE: ALL PLANS ARE TO BE BUILT TO ALL LOCAL BUILDING CODES AND PROPERTY RESTRICTIONS.
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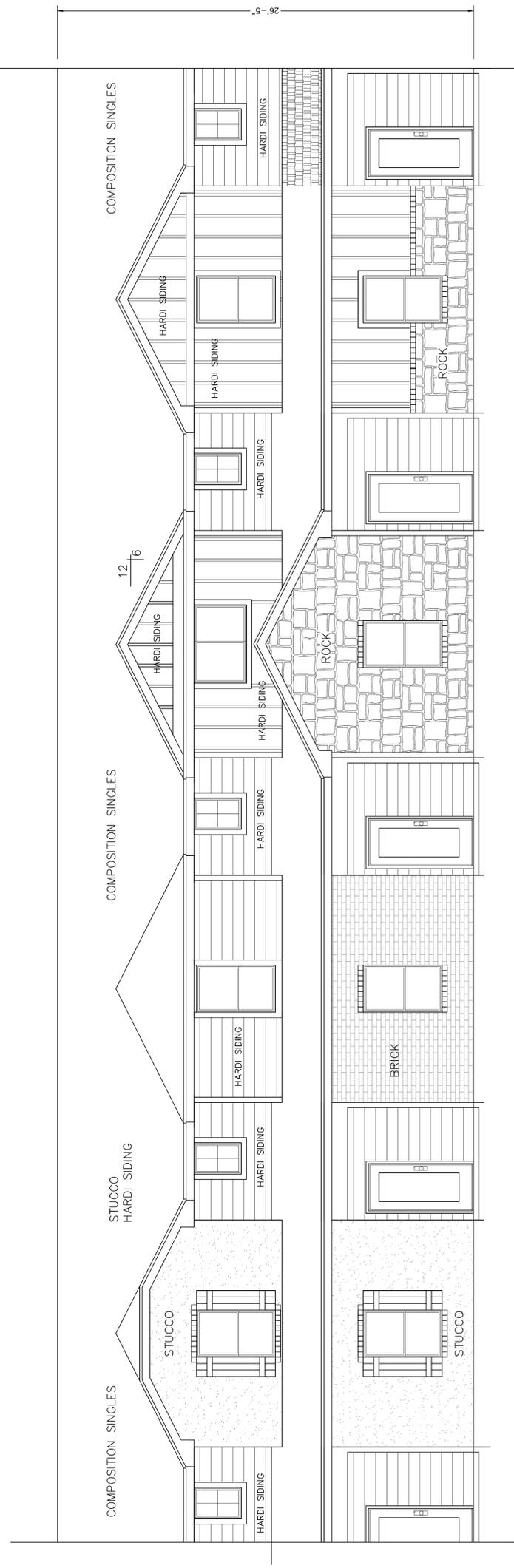


Brian Smith
 DESIGNERS INC.
 210-658-9726

RAIMONDI
 TOWN HOMES

DATE
 2/15/24

SHT. NO.
 1 of 1



Motion to Approve – Zone Change:

PC 606 (ZC 257)

After conducting a public hearing on the request for a Zone Change for the properties located at the southeast corner of Bowie Drive and E. Wright Boulevard, with the common addresses of 604 Bowie Drive and 206-218 E. Wright Boulevard, and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve PC 606 (ZC 257) and the Zone Change from R-OT Old Town Residential to PUD 2024-102 District for the subject property with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. City Council approval of the FLUP amendment from MDR-Medium Density Residential to HDR-High Density Residential
3. City Council approval of the PUD Final Plan
4. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

Motion to Approve – PUD Preliminary and Final Plans:

PC 607 (ZC 258)

After conducting a public hearing on the request for approval of the PUD Preliminary and Final Plans and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve PC 607 (ZC 258) and the associated PUD Preliminary and Final Plans and PUD Ordinance 581-Y-PUD-2024-102 for the properties at the southeast corner of Bowie Drive and E. Wright Boulevard, with the common addresses of 604 Bowie Drive and 206-218 E. Wright Boulevard, with the following conditions:

1. Staff approval of outstanding PUD Final Plan comments
2. City Council approval of the FLUP amendment from MDR-Medium Density Residential to HDR-High Density Residential
3. City Council approval of the Zone Change from R-OT Old Town Residential to PUD 2024-102 District
4. Planning and Zoning Commission approval of the Final Plat of Subdivision within two years of PUD Final Plan approval by City Council

CITY OF UNIVERSAL CITY

Date: 04/16/2024

TO: City Council

FROM: Kim M. Turner, City Manager

SUBJECT: Ord. 307-B-2024--Vehicle Wrecker/Tow Services

Historical Background

The Ordinance has been revised based on the conversation and direction provided at the 02 April 2024 Council meeting. Everything in **RED** were the items presented at the 02 April meeting for which staff believes Council took no issue. Changes in **BLUE** are the most recent changes. A map has been provided identifying the tow/wrecker services within a 5, 10, and 15 mile radius of the City.

Action Requested

Approve Ordinance 307-B-2024—Vehicle Wrecker/Tow Services

Procurement Methodology

This is an Ordinance update only and requires no procurement by the City.

Source and Amount of Funding

This is an Ordinance update only and requires no funding by the City.

Staff Recommendation

Staff recommends approval of Ordinance 307-B-2024

RANGE: 15 MILES

RANGE: 10 MILES

RANGE: 5 MILES

Comal

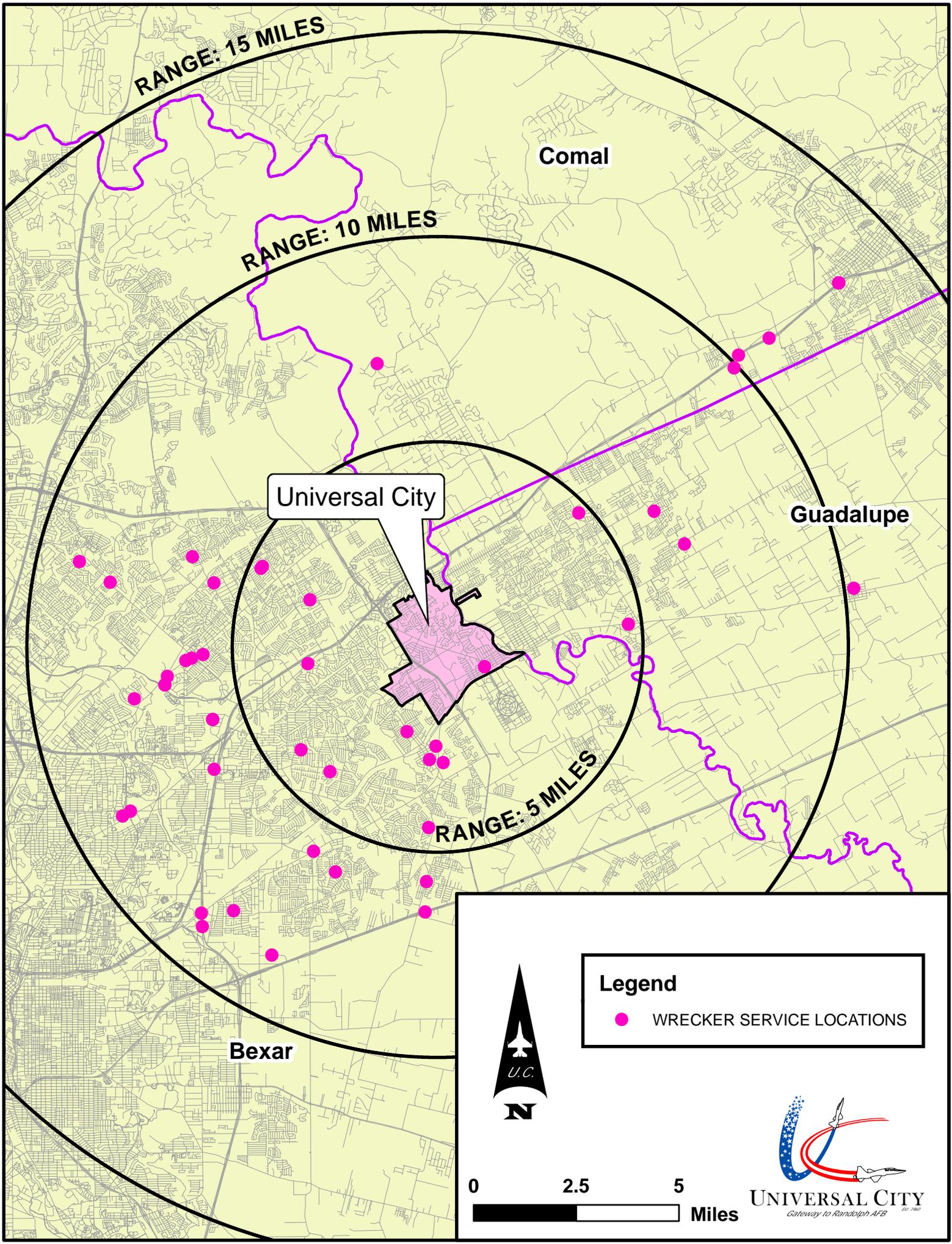
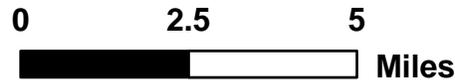
Guadalupe

Universal City

Bexar

Legend

● WRECKER SERVICE LOCATIONS



ORDINANCE NO. 307-B-2024

AN ORDINANCE AMENDING THE REQUIREMENTS FOR VEHICLE WRECKER/TOW SERVICES; SUPERSEDING ORDINANCE 307-A-1989; AMENDING CHAPTER 3-3, ARTICLE XI: VEHICLE WRECKER SERVICES IN ITS ENTIRETY, PROVIDING FOR SEVERABILITY; SETTING AN EFFECTIVE DATE; AND AMENDING OF THE UNIVERSAL CITY CODE OF ORDINANCES ACCORDINGLY.

WHEREAS, the City Council has determined that any person or entity engaged in operating a vehicle storage facility, as that term is defined in Texas Occupations Code § 2303.002(8), within the city limits shall comply with the provisions of state law, including Texas Occupations Code Ch. 2303 and any rules or regulations with regard to the same adopted by the Texas Department of Licensing or Regulation.; and,

WHEREAS, the City Council has determined that any person or entity engaged in operating a tow truck, as that term is defined in Texas Occupations Code § 2308.002(11), within the city limits shall comply with the provisions of state law, including Texas Occupations Code Ch. 2308 and any rules or regulations with regard to the same adopted by the Texas Department of Licensing and Regulation; and,

WHEREAS, the City of Universal City has an obligation to provide for the protection of the general public by the removal of disabled or wrecked motor vehicles.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

SECTION 1: That the Vehicle Wrecker/Tow Service regulations as full attached hereto and all actions taken by City Council of the City of Universal City in accordance with the Code of Ordinances to repeal, adopt, and amend such ordinances are hereby adopted as outlined in “Exhibit A”.

SECTION 2: Severability. It is declared to be the intention of the City Council that if any of the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be declared unconstitutional or otherwise illegal by the valid judgment or decree of any court of competent jurisdiction, such event shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

SECTION 3: This Ordinance shall be construed shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 4: It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 5: Effective Date. This ordinance will take effect upon its passage, approval and publication as provided by law.

SECTION 6: This ordinance hereby supersedes Ordinance 307-A-1989.

SECTION 7: The Universal City Code of Ordinances, Chapter 3-3, Article XI: Vehicle Wrecker Services shall be amended accordingly.

PASSED on first reading by the City Council of the City of Universal City on this the 16TH day of APRIL 2024.

PASSED AND APPROVED in substantial form, on second reading by the City Council of the City of Universal City on this the 7TH of MAY 2024.

CITY OF UNIVERSAL CITY, TEXAS

APPROVED:

John Williams, Mayor

ATTEST:

APPROVED FOR LEGAL SUFFICIENCY:

Maribel Garcia, Deputy City Clerk

Megan R. Santee, City Attorney
Denton Navarro Rodriguez Bernal Santee & Zech, P.C.

Attachments:

Exhibit A: CLEAN COPY Article XI. Vehicle Wrecker/Tow Service (5 pgs)

Exhibit B: REDLINE COPY Article XI. Vehicle Wrecker/Tow Service (6 pgs)

Exhibit C: Old Ordinance Article XI. Vehicle Wrecker/Tow Service (3 pgs)

ARTICLE XI. VEHICLE WRECKER/TOW SERVICE¹

CLEANED UP COPY—04/02/2024

CLEANED UP COPY—04/10/2024

Sec. 3-3-161. Compliance with state law.

- (a) Any person or entity engaged in operating a vehicle storage facility, as that term is defined in Texas Occupations Code § 2303.002(8), within the city limits shall comply with the provisions of state law, including Texas Occupations Code ch. 2303 and any rules or regulations with regard to the same adopted by the Texas Department of Licensing or Regulation.
- (b) Any person or entity engaged in operating a wrecker/tow truck, as that term is defined in Texas Occupations Code § 2308.002(11), within the city limits, **or under contract with the City**, shall comply with the provisions of state law, including Texas Occupations Code ch. 2308 and any rules or regulations with regard to the same adopted by the Texas Department of Licensing and Regulation.

Sec. 3-3-162. Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

Abandoned vehicle means the condition of being abandoned as defined in V.T.C.A., Transportation Code ch. 683 as amended.

City means the City of Universal City, Texas.

Department means the Texas Department of Labor and Standards.

Disabled vehicle means a vehicle which has been rendered unsafe to be driven as the result of some occurrence other than a wreck, including but not limited to mechanical failures or breakdowns, fire, vandalism, or a vehicle which is in a safe driving condition, but the owner is not present or permitted to drive so as to reasonably necessitate that the vehicle be removed by a wrecker.

Incident management tow means the towing or other transportation of a vehicle by a tow truck which is the result of a police officer exercising his/her authority to effect the removal of said vehicle pursuant to state law and/or this article.

Junked vehicle means a vehicle as defined in Section 683.071; V.T.C.A. Transportation Code, as amended, and further defined in Section 4-1-10 of the Universal City Code of Ordinances

Motor vehicle means every vehicle that is self-propelled.

Nonconsent tow means any tow conducted without the permission of, or not at the direction of, the towed vehicle's legal or registered owner, or such owner's authorized representative. Regardless of this definition, certified law enforcement officials may control the scene of an accident in the manner they deem appropriate.

Owner means any person who holds the legal title of a motor vehicle, or who has the legal right of possession thereof, or the legal right of control of such vehicle.

¹Editor's note(s)—Ord. No. 307-A, §§ 1—13, adopted February 21, 1989, has been treated as superseding the provisions of former §§ 3-3-161—3-3-170 in their entirety. Former §§ 3-3-161—3-3-170 were concerned with similar provisions and derived from Ord. No. 307, §§ 1—10, adopted October 3, 1978.

Person means an individual person, firm or corporation and shall include representatives, servants, employees or agents.

Street means any street, alley, boulevard, avenue, highway, public place or square within the corporate limits of the City.

Vehicle Storage Facility means a garage, parking lot, or other facility that is owned by a person other than a governmental entity and used to store or park at least 10 vehicles each year. **Nonconsent tows may only be kept in vehicle storage facilities within Bexar County or Guadalupe County.**

Wrecker/tow truck means a motor vehicle or mechanical device adapted or used to tow, winch, or otherwise move disabled motor vehicles.

Wrecker/tow truck driver means a person engaged, contracted, or employed by a wrecker/towing business or company using a tow truck to tow, winch, or otherwise move a motor vehicle.

Wrecker/tow truck owner means a person engaged in the business of using a tow truck to tow, winch, or otherwise move a motor vehicle.

Wrecker/towing business means the business of towing or removing disabled or wrecked vehicles.

Wrecker/towing company means any person engaged in the wrecker business.

Sec. 3-3-163. Registration requirements.

A person may not operate a wrecker/tow truck for compensation within the City prior to obtaining a State Certificate of Registration. **To identify who is authorized to conduct non-consent tows with Universal City, and to ensure the tow business and its employees comply with this Ordinance,** a City permit is required for all tow trucks performing nonconsent tows within the boundaries of the City without regard to the location of the place of business of the tow truck owner.

Sec. 3-3-164. Identification requirement.

Every wrecker/tow truck shall have painted, **vinyl decals, or wraps** on the doors of such vehicle, the name of the wrecker/tow truck owner or the name under which the owner operates, together with the owner's **address and** telephone number. ~~The name of the owner and the telephone number of the owner shall also be painted on the rear of such vehicles.~~ The lettering shall be not less than two ~~and a half~~ inches in height and not less than one-quarter inch wide.

Sec. 3-3-165. Following emergency vehicles prohibited.

No person in a wrecker/tow truck shall follow any ambulance or police car which is traveling on a public street in response to report of an automobile collision or accident.

Sec. 3-3-166. No wrecker/tow truck allowed at scene of accident unless called by police; certain exceptions.

No person shall drive a wrecker/tow truck to or near the scene or site of an accident or collision on the streets of the City of Universal City unless such person has been called to the scene by the Police Department of the City of Universal City. Provided that when it is necessary to prevent death or bodily injury to any person involved in an accident or collision, this section shall not apply.

Sec. 3-3-167. Wrecker/tow truck solicitations prohibited.

No person shall solicit in any manner, directly or indirectly, the business of towing, removing, repairing, wrecking, storing, trading, or purchasing any vehicle which is wrecked or disabled on a public street of the City of Universal City. Proof of the presence of any person engaged in the wrecker/towing business or the presence of any wrecker/tow truck or motor vehicle owned or operated by any person engaged in the wrecker/towing business, either as owner, operator, employee or agent, on any public street in the City, at or near the location of a wreck, accident, or collision within one (1) hour after the happening of a wreck, accident, or collision shall be prima facie evidence of a solicitation in violation of this section **unless the on scene officer determines otherwise.**

~~Sec. 3-3-168. Contract wrecker/tow truck service.~~

~~The City Manager is authorized to contract with a single wrecker/towing business or company that will be designated as the authorized contractor that will remove vehicles from the scene of an accident or collision on a public street when the vehicle is unable to proceed safely under its own power, or when the owner thereof is physically unable to drive such vehicle, or when removal is otherwise directed by the Police Department. The contract will establish fees for towing and storage, specification of a storage area, and procedures for release of vehicles and collection of fees for services provided.~~

~~Sec. 3-3-169. Contract wrecker/tow truck not available.~~

~~If the wrecker/tow truck authorized contractor cannot arrive at the scene of an accident or collision within twenty (20) minutes, and the Police Officer investigating the incident determines that to delay would increase the hazard, he will request the service of another wrecker/tow truck business or company.~~

Sec. 3-3-168. Use of flashing lights.

A wrecker/tow truck must utilize flashing lights with a vehicle in tow. **All lights must be consistent with TRC 547.305(d)(4), 547.305(e-4), 547.105** and must be clearly visible to approaching and following traffic.

Sec. 3-3-169. Speed limits.

No wrecker/tow truck may exceed the posted speed limit at any time.

Sec. 3-3-170. Removing wrecked or abandoned vehicles without permission of the police.

It shall be unlawful for any person in the operation of an wrecker/tow truck on the public streets and ways of the City and not having been directed to do so by the Chief of Police or his authorized representative, knowingly to move, tow, haul or otherwise transport in, on or over the public streets and ways of the City any vehicle which has been abandoned within the City limits of Universal City or which has been involved in a collision within the City limits of the City of Universal City.

Sec. 3-3-171. Incident management and non-consent tows - Authority

A police officer of the city is hereby authorized to order removal of a vehicle, require the driver or other person in charge of a vehicle to move the same or have the vehicle removed by the wrecker/towing authorized contractor or other wrecker/towing business or company to the nearest place of safety or to the premises of the wrecker/towing business or company that meets the criteria in this article, or as otherwise directed by the city police department, under the following circumstances:

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- (1) When any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic;
 - (2) When a vehicle upon a street is so wrecked or disabled and because of the wreck or disability its normal operation is impossible or impractical;
 - (3) The person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such extent as to be unable to provide for its removal or custody or are not in the immediate vicinity of the wrecked or disabled vehicle;
 - (4) When any such police officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by this Code or other law required to take the person arrested immediately before a magistrate and it is unsafe to leave the vehicle unattended at the scene, or the vehicle is being seized as evidence;
 - (5) When, in the opinion of a police officer, said vehicle constitutes a hazard or interferes with a normal function of a governmental agency;
 - (6) When, in the opinion of a police officer, the safety of said vehicle is imperiled by reason of any catastrophe, emergency or unusual circumstance;
 - (7) When any vehicle is found to be a junked vehicle;
 - (8) Where otherwise authorized by law.

Sec. 3-3-172. Technical requirements.

Each wrecker/tow truck must display a wrecker/tow truck license plate issued by the Department of Motor Vehicles and have in possession the permit issued by the City and comply with the **Contract Tow Truck Rules herein** as part of this article. The wrecker/tow truck business or company agrees that all vehicles and/or other equipment used by its employees, agents or contractors, will meet the state minimum safety requirements.

Sec. 3-3-173. Contract wrecker/tow truck service.

The City Manager is authorized to contract with a single wrecker/towing business or company that will be designated as the authorized contractor that will remove vehicles from the scene of an accident or collision on a public street when the vehicle is unable to proceed safely under its own power, or when the owner thereof is physically unable to drive such vehicle, or when removal is otherwise directed by the Police Department. The contract will establish fees for towing and storage, specification of a storage area, and procedures for release of vehicles and collection of fees for services provided.

Sec. 3-3-174. Contract wrecker/tow truck not available.

If the wrecker/tow truck authorized contractor cannot arrive at the scene of an accident or collision within twenty (20) minutes, and the Police Officer investigating the incident determines that to delay would increase the hazard, he will request the service of another wrecker/tow truck business or company.

Sec. 3-3-175. Contract Driver responsibilities.

- (a) Wrecker/tow truck drivers shall not have or permit any prohibited weapon or alcoholic beverages in or around a wrecker/tow truck when in operation. This provision does not prohibit a peace officer certified by the Texas Commission on Law Enforcement ~~Officer Standards and Education~~ from carrying a firearm while operating or riding in a wrecker/tow truck.

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- (b) Wrecker/tow truck drivers must have a valid Texas driver's license for type of vehicle being driven, current identification and proof of a valid incident management towing permit. Drivers shall wear a company uniform, be neatly groomed and be prompt and courteous in order to provide services.
 - (c) Wrecker/tow truck drivers shall ensure that while lifting a vehicle in preparation for towing that no one but the driver and/or designated helper shall be within a safe distance of the truck and vehicle to be towed. A safe distance is at least twice the distance between the end of the boom and the point of hook-up on the vehicle being winched or twice the distance the car is being lifted, whichever is greater. If a hydraulic lift is being used, a safe distance is twice the distance to which the lift arm is extended.
 - (d) Wrecker/tow truck drivers shall ensure that if at any time during the process of connecting or winching, the tow truck or vehicle to be towed is in line of traffic, the flow of traffic must be diverted. If the tow truck cable is across lane/lanes of traffic, the traffic must be stopped or diverted by a law enforcement officer to permit safe winching or lifting of the vehicle to be towed.
 - (e) Wrecker/tow truck drivers shall make all efforts to sweep and clean, remove debris, and use absorbent material at the accident scene as necessary for public safety.
 - (f) Wrecker/tow truck drivers shall conduct themselves in a professional manner at all times.
 - (g) Wrecker/tow truck drivers shall obey all lawful or direct orders from any and all police officers managing a scene or call where a wrecker is requested.

Sec. 3-3-176 Contract Vehicle Storage Facility.

- (a) *City limits.* The vehicle storage facility must be located within **10 miles** of the corporate limits of the city and in compliance with the provisions of state law, Texas Occupations Code ch. 2303, any rules or regulations with regard to the same adopted by the Texas Department of Licensing or Regulation and city ordinances. **If operator desires to change the location of its storage facility, the operator must obtain prior written approval from the Chief of Police of the new location and facility.**
- (b) *Vehicle Storage Facility requirements.* The vehicle storage facility must be secure, completely enclosed by at least a six-foot high fence, well lit, and have an all-weather surface parking lot. **The vehicle storage facility shall be equipped with security cameras that record the ingress/egress points of the parking lot, the parking lot itself, and the perimeter of the parking lot. Recorded data shall be accessible to the police department for review for a term of not less than 21 calendar days.** The vehicle storage facility must be of sufficient capacity to handle all vehicles requiring storage pursuant to this article and exclusive of other vehicles stored not pursuant to this article at any given time. There shall be enough room to store semi-trucks and trailers if necessary. A separate, on site, storage area for electric vehicles is required due to fire hazards they pose. At no time will cars be stored on a road or thoroughfare. All police department initiated non-consent towed vehicles will be towed to the storage facility or a secure location as determined by the Police Department of the City of Universal City.

Sec. 3-3-177. Penalty.

Any person found in violation of the provisions of this article shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine not exceeding two hundred dollars (\$200.00).

Sec. 3-3-178. Indemnification.

- (a) The wrecker/tow truck driver, employee, owner, agent, business or company shall and does hereby agree to indemnify and hold harmless the city and its officials, officers, employees, agents and representatives from any and all loss, liability, obligation, penalties, judgments, claims, deficiency, expense or damages of any kind whatsoever by reason of any claim arising from a third person occasioned by any act, error or omission in the performance under this article.

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- (b) The wrecker/tow truck owner, agent, business or company will, at its sole cost and expense, defend and protect the city against any and all claims and demands set out in subsection (a) above.

Sec. 3-3-179. Contractual rights.

This article does not create any contractual rights for a wrecker/tow truck owner, employee, agent, business or company or any third party.

Secs. 3-3-180. Reserved.

CITY OF UNIVERSAL CITY

Date: 4/9/2024

TO: City Council

FROM: Kim M. Turner, City Manager

SUBJECT: **Public Meeting:** Sign Code Amendment regarding Off-Premises Signs in Aviation District

SUBJECT: **Ordinance No. 352-K-2024**— Amending Section 4-4-82 – Off Premises Signs

Historical Background

In an effort to meet the vision of the Aviation District Masterplan and foster revitalization and economic activity in that area of town, Staff is proposing an amendment to the Sign Code, Section 4-4-82 – Off Premises Signs, to allow certain off-premises signs in the Aviation District that promote or advertise businesses physically located in that district. Note that in Appendix A, page 9, Principal Street – Pat Booker Road section, the Aviation District Masterplan calls for signage as part of a larger set of streetscaping tools. As such, staff is proposing the following wording be added to the Sign Code, Section 4-4-82 – Off Premises Signs.

Within the City’s Aviation District, as identified in the 2020 Aviation District Masterplan, along properties adjacent to Pat Booker Road. Per the 2020 Aviation District Masterplan, the southern boundary is FM 78 and the northern boundary is National Boulevard. A maximum of one (1) Off Premises Sign shall be permitted on each of these properties that promotes or advertises a business physically located within the Aviation District; that is, an Off Premises Sign installed in the Aviation District shall not be permitted to promote or advertise a business not physically located within the Aviation District. An Off Premises Sign shall also be permitted in the Pat Booker Road right-of-way within the City’s Aviation District with the permission of TxDOT and the City Manager, or designee. A business physically located in the Aviation District can only have one (1) Off Premises Sign in the Aviation District. An Off Premises Sign located in the Aviation District shall not exceed thirty-two (32) square feet on each side of the sign face and shall not exceed a height of fifteen (15) feet, unless the off-premises sign is currently existing and, therefore, shall be allowed to remain with its current dimensions.

On March 14, 2024, and April 1, 2024, the EDC Board of Directors and Planning & Zoning Commission, respectively, reviewed and supported the proposed Sign Code amendment.

Action Requested

City Council will need to conduct a **Public Meeting** on the proposed Sign Code text amendment and then make a final consideration on **Ordinance 352-K-2024**, which is attached. Per the City Charter, each Ordinance will require two readings.

Procurement Methodology

This is a Sign Code text amendment procedure only and requires no procurement by the City.

Source and Amount of Funding

This is a Sign Code text amendment procedure only and requires no funding by the City.

Staff Recommendation

Staff recommends approval of proposed Sign Code text amendment in order to assist businesses in the Aviation District.

ORDINANCE 352-K-2024

AN ORDINANCE AMENDING CERTAIN SECTIONS OF SECTION 4-4-82. – OFF PREMISES SIGNS OF THE CITY CODE OF ORDINANCES TO AMEND THE ALLOWED LOCATIONS AND OTHER REQUIREMENTS OF OFF PREMISES SIGNS, PROVIDING SEVERABILITY, SETTING AN EFFECTIVE DATE, AND TO AMEND THE UNIVERSAL CITY CODES ACCORDINGLY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

SECTION I. The following Section 4-4-82 of the Code of Ordinances shall be amended in its entirety to read:

Section 4-4-82. – Off premises signs.

(a)Location. Except as authorized in this Section, Off Premises Signs are prohibited within the City's jurisdictional limits or extraterritorial jurisdiction. Off Premises Signs may only be placed at locations as follows:

(1)Within the City's jurisdictional limits, Off Premises Signs may be located on those platted lot that fronts on Interstate Highway 35 and is located in a Commercial "C-5 Zoning District; and

(2)Within the City's extraterritorial jurisdiction, Off Premises Signs may be located on those platted lot that fronts on Interstate Highway 35.

(3) Within the City's Aviation District, as identified in the 2020 Aviation District Masterplan, along properties adjacent to Pat Booker Road. Per the 2020 Aviation District Masterplan, the southern boundary is FM 78 and the northern boundary is National Boulevard. A maximum of one (1) Off Premises Sign shall be permitted on each of these properties that promotes or advertises a business physically located within the Aviation District; that is, an Off Premises Sign installed in the Aviation District shall not be permitted to promote or advertise a business not physically located within the Aviation District. An Off Premises Sign shall also be permitted in the Pat Booker Road right-of-way within the City's Aviation District with the permission of TxDOT and the City Manager, or designee. A business physically located in the Aviation District can only have one (1) Off Premises Sign in the Aviation District. An Off Premises Sign located in the Aviation District shall not exceed thirty-two (32) square feet on each side of the sign face and shall not exceed a height of fifteen (15) feet, unless the off-premises sign is currently existing and, therefore, shall be allowed to remain with its current dimensions.

(b)Size. Off Premises Signs face area may not exceed a total size of seven hundred (700) square feet on each side of the sign face. Off Premises Signs located in the Aviation District shall comply with Section 4-4-82(3).

(c)Height. The maximum height of an Off Premises Sign shall be sixty (60) feet. Off Premises Signs located in the Aviation District shall comply with Section 4-4-82(3).

(d)Monopole support. The Off Premises Sign structure shall be mounted on a single steel pole or column, except in the Aviation District which shall be determined by the Building Official.

(e)Advertising display. An Off Premises Sign advertising may be displayed by CEVMS or LED.

SECTION II. Conflict with City Ordinances

All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION III. Severability

If any section, subsection, sentence, clause, phrase, or word of the Ordinance is for any reason held to be unconstitutional, such holdings shall not affect the validity of the remaining parts of this Ordinance.

If any section of this Ordinance is in conflict with State or Federal law, then the applicable State or Federal law shall control.

SECTION IV. Effective Date

This ordinance shall become effective on 8 May 2024.

SECTION V. The City of Universal City Code of Ordinances shall be amended accordingly.

PASSED, on first reading by the City Council of the City of Universal City on this the 16th day of April 2024.

PASSED AND APPROVED, on second reading by the City Council of the City of Universal City on this the 7th day of May 2024.

CITY OF UNIVERSAL CITY, TEXAS

John Williams, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk

APPROVED AS TO FORM:

Megan R. Santee, City Attorney
DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH, P.C.

RESOLUTION NO. 970-C-2024

**A RESOLUTION OF THE CITY OF UNIVERSAL CITY
AUTHORIZING THE PURCHASE OF REAL PROPERTY
LOCATED AT 216 PAT BOOKER ROAD, UNIVERSAL CITY, TEXAS,
BY THE UNIVERSAL CITY ECONOMIC DEVELOPMENT
CORPORATION, FOR PROJECTS TO PROMOTE
NEW OR EXPANDED BUSINESS DEVELOPMENT**

WHEREAS, The City Council of the City of Universal City recalls that the Universal City Economic Development Corporation (UCEDC), in November 2020, issued Sales Tax Revenue Bonds in order to undertake various projects that have been found to promote new or expanded business development, and which was subsequently approved by the City Council on November 23, 2020; and

WHEREAS, The UCEDC has negotiated for the purchase of real property consisting of approximately 0.2150 acres and located at 216 Pat Booker Road in Universal City, Texas, and as provided in substantial form by the contract in **Exhibit A** to this Resolution (the “Property”), as a part of projects to develop and revitalize the “Aviation District” in order to promote new or expanding business development; and,

WHEREAS, The City Council finds that the UCEDC passed a resolution accepting the offer to purchase the Property, as shown as **Exhibit B** to this resolution; and

WHEREAS, The City Council further finds that the purchase of the Property by the UCEDC will effectuate the projects’ aims of rehabilitating existing structures, acquiring property for future sale or lease to new or expanding businesses, and creating a town plaza, and as such promoting new and expanded business development and thereby serving a public purpose and providing a benefit to the City.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF UNIVERSAL CITY:

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the UCEDC and are fully incorporated into the body of this Resolution.

Section 2. That the purchase of the Property presented and approved in the UCEDC Resolution is approved.

FIRST READING PASSED AND APPROVED ON THIS THE 16TH DAY OF APRIL 2024.

SECOND READING PASSED AND ADOPTED THIS 7TH DAY OF MAY 2024.

John Williams, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk

EXHIBIT “A”

PURCHASE AND SALE AGREEMENT

[TO BE ADDED UPON APPROVAL & EXECUTION]

EXHIBIT “B”

EDC RESOLUTION APPROVING PURCHASE OF PROPERTY

[FINAL VERSION TO BE ADDED UPON APPROVAL & EXECUTION]

CITY OF UNIVERSAL CITY

Date: 05/07/2024

TO: City Council

FROM: Kim M. Turner, City Manager

SUBJECT: Resolution 943-A-2024 Body-Worn Camera Grant-2024
Resolution 943-B-2024 Body-Worn Camera Grant-2025
Resolution 943-C-2024 Rifle Resistant Body Armor Grant-2025
Resolution 943-D-2024 ALERRT Travel Assistance Grant-2024

Historical Background

Homeland Security and the Office of the Texas Governor (OOG) often put forth grants for police departments. In past years, the UCPD has been successful in submitting and receiving funding for various pieces of police equipment. In order to apply for any grant, the City Council must approve a separate Resolution for each grant application. The four grant applications for Council to consider are for body-worn cameras for 2024 and 2025; and one application for rifle-resistant body armor for 2025; and travel assistance for 2024. The body-worn cameras grants require a 25% City match; the rifle-resistant body armor and the travel assistance grants do not require a City match.

Action Requested

Approve the following Resolutions.

Resolution 943-A-2024 for the Office of the Governor Grant No. 3529603, Body-Worn Cameras 2024.

Resolution 943-B-2024 for the Office of the Governor Grant No. 3529604, Body-Worn Cameras 2025.

Resolution 943-C-2024 for the Office of the Governor Grant No. 4976701, Rifle-Resistant Body Armor 2025

R Resolution 943-D-2024 for the Office of the Governor Grant No. 4936401, ALERRT Travel Assistance Grant-2024

Procurement Methodology

The Police Department received three written quotes for each purchase that ranges from \$3,000 to \$50,000 as required by the City's Purchasing Policy, Ordinance 544-B-2024. Axon was selected for body cameras and GT Distribution for the rifle-resistant body armor if grants are awarded.

Source of Funding

The Police Department budgets annually for matching grant funds. Specifically, under the General Fund, Other Contract Services.

Staff Recommendation

Staff recommends approval of all three Resolutions.

**Resolution 943-A-2024
Body-Worn Camera Grant--2024**

WHEREAS, The Universal City Police Department finds it in the best interest of the citizens of Universal City, Texas that the Body Worn Camera Grant be operated for the year of 2024; and

WHEREAS, the Universal City Police Department agrees to provide applicable matching funds for the said project as required by the Office of the Governor of Texas grant application; and

WHEREAS, the Universal City Police Department agrees that in the event of loss or misuse of the Office of the Governor funds, the Universal City Police Department assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, the Universal City Police Department designates Kim M. Turner, City Manager, the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the Universal City Police Department and the City Council of the City of Universal City approves submission of the grant application for the Body-Worn Camera Grant to the Office of the Governor.

Passed and Approved this 7th day of May 2024.

Grant Number: **OOG Grant 3529603**

Mayor John Williams
City of Universal City, Texas

ATTEST:

Maribel Garcia, Deputy City Clerk

**Resolution 943-B-2024
Body-Worn Camera Grant-2025**

WHEREAS, The Universal City Police Department finds it in the best interest of the citizens of Universal City, Texas that the Body Worn Camera Grant be operated for the year of 2025; and

WHEREAS, the Universal City Police Department agrees to provide applicable matching funds for the said project as required by the Office of the Governor of Texas grant application; and

WHEREAS, the Universal City Police Department agrees that in the event of loss or misuse of the Office of the Governor funds, the Universal City Police Department assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, the Universal City Police Department designates Kim M. Turner, City Manager, the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the Universal City Police Department and the City Council of the City of Universal City approves submission of the grant application for the Body-Worn Camera Grant to the Office of the Governor.

Passed and Approved this 7th day of May 2024.

Grant Number: **OOG Grant 3529604**

Mayor John Williams
City of Universal City, Texas

ATTEST:

Maribel Garcia, Deputy City Clerk

**Resolution 943-C-2024
Rifle-Resistant Body Armor Grant-2025**

WHEREAS, The Universal City Police Department finds it in the best interest of the citizens of Universal City, Texas that the Rifle-Resistant Body Armor Grant be operated for the year of 2025; and

WHEREAS, the Universal City Police Department agrees to provide applicable matching funds for the said project as required by the Office of the Governor of Texas grant application; and

WHEREAS, the Universal City Police Department agrees that in the event of loss or misuse of the Office of the Governor funds, the Universal City Police Department assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, the Universal City Police Department designates Kim M. Turner, City Manager, the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the Universal City Police Department and the City Council of the City of Universal City approves submission of the grant application for the Rifle-Resistant Body Armor Grant to the Office of the Governor.

Passed and Approved this 7th day of May 2024.

Grant Number: **OOG Grant 4976701**

Mayor John Williams
City of Universal City, Texas

ATTEST:

Maribel Garcia, Deputy City Clerk

Resolution 943-D-2024
ALERRT Travel Assistance Grant-2024

WHEREAS, The Universal City Police Department finds it in the best interest of the citizens of Universal City, Texas that the ALERRT Travel Assistance Grant be operated for the year of 2024; and

WHEREAS, the Universal City Police Department agrees to provide applicable matching funds for the said project as required by the Office of the Governor of Texas grant application; and

WHEREAS, the Universal City Police Department agrees that in the event of loss or misuse of the Office of the Governor funds, the Universal City Police Department assures that the funds will be returned to the Office of the Governor in full.

WHEREAS, the Universal City Police Department designates Kim M. Turner, City Manager, the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the Universal City Police Department and the City Council of the City of Universal City approves submission of the grant application for the ALERRT Travel Assistance Grant to the Office of the Governor.

Passed and Approved this 7th day of May 2024.

Grant Number: **OOG Grant 4936401**

Mayor John Williams
City of Universal City, Texas

ATTEST:

Maribel Garcia, Deputy City Clerk

CITY OF UNIVERSAL CITY

Date: 05/02/2024

TO: City Council

FROM: Kim M. Turner, City Manager

SUBJECT: RESOLUTION NO. 972-2024: A RESOLUTION OF THE CITY OF UNIVERSAL CITY, TEXAS, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE BUREAU OF RECLAMATION WATERSMART: PLANNING AND PROJECT DESIGN GRANT FOR FY 2024 PROGRAM FUNDING OPPORTUNITY NO. R23AS00109.

Historical Background

The Bureau of Reclamation WaterSMART Planning and Design Grants program offers Small-Scale Water Efficiency Grants. Through Planning and Project Design Grants, Reclamation provides funding for collaborative planning and design projects to support water management improvements. This includes funding for: (1) Water Strategy Grants to conduct planning activities to improve water supplies (e.g., water supplies to disadvantaged communities that do not have reliable access to water, water marketing, water conservation, drought resilience, and ecological resilience); (2) Project Design Grants to conduct project-specific design for projects to improve water management; and (3) comprehensive Drought Contingency Plans.

The City of Universal City's Public Works department has previously applied for and received the WaterSmart Small-Scale Water Efficiency Grant during FY 2022 and FY 2023 from the Bureau of Reclamation. The grant application had focused on funding high-efficiency water meters. This project will address the planning and design of an extension to the City's current water reuse systems.

Action Requested

An application to the WaterSMART: Planning and Design Grant requires City Council passage of a Resolution authorizing the City Manager or her designee to act as agent with legal authority to enter into the grant agreement with the Bureau of Reclamation. The City Council must also certify through this Resolution that they support the proposed application, and that the City has sufficient funding to match the amount of funding/in-kind contributions specified in the funding plan of the application. The Resolution approving the application must also include certification that the City will work with the Bureau of Reclamation to meet established deadlines for entering into a grant or cooperative agreement.

If this Resolution is not approved, the City will not be authorized to apply for the WaterSMART: Planning and Design Grant and will not receive potential funding from this grant program.

Procurement Methodology

This grant application requires that the City Manager be authorized to act as agent with legal authority to enter into the grant agreement, or otherwise list a designee to act as such agent. It also requires that the City certify that it has sufficient funds to match funding/in-kind contributions specified in the funding plan included in the application. This match would be up to \$100,000.

Source and Amount of Funding

The grant application to the Bureau of Reclamation WaterSMART: Planning and Design Grants for FY 2024 Program Funding Opportunity No. R23AS00109 would require up to \$100,000 from the Utilities Fund to provide the matching amount of funding/in-kind contributions specified in the attached funding plan of the application. This amount will be present in the FY 2025 Utilities Fund budget.

Staff Recommendation

Staff recommend approving Resolution No. 972-2024 which approves the application for grant funds from the Bureau of Reclamation WaterSMART Planning and Design Grants for the FY 2024 Program Funding Opportunity; and related authorization to complete the grant funding process.

RESOLUTION NO. 972-2024

A RESOLUTION OF THE CITY OF UNIVERSAL CITY, TEXAS, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE BUREAU OF RECLAMATION WATERSMART: PLANNING AND DESIGN GRANTS FOR FY 2024 PROGRAM FUNDING OPPORTUNITY NO. R23AS00109.

WHEREAS, The President of the United States and the United States Department of the Interior have provided funds for the WaterSMART Program; and

WHEREAS, the Bureau of Reclamation has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the Bureau of Reclamation require a resolution certifying the approval of application(s) by the applicant's governing board before submission of said application(s); and

WHEREAS, the applicant, if selected, will enter into an agreement with the Bureau of Reclamation to carry out the development of the proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS, THAT:

SECTION 1. The City Council approves the filing of an application for the WaterSMART: Planning and Design Grants for Fiscal Year 2025 Program for the City of Universal City; and

SECTION 2. The City Council appoints that the City Manager, or her designee, to act as agent with legal authority to enter into the grant agreement; and

SECTION 3. The City Council certifies that the City Council of the City of Universal City has reviewed and supports the proposed application; and

SECTION 4. The City Council certifies that the City of Universal City has sufficient matching funds to provide the amount of funding/in-kind contributions specified in the funding plan included in the grant application; and

SECTION 5. The City Council certifies that the City of Universal City will work with the Bureau of Reclamation to meet established deadlines for entering into a grant or cooperative agreement.

PASSED and ADOPTED this the 7th day of May 2024.

CITY OF UNIVERSAL CITY, TEXAS

APPROVED:

John Williams, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk

CITY OF UNIVERSAL CITY

Date: 05/02/2024

TO: City Council

FROM: Kim M. Turner, City Manager

SUBJECT: Consider Agreement between Bexar County and UC for County ARPA Sewer Pipe Bursting Funds

Historical Background

In January 2024, City Council awarded a sewer pipe bursting for the CITY totaling \$1,393,620.00 to King Solutions Services utilizing CITY ARPA funds. The amount of funds that the City has set aside for this project was just over \$1 million dollars. It was determined that Council would award the project, then staff would issue a deductive change order for the project to bring it in line with the CITY funds available. While the City was still in the design phase for its sewer pipe bursting project, Bexar County determined that it had excess ARPA funds that it had not utilized and allowed suburban cities to submit “shovel ready” projects for consideration utilizing COUNTY ARPA funding. Universal City submitted the estimated sewer pipe bursting project and the COUNTY has selected it as one of the projects for which they would fund on a reimbursement basis.

The attached document is the Agreement, minus the exhibits, between the City and the County to undertake the project but utilizing COUNTY ARPA funds. This agreement is in an amount not to exceed \$2,000,756.53. The scope of the project is below \$2 million and staff is working with the County to determine if the City can use the remaining funds for more projects or to reduce the amount of the award. This decision may take some time for the County to determine. Staff will keep Council apprised of their decision.

Action Requested

Approve the Agreement between Bexar County and Universal City for the Sewer Pipe Bursting Project.

Procurement Methodology

Public Works had already followed the City’s procurement policy, which is in line with the County and the ARPA requirements. No further bids are required.

Source of Funding

Utilize CITY sewer bond proceeds for contractor payments. City submit for reimbursement from COUNTY ARPA funds.

Staff Recommendation

Staff is recommending approval of the agreement with Bexar County for COUNTY ARPA Sewer Pipe Bursting Funds.

This American Rescue Plan Act (“ARPA”) Coronavirus State and Local Fiscal Recovery Funds Funding Agreement (the “Agreement”) is entered into and between BEXAR COUNTY, TEXAS (“COUNTY”), a political subdivision of the State of Texas, through its ARPA Office, and CITY OF UNIVERSAL CITY, a Texas municipal corporation (“SUBRECIPIENT” or “Grantee”), (also, individually, a “Party” or, collectively, the “Parties”). The Parties agree as follows:

ARTICLE ONE
INTRODUCTION

1.01 On March 13, 2020, Texas Governor Greg Abbott (“Governor Abbott”) issued a declaration of public health disaster in and for the State of Texas due to the COVID-19 pandemic, and on March 19, 2020, the Texas Department of State Health Services (“DSHS”) issued a declaration of a public health disaster in the State of Texas. Governor Abbott’s and DSHS’s declarations of a public health disaster continue to remain in effect.

1.02 COUNTY received Coronavirus State and Local Fiscal Recovery Funds (“SLFRF Grant Funds”), established by the American Rescue Plan Act of 2021 (“ARPA”), enacted on May 10, 2021, to support the immediate pandemic response, bring back jobs, and lay the groundwork for a strong and equitable recovery in areas affected by COVID-19. COUNTY is required to follow the terms and conditions set forth in the SLFRF Grant Funds Award Terms and Conditions, attached as **Exhibit “A”**.

1.03 ARPA, U.S. Department of the Treasury (“Treasury”) rules, and associated guidance grant substantial discretion to jurisdictions to use the ARPA award funds in the ways that best suit the needs of their constituents – but limit eligible uses of SLFRF Grant Funds: to respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality; to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers; for the provision of government services to the extent of the reduction in revenue due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and to make necessary investments in water, sewer, or broadband infrastructure.

1.04 Following guidance of Treasury, Bexar County Commissioners Court identified broad areas impacted by COVID, including impacts to households, businesses and/or nonprofits, and established an ARPA Office whose role was to develop related and reasonably proportional responses to the identified impacts of COVID-19 (“ARPA Office”). The ARPA Office reviewed proposals to determine if they were ARPA-funding eligible and fit within the Treasury-identified enumerated uses or if they would otherwise be eligible as a non-enumerated use. Selected respondents were required to submit an application to assess risk along with other supporting information in order to allow the ARPA Office to review and determine projects or proposed uses of funding to recommend to the Bexar County Commissioners Court as best suited to support or assist a more equitable recovery within Bexar County.

1.05 SUBRECIPIENT is an entity offering to support the public health and safety of Bexar County residents by repairing aged and deteriorating sewer mains located in the City of Universal City in order prevent infiltration and inflow into the public sewer system (the “Project” or “Program”), as further described in **Exhibit “B”** and **Exhibit “C”**. Upon completion, the Project will be owned, operated and maintained by SUBRECIPIENT, as further detailed herein. As of the date of execution of this Agreement, SUBRECIPIENT has entered into a professional services agreement with 6S Engineering, Inc. to provide design and engineering services related to the Project (the “Engineering Agreement”). SUBRECIPIENT will incur certain costs or expenses in connection with the construction of the Project, which are eligible for reimbursement by SLFRF Grant Funds under Expense Category 5.2, Clean Water: Centralized Wastewater Collection and Conveyance. It is specifically understood and agreed that SLFRF Grant Funds provided pursuant to this Agreement shall not be used to pay for any costs attributable to the Engineering Agreement.

1.06 The ARPA Office has determined, following an evaluation of SUBRECIPIENT’s application for funds and risk assessment by the ARPA Office to determine SUBRECIPIENT’s risk of noncompliance with funding requirements, that SUBRECIPIENT may receive SLFRF Grant Funds for SUBRECIPIENT’s Project. Bexar County Commissioners Court has determined that providing SUBRECIPIENT with funding is a necessary and appropriate expenditure of SLFRF Grant Funds received by COUNTY.

ARTICLE TWO **PURPOSE**

2.01 SUBRECIPIENT agrees to administer the Project and perform or cause to be performed all activities as further discussed in this Agreement and in accordance with the terms of the exhibits and addendums listed in Article 16. All exhibits and addendums are attached hereto and incorporated herein for all relevant purposes.

ARTICLE THREE **REIMBURSEMENT OF EXPENSES**

3.01 SLFRF Grant Funds will be paid by COUNTY to SUBRECIPIENT for allowable costs that SUBRECIPIENT incurs in the not to exceed amount stated in **Exhibit “B”**. SUBRECIPIENT will submit requests for budget revisions to COUNTY for approval in accordance with this Agreement and **Exhibit “D”**. All budget revision requests must be submitted no less than 120 days prior to the end of the contract period of December 31, 2026. COUNTY will not consider requests for budget revisions submitted after this deadline. The ARPA Office, without the approval of the Bexar County Commissioners Court, may approve minor budget revisions. Budget revisions that would result in a material deviation from the Project Scope of Work and/or Project Schedule must be approved by formal written amendment pursuant to Section 14.01 of this Agreement.

3.02 SUBRECIPIENT will submit a billing package (which will include an Invoice, Invoice Expenditure Report, and Performance Report, along with the Progress Report required pursuant to **Exhibit “D”**) on a monthly basis no later than the 10th day after the close of each month in the formats detailed in **Exhibit “E”**, along with sufficient documentation of eligible expenses incurred

during the preceding month (e.g., receipts, invoices etc.). SUBRECIPIENT will utilize the guidance in **Exhibit “F”** in completing its billing package. COUNTY will pay these submitted invoices in accordance with the Texas Prompt Payment Act.

SUBRECIPIENT will submit reimbursement requests to County’s ARPA Office with supporting documentation to:

Via mail: Bexar County ARPA Office
101 West Nueva, Suite 809
San Antonio, Texas 78205

Via email: ARPA@bexar.org

3.03 All reimbursement decisions are to be made by the Bexar County Auditor (“Auditor”). The decision of the Auditor as to the final amount eligible for reimbursement or whether a particular submitted expense is eligible for reimbursement is final and not subject to dispute. Submitting an incomplete reimbursement request or performance report will cause the reimbursement to be delayed, or denied. SUBRECIPIENT will be responsible to furnish any additional documentation requested by the Auditor to substantiate the reimbursement request or performance report. If the information is not provided within five (5) business days, the reimbursement request will not be considered for reimbursement.

3.04 COUNTY may withhold all or part of any payments to SUBRECIPIENT to offset reimbursement for any ineligible expenditures, disallowed costs, or overpayments that SUBRECIPIENT has not refunded COUNTY. COUNTY may take repayment from funds available under this Agreement in amounts necessary to fulfill SUBRECIPIENT’s repayment obligations.

3.05 Within 10 business days of COUNTY’s written request, SUBRECIPIENT will refund to COUNTY any sum of money paid by COUNTY to SUBRECIPIENT that COUNTY has determined:

- a) Resulted in overpayment to SUBRECIPIENT;
- b) Has not been spent by SUBRECIPIENT; or
- c) Is not supported by adequate documentation to fully justify the expenditure or alternatively, is determined by COUNTY to be an expense or cost that is not qualified for SLFRF Grant Funds under this Agreement.

ARTICLE FOUR

FEDERAL FUNDING; SUBRECIPIENT OBLIGATIONS

Federal Funding

4.01 SUBRECIPIENT acknowledges that SLFRF Grant Funds will be used to fund this Agreement. SUBRECIPIENT agrees further that it will be bound by the SLFRF Grant Funds Award Terms and Conditions, attached as **Exhibit “A”**, between Treasury and COUNTY and such

other rules, regulations, or requirements as Treasury may reasonably impose in addition to the aforementioned assurances at or subsequent to the execution of this Agreement by the Parties hereto. SUBRECIPIENT will comply with all requirements for subrecipients contained in 2 CFR Part 200, et al.—and any changes to 2 CFR Part 200, et al. will be automatically incorporated into this Agreement without written amendment hereto, and will become a part hereof as of the effective date of the rule, regulation or law. SUBRECIPIENT will comply with all applicable federal law, rules, regulations, executive orders, policies, procedures, guidance, FAQs, and directives which may be, or after execution become, applicable to this Agreement and any such changes will be automatically incorporated into this Agreement without written amendment hereto, and will become a part hereof as of the effective date of the rule, regulation or law. SUBRECIPIENT will also comply with all applicable state laws, regulations, executive orders, policies, procedures, guidance, directives, and FAQs, which may be, or after execution become applicable to this Agreement and to the Project.

4.02 SUBRECIPIENT acknowledges that it has no right or entitlement to any amount of funding received by COUNTY under ARPA. COUNTY has the sole right to determine whether to distribute funding, in what amount, and which expenses it will consider as eligible for reimbursement, based on guidance issued by Treasury. COUNTY will reimburse eligible expenses in the manner it deems most effective to accomplish the purposes for which this Agreement was entered into. Any distributions will be on a reimbursement basis and only for those expenses which COUNTY, in its sole discretion, determines are eligible.

4.03 Following is additional information concerning the funding for this Agreement pursuant to 2 CFR 200.332:

- a) Federal Award Identification Number: SLFRP1970
- b) Federal Award Date: March 3, 2021
- c) Name of Federal Awarding Agency: United States Department of the Treasury
- d) Total Amount of Federal Funds Obligated to SUBRECIPIENT by COUNTY including the current financial obligation: \$2,000,756.53
- e) CFDA Number: 21.027
- f) SUBRECIPIENT Unique Entity Identifier from SAM.gov: JTN4DCLN93D1

SUBRECIPIENT Obligations

4.04 Procurement. SUBRECIPIENT will comply with the procurement requirements of 2 CFR Part 200 Subpart D when expending SLFRF Grant Funds. By submitting a request for reimbursement, SUBRECIPIENT certifies that it has complied with all such applicable requirements. In addition, SUBRECIPIENT will comply with all requirements pertaining to procurement contained in **Exhibit “D”** of this Agreement.

4.05 Subcontractors.

- a) SUBRECIPIENT may not subaward funds under this Agreement.
- b) SUBRECIPIENT represents and warrants that it will maintain oversight to ensure that subcontractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders, including but not limited to

having documentation that SUBRECIPIENT checked the appropriate federal and state records for debarred and suspended parties. Further, SUBRECIPIENT will ensure that subcontractors comply with all applicable requirements related to ARPA, whether or not cited or referenced in this Agreement.

- c) Subcontractors must be selected by following the procurement requirements outlined in 2 CFR 200.318 through 2 CFR 200.327.
- d) A written agreement containing all applicable requirements pursuant to ARPA will be required for subcontracted services, including: (1) required contract provisions as discussed in this Agreement; (2) subcontractor providing all information necessary to meet SUBRECIPIENT's reporting requirements; and (3) providing COUNTY the ability to directly review, monitor, and/or audit the operational and financial performance and/or records of work performed under this Agreement. The SUBRECIPIENT may not use SLFRF Grant Funds to provide payment on preexisting or continuing contracts it may have with subcontractors and must instead utilize a new contract that is specific to the use of the SLFRF Grant Funds.
- e) In no event shall any provision of this section be construed as relieving SUBRECIPIENT of the responsibility for ensuring that the performances under all subcontracts are rendered so as to comply with all of the terms of this Agreement, as if such performances rendered were rendered by SUBRECIPIENT. COUNTY maintains the right to monitor and require SUBRECIPIENT's full compliance with the terms of this Agreement. COUNTY's approval under this Section 4.05 does not waive any right of action which may exist or which may subsequently accrue to COUNTY under this Agreement.
- f) SUBRECIPIENT shall be responsible for paying its subcontractors and COUNTY shall have no liability for payment to any subcontractors utilized by SUBRECIPIENT.

4.06 Return of Funding. SUBRECIPIENT acknowledges and agrees that SUBRECIPIENT's award and use of SLFRF Grant Funds is subject to recoupment by Treasury and/or COUNTY for the SUBRECIPIENT's failure to use the funds for the Project in strict accordance with ARPA, the SLFRF and rules, regulations and guidance promulgated thereto, and this Agreement. Should SUBRECIPIENT fail to comply with this Agreement, including applicable deadlines contained herein, or if federal agencies or authorities having jurisdiction over the funding subsequently determine that the funding was used improperly or that a payment was made but later determined to not be actual or allowable costs, SUBRECIPIENT warrants that it will return to COUNTY the amount identified by Treasury and/or COUNTY as subject to recoupment, whether during the term of this Agreement or after.

4.07 Cost Principles. SUBRECIPIENT will comply with all applicable cost principles as detailed in 2 CFR subpart E that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

4.08 Audit. If SUBRECIPIENT expends \$750,000 or more in federal funds in a fiscal year, it may be subject to Single Audit Requirements in 2 CFR, Part 200, Subpart F – Audit Requirements, at https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl, and subject to the requirements in the Texas Single Audit Circular, at <https://comptroller.texas.gov/purchasing/docs/ugms.pdf>. The audit must be completed and the data

collection and reporting package described in 2 CFR 200.512 must be submitted to the Federal Audit Clearinghouse (FAC) within 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period, whichever is earlier.

4.09 Required Certification. Pursuant to 2 CFR §200.415, SUBRECIPIENT's annual/final fiscal reports and invoice requesting payment will include a certification signed by an official who is authorized to legally bind SUBRECIPIENT stating:

“By signing this request for payment, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).”

4.10 Conflict of Interest. SUBRECIPIENT shall comply with all of the applicable conflict of interest provisions found in 24 CFR §570.611.

4.11 Closeout. SUBRECIPIENT agrees to comply with the closeout procedures detailed in 2 CFR §200.344.

4.12 Use and Reversion of Assets. All funds provided under this Agreement and all equipment, supplies and materials acquired with those funds that are on hand, available to, or in the actual or constructive possession of SUBRECIPIENT at the time of expiration of this Agreement, and any accounts receivable attributable to the use of funds provided under this Agreement will be transferred to COUNTY, unless otherwise specified in this Agreement. The use and disposition of equipment and real property under this Agreement will be in compliance with the requirements of 2 CFR Part 200. Treasury's Final Rule FAQ #13.16 provides additional guidance regarding use and disposition requirements for assets purchased with SLFRF Grant Funds.

Pursuant to 2 CFR §200.330, the Federal Government retains an interest in real property acquired or improved under a federal award. As further described in 2 CFR §200.311, when real property acquired or improved under a federal award is no longer needed for the originally authorized purpose, SUBRECIPIENT must obtain disposition instructions from either Treasury or COUNTY providing for one of the following alternatives: (1) retain title after compensating Treasury; (2) sell the property and compensate Treasury; or (3) transfer title to Treasury or to a third party designated/approved by Treasury.

4.13 Labor Standards. SUBRECIPIENT acknowledges and agrees that all contracts related to the Project that are (1) in excess of \$100,000.00 and (2) involve employment with mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704 of the Contract Work Hours and Safety Standards Act, as supplemented by U.S. Department of Labor regulations (29 CFR Part 5), and 2 CFR 200, Appendix II.

4.14 Prohibition on Duplicative Funding. The SUBRECIPIENT may not accept duplicate funding for any cost, position or deliverable funded by SLFRF Grant Funds provided under this Agreement. Duplicative funding is defined as more than one-hundred percent (100%) payment from all funding sources for any cost, position, service or deliverable. If duplicative funding is discovered, this Agreement may be suspended while the extent of the overpayment is determined, or it may be terminated, at the sole discretion of the COUNTY.

ARTICLE FIVE

REPORTING REQUIREMENTS

5.01 As often and in such form as COUNTY may require, SUBRECIPIENT will furnish to COUNTY information deemed by COUNTY to be pertinent to matters covered by this Agreement. SUBRECIPIENT agrees to provide COUNTY with monthly performance reports in the form set forth in **Exhibit “E”** and monthly progress reports as detailed in **Exhibit “D”**. The SUBRECIPIENT acknowledges that at the time of the execution of this Agreement, reporting requirements established by the Treasury or other federal entities related to the SLFRF may not be fully known or established. SUBRECIPIENT agrees to cooperate with COUNTY to fully meet any required reporting associated with the SLFRF Grand Funds provided under this Agreement.

5.02 In addition, at the option of and on request of COUNTY, representatives of SUBRECIPIENT must provide a briefing to Commissioners Court during a scheduled public meeting to report on SUBRECIPIENT’s Project.

ARTICLE SIX

MONITORING; RECORDS RETENTION REQUIREMENTS

6.01 SUBRECIPIENT will maintain all financial records in accordance with 2 CFR Part 200, including 2 CFR §200.302 regarding financial management, and 2 CFR §200.334 through 2 CFR §200.338 regarding record retention and access.

6.02 COUNTY may conduct visits to SUBRECIPIENT’s Project Site, as shown in **Exhibit “C”**, in accordance with the terms and conditions contained in **Exhibit “D”**, to determine performance and compliance with the terms of this Agreement.

6.03 SUBRECIPIENT will maintain books, records and other documents relating directly to the receipt and disbursement of funds under this Agreement and make available all documents and financial records sufficient to establish compliance with subsection 601 (d) of the Social Security Act, as amended, (42 U.S.C. 801 (d)) and will maintain those records for a period of five (5) years after final payment is made using SLFRF Grant Funds. Records to support compliance with subsection 601(d) may include, but are not limited to, copies of the following: general ledger and subsidiary ledgers used to account for (a) the receipt of SLFRF Grant Funds payments and (b) the disbursements from such payments to meet eligible expenses; budget records ; payroll, time records, human resource records to support costs incurred for payroll expenses related to responding to the COVID-19 public health emergency and its negative economic impacts; receipts of purchases made related to addressing the COVID-19 public health emergency and its negative economic impacts; subcontracts entered into using SLFRF Grant Funds payments

and all documents related to such contracts; all documentation of reports, audits, and other monitoring of contractors, including subcontractors; all documentation supporting the performance outcomes of subcontracts; all internal and external email/electronic communications related to use of SLFRF Grant Funds payments; and all investigative files and inquiry reports involving SLFRF Grant Funds payments. SUBRECIPIENT must also maintain a receipts-and-disbursements ledger and a general ledger with an income-and-expense account for each line item. Paid invoices revealing check number, date paid and evidence of goods or services received must be filed according to the vendor paid.

6.04 Pursuant to 2 CFR § 200.337, SUBRECIPIENT will allow any duly authorized representative of COUNTY and any authorized oversight body - including but not limited to the Government Accountability Office, Treasury's Office of Inspector General, and the Pandemic Relief Accountability Committee - at all reasonable times, to have access to and the right to inspect, copy, audit, and examine all books, records and other documents of closeout procedures respecting this Agreement, until final settlement and conclusion of all issues arising out of this activity are completed. SUBRECIPIENT will have a continuing obligation to cooperate with COUNTY and any authorized oversight body in the event of any audit, and will provide any documentation requested to substantiate all expenditures utilizing SLFRF Grant Funds provided under this Agreement.

6.05 Sections 6.03 and 6.04 will survive the expiration or termination of this Agreement for five (5) years.

6.06 Open Records. SUBRECIPIENT acknowledges that all information written, produced, collected, assembled, or maintained by SUBRECIPIENT pursuant to this Agreement is subject to the Texas Public Information Act (Chapter 552 of Texas Government Code) and must be provided to citizens, public agencies, and other interested parties in accordance with the Texas Public Information Act. SUBRECIPIENT understands that COUNTY will comply with the Texas Public Information Act (Chapter 552 of the Texas Government Code) as interpreted by judicial rulings and opinions of the Attorney General of the State of Texas.

ARTICLE SEVEN **TERMINATION AND DEFAULT**

7.01 COUNTY may suspend or terminate this Agreement for convenience with 30 days written notice, or may suspend or terminate this Agreement in accordance with 2 CFR § 200.339 and 2 CFR § 200.340. Costs during suspension or after termination may be paid as discussed in 2 CFR § 200.343.

ARTICLE EIGHT **REPRESENTATIONS, WARRANTIES AND COMPLIANCE WITH LAWS**

8.01 SUBRECIPIENT represents and warrants that:

- a) There has been no adverse change in the conditions of SUBRECIPIENT or its operations from that described in information provided to COUNTY prior to the

effective date of this Agreement. Information provided to COUNTY after the effective date of this Agreement will be complete and accurate as of the date shown on the document, and SUBRECIPIENT will provide written notice to COUNTY if the condition or operations of SUBRECIPIENT changes in a material or adverse way after the time that information is provided.

- b) Any supporting financial statements ever provided or to be provided to COUNTY are complete, accurate and fairly reflect the financial condition of SUBRECIPIENT on the date shown on those statements and during the period covered, and that since that date, except as provided by written notice to COUNTY, there has been no material change, adverse or otherwise, in the financial condition of SUBRECIPIENT.
- c) To SUBRECIPIENT'S knowledge, no litigation or proceedings are presently pending or threatened against SUBRECIPIENT relating to the Agreement or Project.
- d) None of the provisions in this Agreement contravene or in any way conflict with the authority under which SUBRECIPIENT is doing business or with the provisions of any existing obligation or agreements of SUBRECIPIENT.
- e) SUBRECIPIENT has the legal authority to enter into this Agreement and accept payments and has taken all necessary measures to authorize the execution of and the acceptance of payments under this Agreement.

8.02 SUBRECIPIENT also represents and warrants:

- a) SUBRECIPIENT complies with all applicable local, state and federal equal employment opportunity and affirmative action rules, regulations and laws. If SUBRECIPIENT or its subcontractors fail to comply with local, state and federal equal employment opportunity and affirmative action rules, regulations and laws, SUBRECIPIENT may be barred from further contracts with COUNTY.
- b) The following in accordance with Texas laws:
 - 1. In accordance with Texas Government Code § 2271, SUBRECIPIENT does not boycott Israel, and will not boycott Israel during the term of the agreement;
 - 2. In accordance with Texas Government Code § 2252, SUBRECIPIENT is not entered on the list prepared pursuant to Section 2252.152 of the Texas Government Code;
 - 3. In accordance with Texas Government Code § 2274, SUBRECIPIENT does not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association, and will not discriminate during the term of the agreement against a firearm entity or firearm trade association; and
 - 4. In accordance with Texas Government Code § 2274, SUBRECIPIENT does not boycott energy companies and will not boycott energy companies during the term of the agreement.

Federal grant requirements

- c) SUBRECIPIENT complies with the legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Treasury's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Treasury's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Treasury's implementing regulations at 31 CFR part 23.
- d) SUBRECIPIENT is not a party listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. SUBRECIPIENT will furnish the certification attached hereto as Addendum A or an explanation of why it cannot provide said certification. The certification or explanation will be considered in connection with COUNTY's determination whether to continue with this Agreement. SUBRECIPIENT shall provide immediate written notice to COUNTY if at any time SUBRECIPIENT learns that the certification was erroneous when submitted or has become erroneous by reason of changed circumstances. SUBRECIPIENT further agrees by executing this Agreement that it will include the certification provision titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusive-Subcontracts," as set out in Addendum A, without modification, and this language under this Section 8.02(d), in all its subcontracts.
- e) EXCLUDED PARTIES. By signing this Agreement, SUBRECIPIENT further certifies that it is not listed in the prohibited vendors list authorized by Executive Order No. 13224, "Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism," published by the United States Department of Treasury, Office of Foreign Assets Control.
- f) None of the funds provided under this Agreement shall be used to pay any person or organization for influencing or attempting to influence an officer or employee of any department, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award governed by the Byrd Anti-Lobbying Amendment (31 U.S.C. §1352) as the SUBRECIPIENT and each of its tiers have certified by their execution of the "Certification Regarding Lobbying for Contracts,

Grants, Loans, and Cooperative Agreements” attached hereto as Addendum B and incorporated herein for all relevant purposes. SUBRECIPIENT will furnish the certification attached hereto as Addendum B titled “Certification Regarding Lobbying For Contracts, Grants, Loans, And Cooperative Agreements,” without modification, and will include the certification provision, in all its subcontracts.

- g) SUBRECIPIENT agrees to comply with the Federal Funding Accountability and Transparency Act and implementing regulations at 2 CFR Part 170. SUBRECIPIENT will report the total compensation and names of its top five executives to COUNTY if:
1. More than 80 percent of annual gross revenues are from federal funds, and those revenues are greater than \$25,000.000; and
 2. The compensation is not already available through reporting to the U.S. Securities and Exchange Commission.
- h) Pursuant to 2 CFR §200.216, SUBRECIPIENT and its contractors will not use funds under this Agreement for equipment, services, or systems that use the following covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system in accordance with Section 889 of Public Law 115-232 (National Defense Authorization Act 2019):
1. Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
 2. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
 3. Telecommunications or video surveillance services provided by such entities or using such equipment.
 4. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.
- i) SUBRECIPIENT agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

ARTICLE NINE
INSURANCE/INDEMNIFICATION

9.01 SUBRECIPIENT will procure, pay for, and maintain during the term of this Agreement the insurance coverage or maintain self-insurance coverage in the limits and under the terms set out in **Exhibit “G”** attached hereto.

9.02 IN ANY SUBCONTRACT WHERE THE SUBCONTRACTOR IS PROVIDING ANY OF THE SERVICES REQUIRED UNDER THIS AGREEMENT SUBRECIPIENT WILL MAKE THE FOLLOWING INDEMNITY REQUIREMENT A REQUIREMENT OF THE SUBCONTRACT: SUBCONTRACTOR AGREES TO INDEMNIFY, DEFEND AND HOLD HARMLESS COUNTY AND ITS ELECTED OFFICIALS, EMPLOYEES, REPRESENTATIVES, AND AGENTS (INDIVIDUALLY AND COLLECTIVELY AN “INDEMNIFIED PARTY”) FROM AND AGAINST ANY AND ALL COSTS, LIABILITY, CLAIMS, LIENS, DAMAGES, LOSSES, EXPENSES, FEES, INCLUDING REASONABLE ATTORNEY FEES AND DEFENSE COSTS, FINES, PENALTIES, PROCEEDINGS, ACTIONS, DEMANDS, CAUSES OF ACTION, LIABILITY AND SUITS OF ANY KIND AND NATURE, INCLUDING, BUT NOT LIMITED TO, PERSONAL INJURY OR DEATH, AND PROPERTY DAMAGE MADE UPON THE INDEMNIFIED PARTY ARISING OUT OF, RESULTING FROM, OR RELATED TO THE ACTS, ERRORS OR OMISSIONS OF SUBCONTRACTOR, INCLUDING ITS EMPLOYEES, OFFICERS, AGENTS AND SUBCONTRACTORS WHILE IN THE PERFORMANCE OF THIS AGREEMENT. COUNTY WILL HAVE THE RIGHT, AT ITS OPTION AND ITS OWN EXPENSE, TO PARTICIPATE IN SUCH DEFENSE WITHOUT RELIEVING SUBCONTRACTOR OF ANY OF ITS OBLIGATIONS UNDER THIS SECTION. SUBCONTRACTOR WILL PROMPTLY ADVISE THE INDEMNIFIED PARTY IN WRITING OF ANY CLAIM OR DEMAND AGAINST SUBCONTRACTOR OR THE INDEMNIFIED PARTY WHICH RELATES TO OR ARISES OUT OF SUBCONTRACTOR’S ACTIVITIES UNDER THIS AGREEMENT. NOTHING IN THIS SECTION WILL BE INTERPRETED TO CONSTITUTE A WAIVER OF ANY GOVERNMENTAL IMMUNITY AVAILABLE UNDER TEXAS LAW OR ANY AVAILABLE DEFENSES UNDER TEXAS LAW. THE PROVISIONS OF THIS ARTICLE ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND NOT INTENDED TO AND DO NOT CREATE OR GRANT ANY RIGHTS, CONTRACTUALLY OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY.

9.03 IN ANY SUBCONTRACT REQUIRING THE COUNTY TO BE NAMED AS AN INDEMNITY, SUBRECIPIENT WILL ALSO BE NAMED AS AN INDEMNITEE.

ARTICLE TEN
INDEPENDENT CONTRACTOR

10.01 SUBRECIPIENT is an independent contractor and operator responsible to all third parties for its respective acts or omissions and COUNTY is in no way responsible for SUBRECIPIENT’s acts or omissions.

ARTICLE ELEVEN
POLITICAL ACTIVITY

11.01 None of the performance under this Agreement may involve, and no portion of the funds received, may be used either directly or indirectly for any political activity including, but not limited to, an activity to further the election or defeat of any candidate for public office or for any activity undertaken to influence the passage, defeat or final content of local, state or federal legislation.

ARTICLE TWELVE **PUBLICITY; PUBLICATIONS**

12.01 With COUNTY's written approval, SUBRECIPIENT will publicize activities conducted by SUBRECIPIENT pursuant to this Agreement. In any news release, a sign, brochure, or other advertising medium disseminating information about the Project, SUBRECIPIENT will acknowledge COUNTY's funding having made this Project possible.

12.02 All published materials and written reports submitted pursuant to this Agreement will be originally developed unless otherwise specifically provided in this Article. If SUBRECIPIENT uses material it did not originally develop in a report, however, that material must have its source identified, either in the body of the report or by footnote, regardless of whether the material is in a verbatim or extensive paraphrase format.

ARTICLE THIRTEEN **RIGHTS TO PROPOSAL AND CONTRACTUAL MATERIAL**

13.01 All reports, documents, studies, charts, schedules, or other appended documentation to any proposal or contract and any responses, inquiries, correspondence and related material submitted by SUBRECIPIENT directly to COUNTY will upon receipt, become property of COUNTY as to the information in any of those material that is specific to COUNTY, but not as to SUBRECIPIENT's pre-existing or out-of- scope materials, information or technology and related rights in intellectual property.

ARTICLE FOURTEEN **GENERAL CONTRACTUAL PROVISIONS**

14.01 Amendments. Except when the terms of this Agreement expressly provide otherwise, any alterations, additions, or deletions to the terms of this Agreement will be by amendment in writing, dated subsequent to the date the Agreement, and executed by both Parties.

14.02 Changes In The Law. Changes in applicable local, state and federal rules, regulations or laws occurring during the term of this Agreement will be automatically incorporated into this Agreement without written amendment, as of the effective date of the rule, regulation or law.

14.03 Assignments. SUBRECIPIENT will not transfer, pledge or otherwise assign this Agreement, any interest in and to it, or any claim arising under it, without first procuring the written approval of COUNTY. Any attempt at transfer, pledge or other assignment will be void.

14.04 Waiver of Performance.

- a) No waiver by COUNTY of a breach of any of the terms, conditions, covenants or guarantees of this Agreement will be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, condition, covenant or guarantee herein contained. Further, any failure of COUNTY to insist in any one or more cases upon the strict performance of any of the covenants of this Agreement, or to exercise any option herein contained, will not be construed as a waiver or relinquishment for the future of that covenant or option. In fact, no waiver, change, modification or discharge by either Party of any provision of this Agreement will be deemed to have been made or will be effective unless expressed in writing and signed by the Party to be charged.
- b) No act or omission of COUNTY will in any manner impair or prejudice any right, power, privilege, or remedy available to COUNTY under this Agreement, by law or in equity.
- c) No representative or agent of COUNTY may waive the effect of the provisions of Section 14.04.

14.05 Interpretation. If any disagreement or dispute should arise between the Parties pertaining to the interpretation or meaning of any part of this Agreement or its governing rules, regulations, laws, codes or ordinances, then COUNTY will have the final authority to render an interpretation.

14.06 Parties Bound. This Agreement will be binding on and inure to the benefit of the Parties and their respective legal representatives, successors and assigns, except as otherwise expressly provided for in this Agreement.

14.07 Gender. Words of gender used in this Agreement will be construed to include the other gender, and words in the singular number will be construed to include the plural, unless the context otherwise requires.

14.08 Captions. The captions contained in this Agreement are for convenience of reference only, and in no way limit or enlarge the terms and/or conditions of this Agreement.

14.09 Applicable Law. This Agreement will be construed under and in accordance with the laws of the United States and the State of Texas, and all obligations of the Parties are performable in Bexar County, Texas. Exclusive venue for any litigation arising from this Agreement will lie in Bexar County, Texas.

14.10 Legal Construction. If any provision of this Agreement is for any reason held to be invalid, illegal or unenforceable in any respect, then that invalidity, illegality, or unenforceability will not affect any other provision and this Agreement will be construed as if the invalid, illegal, or unenforceable provision had never been a part of the Agreement.

14.11 Licenses and Certifications. SUBRECIPIENT warrants and certifies that its employees and those of its subcontractors have the requisite training, licenses or certifications to provide the services required under this Agreement, and that they meet all competency standards promulgated by all other authoritative bodies, as applicable to the services provided under this Agreement. Proof

- Monthly Performance Report
- Monthly Progress Report
- f) Exhibit “F” - Invoice Guidance
- g) Exhibit “G”- Insurance
- h) Addendum “A” - Certification Regarding Debarment, Suspension and Other Responsibility Matters
- i) Addendum “B” - Certification Regarding Lobbying For Contracts, Grants, Loans, and Cooperative Agreements

ARTICLE SEVENTEEN
COMMISSIONERS COURT AUTHORIZATION

17.01 This Agreement was approved by Order of the Commissioners Court dated _____ authorizing the County Judge to execute this Agreement on behalf of COUNTY. The SLFRF Grant Funds provided pursuant to this Agreement are expressly subject to the fulfillment by SUBRECIPIENT of all of the terms and conditions described herein.

{ Signature Page Follows }

THIS AGREEMENT IS EXECUTED THIS ___ DAY OF _____, 2024.

COUNTY OF BEXAR

THE CITY OF UNIVERSAL CITY

By: _____
Peter Sakai
County Judge

By: _____
John Williams
Mayor

APPROVED AS TO LEGAL FORM:

By: _____
Siobhan K. Karger
Assistant Criminal District Attorney
Civil Division

APPROVED AS TO FINANCIAL CONTENT:

By: _____
Leo S. Caldera, CIA, CGAP
County Auditor

By: _____
David Smith
County Manager

APPROVED:

By: _____
Melissa Shannon
Governmental Affairs Director / ARPA Office

DRAFT

To: Mayor Williams and Fellow Universal City Councilmembers
From: Phil Vaughan
cc: City Manager Kim Turner
Date: April 30, 2024
Re: Permit Requirements for Accessory Structures

For consideration on the May 7th agenda is a discussion on permitting requirements for accessory structures. One of our residents, Mr. David Karras, has raised this issue.

At issue is whether there should be a permit required for accessory structures and, if so, what fee should be required.

The 2021 International Building Code recommends that accessory structures under 120 square feet be exempt from permitting.

The City's building codes follow the 2021 International Codes with certain amendments that Council adopted in early 2022. The attached page compares the text of the 2021 International Building Codes to the City's revision of the relevant section.

2021 International Building Code

[A] 105.2 Work exempt from permit.

Exemptions from *permit* requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. *Permits* shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any *basement* or *story* below and are not part of an *accessible route*.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated *swimming pools* accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family *dwellings*.
12. Window awnings in Group R-3 and U occupancies, supported by an *exterior wall* that do not project more than 54 inches (1372 mm) from the *exterior wall* and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Universal City Building Code

Sec. 4-6-2. Exceptions and amendments to International Building Code.

2021 International Building Code (current revision) with Appendices E, F and H.

Amendments to the International Building Code are as follows:

Sec. 105.2 Work exempt from permit

Amend in its entirety to read:

(Building)

- 1) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
- 2) Painted, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- 3) Temporary motion picture, television and theater stage sets and scenery.
- 4) Shade cloth structures constructed for nursery or agricultural purposes, but not including service systems.
- 5) Swings and other temporary playground equipment accessory to one and two-family dwellings.
- 6) Window awnings supported by an exterior wall of Group R-3, as applicable in Section 101.2 and Group U occupancies of the International Building Code.
- 7) Nonfixed and movable fixtures, cases, racks, counter and partitions not over 5 feet 9 inches (1753 mm) in height.