

AGENDA
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
2150 Universal City Blvd, Universal City, TX 78148
Regular Meeting, Tuesday, August 20, 2024 @ 6:30 P.M.

1. CALL TO ORDER: Mayor Tom Maxwell 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 Q3 Financial 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. PUBLIC HEARINGS: At this time, the public is invited to address each item listed in this section. Please limit your comments to the topics of the specific Public Hearing. If more than one Public Hearing is listed in this section to be held, citizens will be allowed to speak during each individual hearing.
 - a. [Public Hearing](#): Proposed FY 2024-2025 Budget
 - b. [Public Hearing](#): Proposed 2024 Tax Rate to support the FY 2024-2025 Budget.
7. 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
 - c. COUNCILMEMBERS' ANNOUNCEMENTS
8. 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.
 - 1) Consider the minutes of the Tuesday, 16 July 2024 Regular Meeting.
9. ACTION ITEMS:

NO TAB 1: Record Vote on the Proposed 2024 Tax Rate and schedule Public Hearings.

[TAB B](#): Depository Agreement with American Bank.

[TAB C](#): Towing and Impound Services Agreement/Contract Award to Johnny's Garage.

[TAB D](#): Ordinance 406-J-2024: An ordinance of the City Council of the City of Universal City, Texas, amending Ordinance 406-I-2013 (The Drought Response Plan) and Ordinance 406-I-1-2013 (Amendment to Stage II Response – Aquifer Watch – Stage II Water Use Limitations); establishing legislative findings, amending the Universal City Code of Ordinances accordingly; providing repeal and replacement; providing severability; and establishing an effective date.

[TAB E](#): Ordinance 525-X-2024: An ordinance of the City Council of the City of Universal City, Texas, revising 525-U-2021, Schedule A (Base Rates) as provided in Section 2-3-9 Modification of Rates, Exhibit "A"; providing for severability; and providing for an effective date.

Water, Sewer, and Stormwater Rates

- [TAB F](#): Ordinance 149-M-31-09-2024 (Water Rates): An ordinance of the City of Universal City, Texas, amending Ordinance 149 Fee Schedules; amending Ordinance 149-M-31-9-2023 and repealing all

ordinances or parts of ordinances in conflict; and amending the Universal City Code of Ordinances accordingly.

TAB G: Ordinance 149-M-32-09-2024 (Sewer Rates): An ordinance of the City of Universal City, Texas, amending Ordinance 149 Fee Schedules; amending Ordinance 149-M-32-09-2023; repealing all or parts of ordinances in conflict; and amending the Universal City Code of Ordinances accordingly.

TAB H: Ordinance 570-D-2024 (Stormwater Rates): An ordinance of the City of Universal City, Texas, renewing Ordinance 570-D-2023 establishing Municipal Storm Water Utility Fees.

10. ADJOURNMENT:

TAB Z – Reports

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: 08/20/2024

TO: City Council

FROM: Christine Green, Finance Director

SUBJECT: FY 2024 3rd Quarter Financial Reports and Investment Report

Historical Background

As of June 30, 2024, the City had completed 75% 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 3rd Quarter Financials
FY 2024 3rd Quarter Investment Report

CITY OF UNIVERSAL CITY
 REVENUE & EXPENSE REPORT - UNAUDITED
 AS OF: JUNE 30TH, 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	527,324.84	12,691,536.72	1,568,282.28	89.00
LICENSE/PERMITS/FEES	1,089,000.00	101,274.09	758,198.86	330,801.14	69.62
FINES	1,131,600.00	77,606.36	830,243.68	301,356.32	73.37
INTEREST/OTHER REVENUE	1,745,162.00	87,415.62	876,558.77	868,603.23	50.23
DONATIONS/CONTRIBUTIONS	1,057,500.00	273.28	112,465.55	945,034.45	10.64
GRANTS	2,500.00	235.00	8,513.55	(6,013.55)	340.54
TOTAL REVENUES	19,285,581.00	794,129.19	15,277,517.13	4,008,063.87	79.22
<u>EXPENDITURE SUMMARY</u>					
ADMINISTRATION	1,394,297.00	95,177.47	1,177,564.91	216,732.09	84.46
ARPA	0.00	(936,157.45)	678,324.58	(678,324.58)	0.00
DEVELOPMENT SERVICES	1,197,185.00	64,664.31	693,729.17	503,455.83	57.95
HUMAN RESOURCES	153,051.00	14,947.95	133,625.69	19,425.31	87.31
FINANCE	636,460.00	53,596.61	403,808.89	232,651.11	63.45
MUNICIPAL COURT	208,238.00	15,078.22	168,759.72	39,478.28	81.04
COURT JUVENILE CASE MANA	68,171.00	4,722.64	46,912.55	21,258.45	68.82
GENERAL SERVICES	1,943,123.00	222,583.00	1,139,915.74	803,207.26	58.66
PARKS & RECREATION	1,426,640.00	54,878.83	1,169,839.91	256,800.09	82.00
POLICE	5,079,195.00	354,539.82	3,539,321.23	1,539,873.77	69.68
FIRE DEPARTMENT	3,309,023.00	224,394.53	2,323,751.33	985,271.67	70.22
VEHICLE-EQUIPMENT MAINT	287,255.00	18,202.72	225,306.62	61,948.38	78.43
ANIMAL SHELTER	690,369.00	40,290.81	488,073.21	202,295.79	70.70
LIBRARY	504,773.00	30,301.00	332,241.86	172,531.14	65.82
NON-DEPARTMENTAL	2,387,801.00	103,208.83	1,908,410.37	479,390.63	79.92
OTHER SOURCES/USES	0.00	5,547.43	44,379.44	(44,379.44)	0.00
TOTAL EXPENDITURES	19,285,581.00	365,976.72	14,473,965.22	4,811,615.78	75.05
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	428,152.47	803,551.91	(803,551.91)	0.00

CITY OF UNIVERSAL CITY
 REVENUE & EXPENSE REPORT - UNAUDITED
 AS OF: JUNE 30TH, 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	39,330.82	1,741,758.34	17,614.66	99.00
INTEREST/OTHER REVENUE	<u>388,377.00</u>	<u>10,628.35</u>	<u>79,090.34</u>	<u>309,286.66</u>	<u>20.36</u>
TOTAL REVENUES	2,147,750.00	49,959.17	1,820,848.68	326,901.32	84.78
<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	49,959.17	1,489,744.77	(1,489,744.77)	0.00

CITY OF UNIVERSAL CITY
 REVENUE & EXPENSE REPORT - UNAUDITED
 AS OF: JUNE 30TH, 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	46,526.62	474,686.50	1,833,633.50	20.56
GRANTS	<u>9,678,394.00</u>	<u>0.00</u>	<u>6,326,402.86</u>	<u>3,351,991.14</u>	<u>65.37</u>
TOTAL REVENUES	11,986,714.00	46,526.62	6,801,089.36	5,185,624.64	56.74
<u>EXPENDITURE SUMMARY</u>					
CAPITAL PROJECTS	11,986,714.00	63,075.42	828,801.30	11,157,912.70	6.91
OTHER SOURCES/USES	<u>0.00</u>	<u>(5,547.43)</u>	<u>(44,379.44)</u>	<u>44,379.44</u>	<u>0.00</u>
TOTAL EXPENDITURES	11,986,714.00	57,527.99	784,421.86	11,202,292.14	6.54
REVENUES OVER/(UNDER) EXPENDITURES	0.00	(11,001.37)	6,016,667.50	(6,016,667.50)	0.00

CITY OF UNIVERSAL CITY
 REVENUE & EXPENSE REPORT - UNAUDITED
 AS OF: JUNE 30TH, 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	517,044.31	3,934,971.42	724,505.58	84.45
SEWER REVENUE	4,886,885.00	412,806.08	3,630,719.18	1,256,165.82	74.30
UTILITY FEES & RENTS	779,349.00	76,854.29	641,220.68	138,128.32	82.28
INTEREST/OTHER REVENUE	6,001,540.00	92,355.27	870,856.30	5,130,683.70	14.51
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	1,099,059.95	9,177,767.58	7,149,483.42	56.21
<u>EXPENDITURE SUMMARY</u>					
PUBLIC WORKS	1,089,960.00	138,238.24	831,780.76	258,179.24	76.31
ADMINISTRATION	350,594.00	17,236.14	317,830.22	32,763.78	90.65
WATER DEVELOPMENT	2,635,350.00	714,538.34	2,499,366.45	135,983.55	94.84
SEWER DEVELOPMENT	3,240,337.00	934,187.26	2,600,765.57	639,571.43	80.26
DEBT SERVICE	1,443,799.00	0.00	342,390.64	1,101,408.36	23.71
NON-DEPARTMENTAL	989,858.00	31,563.21	369,377.18	620,480.82	37.32
CAPITAL PROJECTS	<u>6,577,353.00</u>	<u>802,379.15</u>	<u>1,334,652.99</u>	<u>5,242,700.01</u>	<u>20.29</u>
TOTAL EXPENDITURES	16,327,251.00	2,638,142.34	8,296,163.81	8,031,087.19	50.81
REVENUES OVER/ (UNDER) EXPENDITURES	0.00	(1,539,082.39)	881,603.77	(881,603.77)	0.00

CITY OF UNIVERSAL CITY
 REVENUE & EXPENSE REPORT - UNAUDITED
 AS OF: JUNE 30TH, 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	70,090.52	630,099.23	190,282.77	76.81
INTEREST/OTHER REVENUE	1,574,957.00	5,003.57	48,643.95	1,526,313.05	3.09
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	75,094.09	688,342.93	1,707,996.07	28.72
<u>EXPENDITURE SUMMARY</u>					
STORMWATER/ENGINEERING	612,039.00	19,038.03	254,041.77	357,997.23	41.51
CAPITAL PROJECTS	<u>1,784,300.00</u>	<u>96,069.78</u>	<u>651,182.50</u>	<u>1,133,117.50</u>	<u>36.50</u>
TOTAL EXPENDITURES	2,396,339.00	115,107.81	905,224.27	1,491,114.73	37.78
REVENUES OVER/(UNDER) EXPENDITURES	0.00	(40,013.72)	(216,881.34)	216,881.34	0.00

CITY OF UNIVERSAL CITY
 REVENUE & EXPENSE REPORT - UNAUDITED
 AS OF: JUNE 30TH, 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	166,685.72	1,472,967.38	(161,467.38)	112.31
EXPENDITURES	<u>1,572,850.00</u>	<u>297,907.13</u>	<u>551,073.77</u>	<u>1,021,776.23</u>	<u>35.04</u>
REVENUE OVER/(UNDER) EXPENDITURES	(261,350.00)	(131,221.41)	921,893.61	(1,183,243.61)	352.74-
<u>COURSE AND GROUNDS</u>					
REVENUES	1,807,000.00	70,576.39	1,247,074.89	559,925.11	69.01
EXPENDITURES	<u>1,300,987.00</u>	<u>124,485.04</u>	<u>1,015,509.37</u>	<u>285,477.63</u>	<u>78.06</u>
REVENUE OVER/(UNDER) EXPENDITURES	506,013.00	(53,908.65)	231,565.52	274,447.48	45.76
<u>CARTS</u>					
EXPENDITURES	<u>175,709.00</u>	<u>10,272.63</u>	<u>90,816.84</u>	<u>84,892.16</u>	<u>51.69</u>
REVENUE OVER/(UNDER) EXPENDITURES	(175,709.00)	(10,272.63)	(90,816.84)	(84,892.16)	51.69
<u>GOLF/PRO SHOP</u>					
REVENUES	144,000.00	10,472.10	129,681.39	14,318.61	90.06
EXPENDITURES	<u>281,669.00</u>	<u>25,707.23</u>	<u>220,719.43</u>	<u>60,949.57</u>	<u>78.36</u>
REVENUE OVER/(UNDER) EXPENDITURES	(137,669.00)	(15,235.13)	(91,038.04)	(46,630.96)	66.13
<u>RANGE</u>					
REVENUES	100,000.00	9,105.49	88,301.12	11,698.88	88.30
EXPENDITURES	<u>46,100.00</u>	<u>0.00</u>	<u>5,905.26</u>	<u>40,194.74</u>	<u>12.81</u>
REVENUE OVER/(UNDER) EXPENDITURES	53,900.00	9,105.49	82,395.86	(28,495.86)	152.87
<u>FOOD & BEVERAGE</u>					
REVENUES	833,000.00	66,311.91	618,411.00	214,589.00	74.24
EXPENDITURES	<u>799,574.00</u>	<u>89,621.86</u>	<u>649,226.75</u>	<u>150,347.25</u>	<u>81.20</u>
REVENUE OVER/(UNDER) EXPENDITURES	33,426.00	(23,309.95)	(30,815.75)	64,241.75	92.19-
<u>MARKETING</u>					
REVENUES	112,000.00	0.00	112,000.00	0.00	100.00
EXPENDITURES	<u>112,000.00</u>	<u>2,101.98</u>	<u>61,402.93</u>	<u>50,597.07</u>	<u>54.82</u>
REVENUE OVER/(UNDER) EXPENDITURES	0.00	(2,101.98)	50,597.07	(50,597.07)	0.00
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FUND TOTAL REVENUES	4,307,500.00	323,151.61	3,668,435.78	639,064.22	85.16
FUND TOTAL EXPENDITURES	4,288,889.00	550,095.87	2,594,654.35	1,694,234.65	60.50
REVENUES OVER/(UNDER) EXPENDITURES	18,611.00	(226,944.26)	1,073,781.43	(1,055,170.43)	5,769.61
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FY 2024 3rd Quarter Investment Report

	Beginning Balance	April 2024 Interest Earned	May 2024 Interest Earned	June 2024 Interest Earned	Ending Account Balance	Period Ending Interest Rate
General Fund						
Operating Account	1,878,473	8,589	10,446	8,761	1,482,672	5.25%
Savings Account	2,195,951	9,162	1,979	1,924	449,017	5.25%
Employee Benefit Trust	1,145	5	5	5	1,160	5.25%
General Warrant Account	3,723,492	15,962	16,628	16,163	3,772,246	5.25%
TexPool - Investments	10,334,421	45,139	46,864	45,522	10,471,946	5.31%
Claim Pooled Cash	352,060	3,129	-	1,094	299,149	5.25%
Total	\$ 18,485,542	\$ 81,986	\$ 75,923	\$ 73,470	\$ 16,476,190	
Utility Fund						
Operating Account	12,901,762	57,175	46,613	44,833	9,527,478	5.25%
Debt Service Account	44,786	192	200	194	45,372	5.25%
Construction Account	8,439,385	36,179	37,688	36,635	8,549,887	5.25%
Claim Pooled Cash	(1,998,313)	3,090	941	4,141	986,415	5.25%
Total	\$ 19,387,620	\$ 96,636	\$ 85,443	\$ 85,803	\$ 19,109,152	
Golf Course - Olympia Hills						
Operating	2,532,630	10,889	11,804	11,831	2,675,999	5.22%
Claim Pooled Cash	923,524	-	-	-	1,059,075	5.25%
Total	\$ 3,456,154	\$ 10,889	\$ 11,804	\$ 11,831	\$ 3,735,074	
Debt Service						
Debt Service	625,617	2,682	3,022	3,400	793,592	5.25%
Claim Pooled Cash	1,685,511	5,137	8,440	7,228	1,721,587	5.25%
Total	\$ 2,311,128	\$ 7,819	\$ 11,461	\$ 10,628	\$ 2,515,178	
Storm Water						
Operating	1,074,505	4,606	4,987	4,026	916,883	5.25%
Claim Pooled Cash	197,558	150	-	753	179,305	5.25%
Total	\$ 1,272,063	\$ 4,756	\$ 4,987	\$ 4,779	\$ 1,096,188	
Capital Projects						
GO Bonds	7,162,922	30,707	31,988	31,094	7,256,711	5.25%
Claim Pooled Cash	3,787,814	10,979	18,468	15,433	3,675,853	5.25%
Total	\$ 10,950,736	\$ 41,686	\$ 50,456	\$ 46,527	\$ 10,932,563	
Hotel Motel Tax						
Operating	520,697	2,200	1,827	1,776	414,500	5.25%
Claim Pooled Cash	37,885	84	127	109	26,022	5.25%
Total	\$ 558,582	\$ 2,284	\$ 1,954	\$ 1,885	\$ 440,522	
Court Bldg Security						
Operating	145,715	625	651	432	97,422	5.25%
Claim Pooled Cash	(240)	-	-	57	13,504	5.25%
Total	\$ 145,475	\$ 625	\$ 651	\$ 488	\$ 110,926	
Court Technology						
Operating	122,539	525	547	472	109,083	5.25%
Claim Pooled Cash	-	-	-	48	11,441	5.25%
Total	\$ 122,539	\$ 525	\$ 547	\$ 472	\$ 109,083	
PEG						
Operating	205,853	882	919	894	208,548	5.25%
Claim Pooled Cash	115,358	355	595	505	120,331	5.25%
Total	\$ 321,211	\$ 1,238	\$ 1,515	\$ 1,399	\$ 328,880	
State Asset Forfeitures						

Operating	50,237	217	231	225	50,910	5.25%
Total	\$ 50,237	\$ 217	\$ 231	\$ 225	\$ 50,910	
Federal Asset Forfeitures						
Operating	16,472	71	75	75	16,693	5.25%
Claim Pooled Cash	1,636	-	-	-	1,636	5.25%
Total	\$ 16,472	\$ 71	\$ 75	\$ 75	\$ 18,329	
Venue Tax						
Operating	145,186	622	648	630	147,087	5.25%
Claim Pooled Cash	315,568	1,393	164	157	37,460	5.25%
Total	\$ 460,754	\$ 2,015	\$ 813	\$ 788	\$ 184,547	
Water Impact Fees						
Claim Pooled Cash	2,359,426	7,191	11,814	10,235	2,437,915	5.25%
Total	\$ 2,359,426	\$ 7,191	\$ 11,814	\$ 10,235	\$ 2,437,915	
Sewer Impact Fees						
Claim Pooled Cash	497,674	1,517	2,492	7,985	510,390	5.25%
Total	\$ 497,674	\$ 1,517	\$ 2,492	\$ 7,985	\$ 510,390	
ARPA						
Claim Pooled Cash	2,846,609	8,676	14,253	12,098	2,881,637	5.25%
Total	\$ 2,846,609	\$ 8,676	\$ 14,253	\$ 12,098	\$ 2,881,637	
Child Safety						
Claim Pooled Cash	93,311	289	475	397	94,471	5.25%
Total	\$ 93,311	\$ 289	\$ 475	\$ 397	\$ 94,471	
TOTAL INVESTMENT - ALL FUNDS					\$ 61,031,955	

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.

ITEM 6 - a: Budget Public Hearing

Please view the FY 2024-2025 Budget on the City Website

www.UCTX.gov/Budget-FY2025



FY2025 Proposed Tax Rate Presentation
August 6, 2024

Ad Valorem (Property Tax)

- ▶ Property Tax is considered the most important source of revenue for Texas local governments.
- ▶ The Texas Municipal League has reported that property taxes represent the greatest source of revenue for a City's General Fund.

2023 and 2024 Tax Rates

	Maintenance & Operating	Debt Service	Total Tax Rate
2023 Adopted Tax Rate	0.430945	0.086554	0.517499
2024 No New Revenue	0.434626	0.084756	0.519382
2024 Voter Approval	0.57985	0.084756	0.664606
2024 De Minimis	0.463310	0.084756	0.548066

Affect of a \$.01 decrease in the Tax Rate

City Revenue

- ▶ A penny (\$.01) is equal to approximately \$200,000 of revenue to the City.
- ▶ Reducing the tax rate by one penny (\$.01) decreases the City's operating revenue by approximately \$200,000.

Homeowners

- ▶ No New Revenue Rate .0519382
 - ▶ \$100,000 Taxable Value \$43.28
- ▶ Rate decrease of one penny (\$.01) .0509382
 - ▶ \$100,000 Taxable Value \$42.45

Monthly savings would be \$0.83 per \$100,000 taxable value.

Annual savings would be \$10.00 per \$100,000 taxable value.

CITY OF UNIVERSAL CITY
Notice of Public Hearing
FY 2024/2025 Proposed Budget and 2024 Tax Rate
AS REQUIRED BY H.B. 3195

The City of Universal City will conduct a Public Hearing on the Proposed FY 2024/2025 Budget and 2024 proposed Ad Valorem Tax Rates at the Universal City Hall, 2150 Universal City Blvd, Universal City, TX 78148 at 6:30 p.m. August 20, 2024.

This is a proposed budget and is subject to change because of the scheduled public hearing.

This budget will raise more in total property tax than last year's budget by \$373,124 or 3%, and of that amount \$115,043 is tax revenue to be raised from new property added to the tax role this year.

The Proposed Budget for the 2024-2025 Fiscal Year in Summary are as follows:

CITY OF UNIVERSAL CITY
PROPOSED FY 2025 BUDGET
SUMMARY - ALL FUNDS

Fund	Estimated Beginning Fund Balance Oct. 1, 2024	Estimated Revenues	Transfers In	Estimated Expenses	Transfers Out	Use of Fund Balance	Estimated Ending Fund Balance Sept. 30, 2025
General Fund	\$ 17,003,013	\$ 18,447,372	\$ 1,480,750	\$ 19,378,122	\$ 550,000	\$ -	\$ 17,003,013
Enterprise Funds:							
*Utility Fund	38,162,504	11,591,294	-	10,405,292	1,687,095	5,561,164	\$ 37,661,411
**Stormwater Management	7,400,000	889,808	-	543,218	52,000	619,182	\$ 7,694,590
Golf Course Fund	3,344,955	3,243,000	1,304,000	4,020,539	325,000	-	\$ 3,546,416
Special Revenue Funds:							
Court Technology Fund	120,000	50,000	-	50,000	-	-	\$ 120,000
Court Building Security Fund	105,000	50,000	-	50,000	-	-	\$ 105,000
Police Federal Seizure Fund	19,000	2,500	-	2,500	-	-	\$ 19,000
Police State Seizure Fund	52,250	2,500	-	2,500	-	-	\$ 52,250
PEG Fund	330,000	60,000	-	60,000	-	-	\$ 330,000
Hotel Motel Fund	450,000	155,000	-	-	129,000	-	\$ 476,000
Child Safety Fund	96,645	15,200	-	5,000	-	-	\$ 106,845
Water Impact Fees	2,425,000	170,000	-	-	-	-	\$ 2,595,000
Sewer Impact Fees	510,000	25,750	-	-	-	-	\$ 535,750
ARPA Fund	1,110,461	15,000	-	-	940,000	-	\$ 185,461
Venue Tax Fund	15,000	1,831,000	-	-	1,825,000	-	\$ 21,000
Miscellaneous Funds:							
General Capital Replacement Fund	398,201	75,000	1,350,000	-	-	-	\$ 1,823,201
Utility Capital Replacement Fund	5,000	500	25,000	-	-	-	\$ 30,500
Debt Service Funds:							
General Debt Service Fund	1,064,764	1,753,380	-	2,168,380	-	415,000	\$ 649,764
Utility Debt Service Fund	50,000	-	1,437,095	1,437,095	-	-	\$ 50,000
Capital Improvement Funds:							
General Fund Capital Improvements	10,886,036	1,316,801	-	12,123,565	-	10,806,764	\$ 79,272
*Utility Fund Capital Improvements	-	-	-	6,670,164	-	-	\$ (6,670,164)
**Stormwater Fund Capital Improvements	-	-	-	959,415	-	-	\$ (959,415)
Total Funds	\$ 83,547,829	\$ 39,694,105	\$ 5,596,845	\$ 57,875,790	\$ 5,508,095	\$ 17,402,110	\$ 65,454,894

A copy of the proposed budget is available on the city's website at www.UniversalCityTexas.gov

City of Universal City Proposed Budget
 For the Fiscal Year
 October 1, 2024 – September 30, 2025

This budget will raise more in total property tax than last year's budget by \$373,124 or 3%, and of that amount \$115,043 is tax revenue to be raised from new property added to the tax role this year.

The amounts shown above are based on the City's property tax rates calculated or proposed as follows:

Tax Rate	Proposed FY 2025	Adopted FY 2024
Total Property Tax Rate	.519382	.517499
• Maintenance & Operating	.441882	.430945
• Debt Service Rate	.077500	.086554

The above information is presented on the cover page of the City's FY 2025 Proposed Budget to comply with requirements of Section 102.005 of the Texas Local Government Code.

FY 2025 Debt Obligations for the General Fund are \$2,168,380

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

1. CALL ORDER: Mayor Tom Maxwell 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 Tom Maxwell
 Mayor Pro Tem Christina Fitzpatrick
 Councilmember Ashton Bulman (Virtually)
 Councilmember Bear Goolsby
 Councilmember Lori Putt
 Councilmember Bernard Rubal
 Councilmember Phil Vaughan

Staff Present:

Kim Turner, City Manager
 Cynthia Trevino, City Attorney
 Michael Cassata, Development Services Director
 Randy Luensmann, Public Works Director
 Maribel Garcia, Deputy City Clerk

Ms. Garcia confirmed a quorum was present.

3. INVOCATION and PLEDGE OF ALLEGIANCE:

Councilmember Vaughan gave the invocation. Mayor Maxwell led the Pledge of Allegiance to the United States and Texas flags.

4. STAFF REPORTS AND OTHER DISCUSSION ITEMS:

a. **CITY MANAGER’S REPORT:** None.

b. **STAFF REPORT:** None.

5. CITIZENS TO BE HEARD:

- Janet Tennis, 8407 Hera, expressed her disappointment in the Council’s behavior during the budget work session. She thanked Staff and members of the community who volunteer for their professionalism. She understood that working through budgets is never easy but asked Council to commit to the process and rely on Staff for guidance and data. She asked Council to seek training if needed and help from Mrs. Turner if they do not understand the budget. She thanked Council for their willingness to serve their community.
- Richard Edwards, 209 Trudy Lane, asked for Council’s attention to apportioned trailers on residential streets, especially those going at high speeds. He felt it was a safety concern.
- Linda Sefton, 205 Trudy Lane, felt honored to serve on the Comprehensive Plan Proposal Evaluation Committee. She noted that the committee was diverse, and all reviewed the proposals thoroughly. She noted the length of the proposals and time dedicated by members of the committee to review, cooperation, and deliberation. She noted the amount of expertise that goes into creating a Comprehensive Plan and felt confident in the committee’s recommendation to Council.

7. ANNOUNCEMENTS:

a. **CITY MANAGER’S ANNOUNCEMENTS:** None.

b. MAYORS' ANNOUNCEMENTS:

Mayor Maxwell noted the success of both the July 4th river parade and the Schertz parade. He discussed the marketing opportunity and positive feedback that came with the river parade though it is hosted in San Antonio. He mentioned the 19th and 12th Wing Air Force changes of command that he attended. Regarding the budget process, he empathized with all Councilmembers and their concerns for prioritization of the budget. He stated that a prioritized list of items would sometimes be given to Council to add to the budget if there was more revenue and felt it could be helpful.

c. COUNCILMEMBERS' ANNOUNCEMENTS:

Councilmember Goolsby presented and identified the lifecycle of a hover fly. He noted the benefits they bring to gardens and local plants.

Councilmember Vaughan thanked Regina Carmona, Community Relations Specialist, and all others who worked on the 4th of July float. He noted positive comments from other attendees to the parade.

Councilmember Rubal moved to have City Staff prioritize the FY 2025 budget in 4 tiers. Tier 1- Essential services and personnel; Tier 2 – All basic resident services without amenities and non-essential enterprise operations; Tier 3 – Expenses and personnel costs for amenities and non-essential enterprise operations; Tier 4 – Expenses for external Staff training and significant needs foreseen within the next 5 years. He clarified for Councilmember Vaughan that the budget had not been prioritized and Council did not know what expenses were critical compared to what is for amenities.

Councilmember Vaughan felt this topic would be better addressed individually by Staff.

Council agreed to table the item after no second was given to the motion.

Mayor Pro Tem Fitzpatrick was honored to represent the City in various parades and luncheons.

Councilmember Putt felt positively about the July 4th River Parade and felt luncheons had been educational. Addressing comments and concerns received by her from the public regarding the budget work session, she asserted that City Staff and Directors were highly qualified. She opined they were thorough in preparing their budgets and that the budgets were scrutinized with the help of the Finance Department and the City Manager and amended according to functional needs. The budget presented at the work session only included items essential to City functions. She asserted that Council's job is to review the budget individually with Staff and decide how to move forward as a City Council; if Council wished to lower the budget, they should give an amount to allow departments to decide what can be cut based on needs. From there, Council decides on a tax rate to support City services for the residents while balancing residents needs. She asked fellow Councilmembers to respect the process and Staff. She reported that residents were confused at the mention of percentages in the last meeting. She thanked all members for their service and extended thanks to the boards and commissions appointees in the audience.

7. CONSENT AGENDA:

Councilmember Goolsby moved to approve the following Consent Agenda items:

- 1) Consider the minutes of the Tuesday, 18 June 2024 Regular Meeting as amended.
- 2) Ordinance 370-P-2024: An ordinance amending Ordinance 370-P-2022, Section 4-6-2 related to International Building Code Exceptions and Amendments, and Section 4-6-9 related to International Residential Code Exceptions and Amendments, codified under the City’s Code of Ordinances, Part IV, Chapter 4-6, Articles I; establishing penalties thereto; providing for severability and open meetings; and providing an effective date.
- 3) Ordinance 581-X-PUD-2023-101-A: An ordinance of the City Council of City of Universal City, Texas approving an extension of Ordinance No. 581-X-PUD-2023-101, amending the Zoning Map of the City of Universal City, Texas for an approximately 13.968-acre property, located at 2902 Pat Booker Road, Universal City, Texas; rezoning said property from C3-Commercial Services District to PUD 2023-101 District, generally for multi-family residential and related uses; adopting the PUD Final Plan related to PUD 2023-101; providing for severability; providing for the publication of the caption of this ordinance; and establishing an effective date.

Councilmember Rubal seconded the motion.

**Vote: Yeas: Goolsby, Rubal, Fitzpatrick, Bulman, Putt, Vaughan
Nays: None**

Motion to approve carried.

8. ACTION ITEMS:

B. Ordinance 625-A-2024: New Non-Retroactive Repeating COLA Option.

Kenneth Oliver, the City’s Texas Municipal Retirement System (TMRS) consultant, reviewed HB 2464 adopted by the 88th Texas State Legislature which introduced a new type of Cost of Living Adjustment (COLA) for retirees. The City had a retroactive COLA, which used a cumulative Consumer Price Index (CPI) calculation based on the original year of retirement. The non-retroactive COLA would be based on calculating the change in CPI for only the last year to adjust the retirement benefit. This allows for more standardized adjustments across all retiree accounts whereas the retroactive COLA produced widely varied results. The non-retroactive COLA proposed would save the City money while making it more understandable for retirees.

Councilmember Vaughan received clarification that the new COLA would only affect the Universal City portion of TMRS checks. He received an explanation regarding San Antonio’s TMRS COLA system – they use an ad hoc method meaning the COLAs go before City Council annual. Universal City used a repeating COLA which happens automatically on a schedule. The ad hoc method is only cheaper in the short term and the City cannot pre-fund an ad hoc COLA.

Councilmember Vaughan moved to approve the new non-retroactive repeating COLA. Councilmember Goolsby seconded the motion.

**Vote: Yeas: Vaughan, Goolsby, Putt, Fitzpatrick, Bulman, Rubal
Nays: None**

Motion to approve carried.

G. PUBLIC MEETING REQUIREMENT: Comprehensive Plan Update – Contract Award.

Mrs. Turner reminded Council of prior discussions regarding the Comprehensive Plan. She noted

that in past budget years, the prior Comprehensive Plan was referred to as a way to address the goals set forth in the Plan. The purpose of a Comprehensive Plan is to create a vision for the future of the City in terms of projects, goals, and spending.

Mr. Cassata reviewed the evaluation process for proposals submitted: 11 responses to a request for proposals were received, which were narrowed down to five after evaluation by the committee. Those five companies were interviewed by the evaluation committee which was comprised of City Staff, a Councilmember, and members of boards and commissions. After interviews, the evaluation committee deliberated and chose to recommend Matrix Design Group to be awarded the contract to create the Comprehensive Plan.

Celeste Warner with Matrix Design Group thanked Council for the opportunity to present their approach in developing a Comprehensive Plan. She noted the vast experience of Matrix Design Group, including their experience working as a team with cities and communities. She noted their experience in the surrounding area and in the creation of over 100 comprehensive plans as well as plans requiring other expertise. Ms. Warner emphasized the importance of community engagement in the creation of the plan. She stated that Matrix uses three objectives: inclusivity, informative approach, and validation. She reviewed their methodology for community engagement. She explained that the City's brand identity would be incorporated throughout the process with the assistance of the Communications Director. The components of the Comprehensive Plan were reviewed: Economic Development Plan, Land Use/Zoning/Character Plan, Transportation/Mobility Plan, Cost of Development Plan, Community Facilities/Infrastructure Plan and an Implementation Plan. She elaborated on how the components would work and how existing plans would be utilized. The Plan would create easy-to-use and understandable data as well as an actionable playbook for implementing goals.

Councilmember Putt expressed her excitement and support for the Plan.

Councilmember Goolsby shared his experience on the Evaluation Committee. It was clear to him that, of all the candidates evaluated, they were the best choice for the City.

Councilmember Vaughan did not feel sure that a Plan was a good use of taxpayer resources. He reiterated his prior opinion that the Plan should be done in smaller parts to put more money towards fire trucks and streets maintenance. He expressed frustration that Council had not been presented with a proposal or introduction to Matrix Design Group prior to the meeting.

Councilmember Goolsby disagreed that it would be waste of taxpayer resources. He felt that Council was divided, and this Plan could unify them under the wants and goals of the citizens.

Councilmember Rubal was given examples by Ms. Warner of the participation numbers in other cities where they created comprehensive plans. Ms. Warner also explained their methodology for determining build-out potential in a city while keeping the vision of the community in mind. Councilmember Rubal confirmed that the EDC would share \$50,000 of the cost of the Plan with the City budgeting \$200,000.

Mayor Pro Tem Fitzpatrick felt all Councilmembers had the best interests of the community in mind. She felt that the Comprehensive Plan would be a great tool for all of them to use to help guide them in decision-making for the community. It would help them to be forward thinking.

Councilmember Goolsby, based on the outcome of the Evaluation Committee's review process,

moved to approve the execution of a contract with Matrix Design Group for the creation of a Universal City Comprehensive Plan. Councilmember Putt seconded the motion.

Vote: Yeas: Goolsby, Putt, Fitzpatrick, Maxwell
Nays: Bulman, Rubal, Vaughan
Mayor Maxwell broke the tie by voting Yea.

Motion to approve carried.

Mayor Maxwell opined the Plan would keep the City updated in goals and development.

C. Approval of Pay Application #4 invoice for the Ivy Lane Street Improvements – Construction.

Mrs. Turner reminded Council that the application for reimbursement through the CDBG program needed to be approved by Council. The application would go to Bexar County.

Councilmember Vaughan moved to approve the pay application. Councilmember Goolsby seconded the motion.

Vote: Yeas: Vaughan, Goolsby, Fitzpatrick, Bulman, Putt, Rubal
Nays: None

Motion to approve carried.

D. Board and Commission Re/Appointments for the 2024-2026 term – BOA, LAC, PARC, and P&Z.

Mayor Maxwell explained that each applicant that was available for an interview was interviewed over a nine-day period. Only three applicants were not recommended for appointment due to lack of positions on the boards and commissions. These applicants were asked to be backups.

Councilmember Vaughan was assured that all applicants were accommodated with flexible times for interviews. He expressed some concern with overrepresentation of the Olympia subdivision on the Planning & Zoning Commission but supported the appointments.

Councilmember Rubal appreciated the willingness of volunteers to serve on the boards and commissions.

Councilmember Putt thanked appointees for their service and highly recommended that they attend any training provided by the City.

Councilmember Putt moved to approve the appointments as recommended by Mayor Maxwell. Councilmember Goolsby seconded the motion.

Vote: Yeas: Putt, Goolsby, Fitzpatrick, Bulman, Rubal, Vaughan
Nays: None

Motion to approve carried.

E. Re/Appointments of the Universal City Economic Development Corporation.

Mrs. Turner explained that all Directors of the UCEDC Board had applied for reappointment.

Councilmember Vaughan expressed his support for more separation between the EDC and the City Council. He asked to appoint former-mayor John Williams to the EDC in the place of one of the councilmembers currently serving on the EDC.

Mayor Maxwell suggested that the reappointments proceed as there may be an opening on the EDC during the term. Former-mayor Williams would be a backup and had indicated he would not like to be considered if all Directors reapplied.

Councilmember Goolsby moved to approve the reappointments to the UCEDC as recommended. Councilmember Putt seconded the motion.

**Vote: Yeas: Goolsby, Putt, Fitzpatrick, Bulman, Rubal, Vaughan
Nays: None**

Motion to approve carried.

F. FY 2024-2025 UCEDC Budget.

Mr. Cassata stated the proposed budget's revenues and expenditures would be \$11,143,150. He noted differences to last year's budget. He reviewed Revenues including Sales Tax, Interest, and bonds. He reviewed Expenditures including Allowances, Debt Service, Communications, Support Services, Contract Services, Supplies-Materials, and Real Property-Equipment.

Councilmember Vaughan was assured that new projects over \$10,000 would be considered by Council.

Councilmember Rubal received clarification regarding employees included in the EDC payroll. It was also explained that the EDC budget underwent changes in line items to consolidate or add categories to create better understanding and transparency. Councilmember Rubal asked how the Comprehensive Plan that was just passed would affect the EDC budget.

Mr. Cassata explained that the Comprehensive Plan provides the policy and framework for achieving the goals of the City. This includes better direction for future budgets.

Councilmember Rubal expressed concern that the Comprehensive Plan could change the budget priorities in the middle of the FY.

Mayor Pro Tem Fitzpatrick and Mrs. Turner noted that 50% of the budget is attributable to the Reunion Project.

Mayor Maxwell confirmed that Council approved the EDC bonds that fund the Reunion Project.

The Reunion Project was discussed in relation to the Comprehensive Plan. It was noted that the Plan would most likely benefit the Reunion developers by identifying the best uses for those developments before they begin looking for tenants. It is highly unlikely that Matrix would disagree with the progression of the Reunion plan.

Councilmember Goolsby moved to approve the FY 2024-2025 UCEDC Budget. Mayor Pro Tem Fitzpatrick seconded the motion.

Vote: Yeas: Goolsby, Fitzpatrick, Bulman, Putt, Vaughan
Nays: Rubal

Motion to approve carried.

9. ADJOURNMENT: Mayor Maxwell adjourned the meeting at 8:15 P.M.

APPROVED:

Tom Maxwell, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk

CITY OF UNIVERSAL CITY

Date: 08/20/2024

TO: City Council
FROM: Kim M. Turner, City Manager
SUBJECT: Consider a Depository Agreement with American Bank

Historical Background

In May 2024, staff issued a Request for Proposals (RFP) for Depository Services. The current Depository Agreement with American Bank expires on 31 September 2024. The RFP process received only one responsive bidder, American Bank. American Bank's submittal proffered the current fees and rates for Universal City for another five years. American Bank (DBA TexStar Bank) has provided exceptional customer service and very favorable fees and rates for the City over the last five years.

Action Requested

Award the five-year Depository Agreement to American Bank and authorize the City Manager to sign the Agreement.

Procurement Methodology

The Purchasing Policy allows that Professional Services do not need to be competitively bid and that staff may choose to utilize the RFP process. The RFP process was utilized and one responsive submission was received for Depository Services.

Source and Amount of Funding

Banking debits and credits are distributed according to the various sub-accounts under the City's Pooled Cash master account. Bank fees and interest earned are identified in each fund within the City's Annual Budget.

Staff Recommendation

Staff recommends awarding the five-year Depository Agreement to American Bank and authorize the City Manager to sign the Agreement.

RESOLUTION 452-B-2024

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEPOSITORY CONTRACT WITH AMERICAN BANK N.A. AND THE CITY OF UNIVERSAL CITY FOR DEPOSITORY AND BANKING SERVICES.

WHEREAS, The City Council of Universal City is authorized to approve Depository Contracts under Chapter 105 of the Texas Local Government Code; and

WHEREAS, The City issued a request for proposals (RFP) for a Depository Contract and received responses from qualified banking institutions able to provide and maintain security at the level required by the City's Investment Policy and the Public Funds Collateral Act located in Chapter 2257 of the Government Code; and

WHEREAS, American Bank N.A. has met all the criteria required for banking and investment services and is qualified to enter into a Depository Contract with the City of Universal City, Texas.

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

The execution of this Depository Contract with American Bank N.A. for banking and depository services is hereby approved.

PASSED and ADOPTED this the 20 day of August 2024.

EFFECTIVE DATE: 01 October 2024

CITY OF UNIVERSAL CITY, TEXAS

APPROVED:

Tom Maxwell, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk

**DEPOSITORY AGREEMENT
BETWEEN
THE CITY OF UNIVERSAL CITY
AND
AMERICAN BANK**

Section I Designation as Depository

The City of Universal City hereinafter referred to as "CITY", has selected American Bank, duly organized and authorized by law to provide banking services in the State of Texas and now carrying on such business in said State, hereinafter referred to as "BANK", and designated BANK as a depository for certain of time and demand deposits of the CITY. CITY designates BANK as a depository beginning 01 October 2024 and continuing until 31 September 2029 or until this Agreement has been canceled in accordance with provisions hereof.

BANK has agreed to act as depository for those funds in accordance with applicable law and to pledge securities to collateralize all CITY time and demand deposits to the extent not insured by the Federal Deposit Insurance Corporation (FDIC) or its successor, by pledging book-entry securities ("Collateral") of the type specified by Texas Statutes and further CITY restrictions.

The controlling documents for the relationship between the BANK and the CITY and all services to be provided in that relationship including applicable fees for all services are, in priority order:

- Depository Agreement
- City's Request for Proposal dated 20 May 2024, (the "RFP") including the City's General Contract Conditions
- The Bank's Response to the RFP dated 2 July 2024 (the "Proposal")
- Applicable Bank Services agreements service descriptions, and account and services documentation (collectively, "Service Agreement")

These documents are attached to and made a part of this Depository Agreement. Should any conflict arise among the terms of two or more Controlling Documents, such Controlling Documents will govern in the order set forth above

BANK and CITY may from time to time enter into new SERVICE AGREEMENTS with respect to specific treasury management and banking services as are deemed necessary to further define the rights and duties of the BANK and CITY with regard to certain defined services which may include service termination dates, authorization designations and codes, or such other covenants as required for the proper implementation of the proposed services. Such SERVICE AGREEMENTS shall be added to and become a part of this Agreement.

Section II Designation of Custodian

The CITY and BANK, by execution of this Agreement hereby designate _____ (the "CUSTODIAN") to hold in trust, according to the terms and conditions of the CITY's RFP all securities pledged as depository collateral in accordance with the CITY's Investment Policy and the Public Funds Collateral Act, Texas Government Code Section 2257. If the Federal Reserve is designated as Custodian a FRB Pledgee Agreement executed under the terms of Appendix C of the Federal Reserve's Circular 7, as it may be amended from time to time, shall be executed and all the provisions of such Circular 7 are

incorporated herein by reference.

Any and all fees from the Custodian associated with the safekeeping of securities pledged to the benefit of the CITY shall be borne by the BANK.

CUSTODIAN shall promptly provide CITY with safekeeping or trust receipts for Collateral as received from BANK clearly marked as a pledge to the CITY. CUSTODIAN, or BANK, shall provide CITY a monthly report of Collateral to include a description of the securities including CUSIP, par value, and market values. CUSTODIAN shall permit the CITY or its independent auditor to examine Collateral in the presence of the appropriate officials of said BANK at any time during normal business hours.

Section III Funds on Deposit

The CITY shall have the power to determine and designate the character and amount of the funds which will be deposited in the BANK at all times. CITY deposits shall never be the subject of any garnishment or attachment, and BANK shall not recognize any attempt to garnish or attach same or be a party to any action.

Section IV Designation of Authorized Representatives

For the term of this Agreement, the CITY and BANK have through appropriate action of their Boards, have designated the individuals authorized to represent and act for the CITY and BANK respectively in any and all matters including collateral assignment and substitution, execution of agreements and transfer of funds. Documents designating these individuals will be provided the CITY and Bank. Any change in these representatives will be made in writing.

The CITY officer or officers, who singly or jointly will be authorized to represent and act on behalf of the CITY in any and all matters of every kind arising under this Agreement are authorized to (a) execute and deliver to BANK an electronic funds transfer agreement (and any addenda thereto), (b) appoint and designate, from time to time, a person or persons who may request withdrawals, orders for payment or transfers on behalf of CITY, and (c) make withdrawals or transfers by written instrument.

Section V Representations and Warranties

BANK represents, warrants and agrees:

- a. BANK has full power and authority to enter into this Agreement.
- b. BANK is owner of the Collateral.
- c. BANK shall be entitled to income on Collateral held by Custodian and the Custodian may dispose of such income as directed by the BANK without approval of CITY, provided an Event of Default does not exist.

CITY represents, warrants and agrees:

- a. CITY has full power and authority to enter into this Agreement.
- b. CITY will comply with the terms of any other agreements it may have with the BANK for services provided.

Section VI **Indemnification**

Any SERVICE AGREEMENTS or other subsidiary agreements, schedule and disclosure is hereby modified to remove therefrom any agreement by CITY to indemnify the BANK and its affiliates, directors, officers, employees and agents and remove remedies available under law in the event BANK negligence or breach of contract.

BANK shall hold CITY harmless from and shall indemnify CITY against any and all claims, demands, and causes of action of whatever kind or nature asserted by a third party and occurring or in any way incident to, arising out of, or in connection with any negligent or wrongful act or omission of the BANK, its agents, employees, or subcontractors done in conduct of this Agreement (hereinafter collectively referred to as "Claims"). And all losses, costs, penalties, damages and expenses, including but not limited to attorneys' fees and other costs of defending against, investigating and settling the Claims; provided however if the injuries or damages result from the negligence or willful misconduct of both BANK, its agents, employees or subcontractors, and the CITY, its officers, employees, or agents (other than BANK and agents and subcontractors hereunder), this indemnity shall apply to the percentage of such injuries or damages that are caused by the concurrent negligence of each party.

Notwithstanding any provision of this Agreement stating that CITY waives or limits CITY right to make a claim against BANK or exculpates BANK from liability or limits BANK's liability, such a waiver, limitation, or exculpation shall be effective only to the extent authorized by the laws of the State of Texas. Notwithstanding any provision in any Exhibit to this Agreement stating that CITY will indemnify or hold harmless BANK, CITY shall be obligated to indemnify and hold harmless only to the extent authorized by the laws of the State of Texas. Notwithstanding any provision in any Exhibit to this Agreement stating that CITY will pay attorneys' fees incurred by BANK, CITY shall be obligated to pay reasonable attorneys' fees only to the extent authorized by the laws of the State of Texas.

Section VII **Grant of Security Interest**

In accordance with the terms of this Agreement, BANK hereby pledges to CITY and grants to CITY a security interest in securities and assigns and pledges securities owned by the BANK and held by the CUSTODIAN for benefit of the CITY hereinafter referred to as "Collateral" upon which the CITY shall have first and prior lien. The CITY shall have the power to determine and designate the character and amount of the funds which will be deposited in the BANK. CITY deposits shall never be the subject of any garnishment or attachment, and BANK shall not recognize any attempt to garnish or attach same or be a party to any action.

Section VIII **Authorized Collateral**

CITY time and demand deposits, inclusive of accrued interest, in excess of the Federal Deposit Insurance Corporation insurance, shall be secured at all times by collateral, acceptable to the CITY and in accordance with the Public Funds Collateral Act (Texas Government Code 2257) and the CITY Investment Policy, pledged by the BANK and held in trust by the CUSTODIAN in a market value amount equal to at least 102% of the total of those funds. CUSTODIAN will provide a monthly report of the collateral directly to the CITY with a full description of the securities.

Acceptable collateral includes:

1. United States Treasury Bills, Notes and Bonds
2. Notes and Bonds of United States Agencies and Instrumentalities
3. Collateralized Mortgage Obligations of US Government Agencies and instrumentalities which pass the bank test
4. Other evidence of indebtedness of the US Government which are guaranteed as to principal and interest by the US Government
5. Municipal bonds rated continuously A or better
6. FHLB Letters of Credit

Such pledged securities shall be subject only to the joint written instructions of both (a) authorized representatives of the CITY and (b) specifically authorized representatives of the BANK. The BANK shall have the right, with the prior written consent of the CITY, to substitute or replace, any or all of the pledged securities with collateral acceptable to the CITY. Newly pledged collateral will be received by CUSTODIAN before release of existing collateral by the CUSTODIAN. CUSTODIAN shall promptly forward to CITY original safekeeping or trust receipts covering all collateral pledged. Receipts or reports shall be clearly marked that as pledged to the CITY.

Section IX Substitutions and Withdrawals

If the aggregate market value of Collateral held by Custodian at any time exceeds the Required Collateral Value, BANK may withdraw any excess Collateral by providing CUSTODIAN with a withdrawal notice signed by an authorized representative of both the BANK and CITY. CITY agrees that approval of the withdrawal notice will not be unreasonably withheld if the Collateral exceeds the Required Collateral Value. If the aggregate market value of Collateral held by Custodian at any time does not equal the Required Collateral Value, BANK shall provide additional Collateral within that business day to bring the total aggregate market value equal to the Required Collateral Value.

BANK may substitute authorized Collateral for any of the Collateral held by Custodian at any time by providing CUSTODIAN with a withdrawal notice provided that the market value of the Collateral following such substitution would equal or exceed the Required Collateral Value. All substitutions require CITY'S prior written consent shall not be unreasonably withheld.

Section X Default and Remedies

Should BANK at any time fail to pay and satisfy, when due, any check, transfer, draft or voucher lawfully drawn against CITY'S deposits, or in any manner breach its agreement with CITY, CITY shall give written notice of such failure or breach and BANK shall have three (3) business days to cure such failure or breach. In the event BANK shall fail to cure such failure or breach within the three (3) days or should the BANK be declared insolvent by a Federal bank regulatory agency, or if a receiver is appointed for the BANK (each an 'Event of Default') it shall be the duty of the CUSTODIAN, upon demand by the CITY (supported by proper evidence of an Event of Default) to surrender the collateral to CITY. CITY may sell all or any part of such collateral and out of the proceeds thereof, pay CITY all damages and loses sustained together with any expenses incurred by it of any kind on account of such failure. Collateral may be sold by CITY at public or private sale provided however that BANK shall have one business day notice of the time and place of the sale and BANK and CUSTODIAN shall have the right to bid at such sale.

Section XI Non-Assignability

This Agreement is not assignable in whole or in part but is binding on the parties, their successors and assigns.

Section XII Termination

This Agreement may be terminated by either the CITY or the BANK by giving one hundred fifty (150) days prior written notice to the parties.

Section XIII Law Governing

All applicable provisions and requirements of the laws of the State of Texas governing depositories for the CITY shall be a part of this Agreement. The venue for all actions concerning this Agreement will be Bexar County.

Section XIV Execution of Agreement

BANK represents that the BANK Board of Directors or BANK Loan Committee has passed a resolution authorizing and approving this Agreement providing for the deposit of funds and pledging Collateral in accordance with this Agreement; that such resolution is reflected in the official records of the BANK.

EXECUTED, this ____ day of _____, 20__ by the undersigned duly authorized officers.

FOR THE BANK:

FOR THE CITY:

Signature

Signature

Name (Printed)

Name (Printed)

Title

Title

Board or Loan Committee Resolution Number and Date: _____

CITY OF UNIVERSAL CITY

Date: 08/20/2024

TO: City Council

FROM: Kim M. Turner, City Manager

SUBJECT: Consider Towing and Impound Service Agreement/Contract Award to Johnny's Garage.

Historical Background

Johnny's Garage has been our sole provider for towing and impound services for over 20 years. We are currently on a month-to-month contract as our contract has expired. As we impound 40 - 50 vehicles monthly on average, and in the interest of exercising due diligence, we have elected to go out for RFPs. In doing so, we had two wrecker companies submit proposals. Upon reviewing said proposals, we have decided on the contractor. The contract was reviewed and several changes were made including length, fee schedule, and parameter for EVs.

Action Requested

This item requires Council authorization to proceed. Voting in favor of this contract will allow the City to continue our relationship with Johnny's Garage while refreshing/updating said contract.

Procurement Methodology

A Tow and Wrecker Services Request for Proposals was published twice in the San Antonio Express Newspaper on June 26th and July 3rd. Proposals were due by July 31st, 2024 at 2 p.m. The City received two proposals and reviewed both thoroughly.

Source and Amount of Funding

There is no cost involved with this item. In fact, Johnny's Garage provides a fee schedule for the contractor to follow in sharing proceeds from tows, storage, and auction with the City.

Staff Recommendation

Staff recommend awarding the Towing and Impound Services Agreement/Contract to Johnny's Garage.

STATE OF TEXAS X
COUNTY OF BEXAR X
THE CITY OF UNIVERSAL CITY X

AGREEMENT FOR TOWING SERVICE

This contract to provide wrecker service and vehicle storage is entered into as of the ____ Day of _____, 2024 between the City of Universal City, a municipal corporation in Bexar County hereinafter referred to as the “City” and _____, a private business duly licensed and authorized to do business in the State of Texas, hereinafter referred to as “Contractor”.

WITNESSETH

WHEREAS, from time to time motor vehicles, watercrafts, and other types of vehicles are abandoned, disabled, junked, or made inoperable throughout the city; and

WHEREAS, the Texas Transportation Code authorizes a law enforcement agency to take custody of an abandoned or inoperable vehicles for the safety of the travelling public; and

WHEREAS, the Contractor is authorized and licensed to do business as a wrecker company and has an authorized and protected are for the storage of vehicles and met the requirements of the Request for Proposal issued by the City on 26 June 2024; and

WHEREAS, the City Council finds that the terms of the contract provided for herein are in the best interest of the health, welfare and safety of the City.

NOW, THEREFORE, in consideration of the foregoing and the mutual agreement hereinafter set forth.

Section 1. City - General Duties:

- A. **Notice.** Give notice to Contractor to remove from vehicles which have been abandoned, unable to proceed under their own power, parked in violation of City Ordinances, or when a driver is incapable of driving the vehicle/unable to lawfully operate vehicle. Services under this agreement also include removal of vehicles from private property when directed by and authorized agent for the City.

- B. **Notification.** To provide by telephone, radio or any other rapid means of communication, the location where the wrecker is to report.

- C. **Impound records.** To provide to the wrecker driver a copy of the impoundment sheet, if available at the time of impoundment. The form will contain the case number, if available and will indicate whether or not a “HOLD” is placed on the vehicle. Vehicles that indicate they are “AVAILABLE for RELEASE” on the impound form, may be released by the CONTRACTOR upon payment of all fees and charges.
- D. **Exclusive.** This agreement is exclusive as to Contractor, unless an emergency event requires multiple wrecker services.

Section 2. Contractor’s Duties:

- A. **Service.** Provide all labor, equipment and materials to remove any vehicle as directed by the City, more particularly described in **Exhibit A – Scope of Services**.
- B. **Operational Hours.** Provide twenty-four (24) hour service, including weekends and holidays.
- C. **Equipment.** Provide no fewer than one (1) wreckers on a 1-to 2 ½ ton chassis, equipped with a minimum of 10,000 lbs. power-drive winch, as well as any wrecker required to provide the Towing Services described in **Exhibit A – Scope of Services**. All equipment shall be maintained in a safe manner and shall be operated by experienced drivers and operators with all licenses required by the State of Texas.
- D. **Equipment backup.** Provide, at Contractor’s expense, backup equipment dispatched by the Contractor in the event the Contractor’s equipment fails or exceeds workload.
- E. **Storage facility.** Provide a secure area that complies with state law requirements for the storage of impounded vehicles, more particularly described in **Exhibit A – Scope of Services**.
- F. **Response.** Maintain a telephone staffed twenty-four (24) hours a day and respond to location as directed by the City within thirty (20) minutes. Contractor must supply a list of alternate names and numbers for contact should the primary contact fail.
- G. **Staffing.** Provide sufficient personnel to perform all Contractor obligations hereunder. To obtain clearance from the City on all wrecker operations. Contractor shall provide the name of all persons connected with the wrecker service, either as an owner, administrator, staff, driver, manager or other employees, regardless of status of full-time, part-time, contract labor, etc. Contractor shall disclose the current status of Texas Driver’s license, TDLR (IM) license, and any other licensing requirements of service contractor yearly or upon request of the City or designee of the City.

Section 3. Contractual Terms

- A. **Term of Contract.** The initial term of this contract shall begin on **October 1, 2024** and end on **September 30, 2029**.
- B. **Contract Extension.** The City shall have the option to extend the term for one (1) two-year period, subject to availability and appropriation of funds. City shall provide written notice of intent to exercise option.
- C. **Termination.**
- i. This agreement may be terminated by the City for failure of the Contractor to abide by any of provisions of the contract, the laws of the State of Texas, or ordinances of the City of Universal City. The City shall provide written notice to Contractor of intent to terminate for failure to perform and Contractor shall have ten (10) day to remedy the failure to perform.
 - ii. The City may terminate this Contract during its term at any time for the City's own convenience where the Contractor is not in default by giving written notice to Contractor. If the City terminates this Contract under this paragraph, the City will pay the Contractor for all services rendered in accordance with this Contract to the date of termination.
- D. **Liability.** *Contractor agrees to indemnify and hold the City and all of its present, future and former agents, employees, officials and representatives harmless in their official, individual and representative capacities from any and all claims, demands, causes of action, judgments, liens and expenses (including attorney's fees, whether contractual or statutory), costs and damages (whether common law or statutory), costs and damages (whether common law or statutory, and whether actual, punitive, consequential or incidental), of any conceivable character, for injuries to persons (including death) or to property (both real and personal) created by, arising from or in any manner relating to the services performed or provided by Contractor— expressly including those arising through strict liability or under the constitutions of the United States or Texas.*
- E. **Insurance.**
- i. Contractor shall provide liability insurance in the amount of at least \$1,000,000/\$1,000,000 for bodily injury and \$1,000,000 for property damage and to keep same in effect throughout the term of this contract. The Contractor will

provide the City with a certificate of insurance annually verifying coverage. All insurance policies required in this Agreement shall name the City as an additional named insured without qualification.

ii. It is understood and agreed that the Contractor and any employee or sub-contractor of Contractor shall not be considered an employee of the City. The Contractor shall not be within protection or coverage of the City’s workers’ compensation insurance, health insurance, liability insurance or any other insurance that the City from time to time may have in force and effect.

F. **Notice to Parties.** Any notice required pursuant to this agreement shall be provided in writing by regular mail or by electronic mail as indicated below. A notice provided by regular mail shall be considered delivered two days after the post marked date.

City: City of Universal City
Attention: City Manager
2150 Universal City Blvd.
Universal City, Texas 78148
[CityManager@UCTX.Gov]

Contractor: _____

K. **Modification.** Any provision of this agreement may be modified by mutual written agreement of both parties.

L. **Assignment.** This contract cannot be assigned in whole or part without the written consent of the City.

M. **Complaints.** The City will review all complaints and will take corrective action when required. Any complaints received by the Contractor relating to this agreement shall be submitted to the City within 48 hours of receipt.

N. **Applicable Law and Venue.** The interpretation, performance, enforcement, and validity of this Agreement is governed by the laws of the State of Texas. Venue will be in a court of appropriate jurisdiction in Bexar County, Texas.

- O. **Entire Agreement.** With the exception of the permits and approvals to be issued in connection with this Agreement, this Agreement contains the entire agreement of the Parties and there are no other agreements or promises, oral or written between the Parties regarding the subject matter of this Agreement. This Agreement can be amended only by written agreement signed by the Parties. This Agreement supersedes all other agreements between the Parties concerning the subject matter hereof.
- P. **Exhibits and Counterparts.** All exhibits referred to in or attached to this Agreement are incorporated into and made a part of this Agreement for all purposes. The section headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the sections. The rule of construction that any ambiguities are to be resolved against the drafting party will not be employed in interpreting this Agreement or any exhibits hereto. If there is any conflict or inconsistency between the provisions of this Agreement and otherwise applicable City ordinances, the terms of this Agreement will control. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of which will together constitute the same instrument. This Agreement will become effective only when one or more counterparts bear the signatures of all the parties.
- Q. **Representations and Warranties by Contractor.** Contractor warrants, represents, covenants, and agrees that it is duly organized, validly existing and in good standing under the laws of the state of its incorporation or organization and is duly authorized and in good standing to conduct business in the State of Texas, that it has all necessary power and has received all necessary approvals to execute and deliver the Agreement, and the individual executing the Agreement on behalf of Contractor has been duly authorized to act for and bind Contractor.
- R. **State Law Contract Certifications.** By Contractor signature to the Agreement, Contractor hereby verifies that it: (i) does not boycott Israel; (ii) will not boycott Israel during the term of the contract; (iii) does not boycott energy companies; (iv) will not boycott energy companies during the term of the contract; (v) does not have a practice, policy, guidance or directive that discriminates against a firearm entity or firearm trade association; and (vi) will not discriminate during the term of the contract against a firearm entity or firearm trade association (Texas Government Code, Chapter 2271.002; 2274.002) and is not a company identified under Texas Government Code, Section 2252.152 as a company engaged in business with Iran, Sudan, or Foreign Terrorist Organizations.

IN WITNESS OF WHICH THIS AGREEMENT HAS BEEN EXECUTED THIS
____ DAY OF _____, 2024.

City of Universal City

(Tow Company Name)

Kim M. Turner
City Manager

(Owners Name)
Owner

Exhibit A – Scope of Services

The Contractor is required to operate the vehicle storage facility (“VSF”) in compliance with the Texas Towing Act, Texas Transportation Code, City Ordinance 307-B-2024, and all other local, state, and federal laws that apply to the operations of the VSF. The Contractor is required to process all state-required records checks and notifications, collect all appropriate fees, process release of vehicles, establish chain of custody for vehicles used in evidence, and oversee the auctions of abandoned vehicles. Additionally, the Contractor shall ensure all services provided for vehicles towed on public roadways are performed in compliance with the Texas Towing Act, Texas Transportation Code, and all other applicable local, state, and federal laws. Selected Recipient shall be responsible for providing the following towing and related services:

A. Towing Services

1. Arrival at scene of all calls for service within 20 minutes.
2. Towing, removal, and retrieval of the below to be performed on primary and secondary roadways, and off-road areas in all types of environmental and physical conditions:
 - a. Tow vehicles under 10,001 lbs. GVW
 - b. Tow vehicles between 10,001 and 26,000 lbs. GVW
 - c. Tow vehicles over 26,000 lbs. GVW
 - d. Tow large tractor rigs
 - e. Tow motorcycles
 - f. Tow trailers
 - g. Winch vehicles
 - h. Upright rollovers
3. Remove all debris from scene of vehicular accidents.
4. Recipient shall establish a drug testing policy for towing operators in compliance with Sec. 2308.158 of the Texas Occupations Code.

B. Vehicle Storage

Vehicle storage services to be provided as follows:

1. Maintain knowledge of and comply with all federal, state and city laws and ordinances that pertain to the operation of the VSF.
2. Be knowledgeable of applicable laws relating to vehicle titles and the language of court orders.
3. Be knowledgeable of all laws and procedures that pertain to the storage, release and sale of stored vehicles.
4. Provide fenced and secure storage for a minimum average of 30 vehicles, with a designated area for Electric Vehicles
5. Segregate all City of Universal City vehicles from all other vehicles, and vehicles are to be fully accessible. All vehicles impounded under the authority of the City of Universal City are to be fully accessible to all authorized personnel employed by the City.
6. Impound vehicles twenty-four (24) hours a day, seven (7) days a week.
7. Provide the Universal City Police Department access to the VSF at all times.
8. Send proper notices in compliance with all laws by certified mail to owners and/or lien holders, as required, of said vehicles within five (5) days of receiving the vehicle at the VSF.
9. Require proper documentation from owner(s) or their representative, to include valid government photo identification card/driver's license, proof of ownership and proof of insurance. Require proof of vehicle owner's authority when releasing vehicle to the owner(s) representative.
10. Cooperate with the City and/or the Universal City Police Department with respect to any vehicles to be held and/or impounded and any other aspects of the VSF operations.
11. Coordinate with the Universal City Police Department on any and all requests received from other law enforcement agencies related to vehicles impounded and/or stored at the VSF.
12. Provide individuals who are attempting to claim vehicles with an escort to the vehicle, when needed, for the purpose of obtaining ownership documentation located inside the vehicle.
13. Verify through the City a "hold" status prior to allowing access to or releasing vehicles / property in which a "hold" has been placed.
14. Resolve disputes with vehicle owners.

C. Reporting

Provide monthly accounting reports to the City of Universal City to include the following:

1. The number of vehicles towed at the request of the City of Universal City.
2. The number of vehicles towed at the request of private owners as a result of a call by the City of Universal City.
3. The number of City owned vehicles towed.
4. A comprehensive list of vehicles impounded at the request of the City of Universal City.
5. Locations where vehicles are towed when not taken to storage facility.

D. Fee Collection

The VSF will be responsible for collection of any and all fees for services provided to include:

1. Provide a number of alternative means for citizens to pay fees to include credit and debit cards.
2. Collect Impound Fees, Notification Fees, and Storage Fees plus taxes in appropriate amounts.
3. Charge no fees to the City for City vehicles and property that may be placed in the VSF.
4. Charge no fees for vehicles and property placed in the VSF that are subject to seizure, have an active hold as evidence, including vehicles and property UCPD may direct to be relocated from the VSF.
5. Remit all taxes collected in a timely manner to the State.

E. Security

The VSF will be responsible for providing adequate security for vehicles, property, and visitors. The VSF is also responsible for the following:

1. Provide security measures to protect vehicles and property at the VSF.
2. Provide security measures to ensure the safety of all persons visiting the VSF.
3. Complete background checks prior to hiring individuals to be employed at the VSF.

F. Auctions

Impounded vehicles not claimed by the end of the 60th day from the date of impoundment are considered abandoned. The VSF will be responsible for the auction of abandoned vehicles in compliance with state law. The VSF will be responsible for the following:

1. Provide to the City, no later than the 10th day of each month, a comprehensive list of all abandoned vehicles that are eligible for auction.
2. Process all documentation, as required by law, related to the auction sales.
3. Provide a monthly report of the number of vehicles auctioned as a result of towing requests by the City.
4. Provide to the City a monthly report of the proceeds from auction of vehicles and payment of 25% of the gross sale price of any vehicle sold or auctioned.

Exhibit B – Fee Schedule

FEE SCHEDULE WORKSHEET

Fee schedule for towing and other associated fees applicable to the removal, storage, or auction of wrecked, junked, and impounded vehicles or other equipment:

1. Vehicle weight 10,001lbs. GVW or less	\$ <u>185.00</u>	per vehicle
2. Vehicle weight between 10,001 and 26,000 lbs. GVW	\$ <u>375.00</u>	per vehicle
3. Vehicle weight over 26,000 lbs. GVW	\$ <u>875.00</u>	per vehicle
4. Motorcycles	\$ <u>185.00</u>	per motorcycle
5. Trailers	\$ <u>185.00-875.00</u>	per trailer
6. Use of dollies or car carriers	\$ <u>50.00 if needed</u>	per dolly/carrier
7. Mileage Charges	\$ <u>N/A City Vehicle</u> after _____ miles	per City vehicle
8. Mileage Charges	\$ <u>N/A City Vehicle</u> after _____ miles	per City vehicle
9. Charge for labor – per hour (Pro-rated on ½-hour increments)	\$ <u>185.00-875.00</u>	
10. Storage Fee	\$ <u>22.85</u>	per day
11. Impound Fee	\$ <u>22.85</u>	per vehicle
12. Storage Fee for Universal City P.D. "hold" vehicles until day hold is released by the Department	\$ <u>N/A</u>	per day
13. Owner/Lien Holder Notification Fee in compliance with VSF statutes	\$ <u>50 one time fee</u>	per day
14. Storage fee for large vehicles (vehicles with more than three axles or vehicles with trailer in tandem)	\$ <u>39.99</u>	per day
15. Winching Service	\$ <u>185.00-875.00</u>	per service
16. Rollovers	\$ <u>185.00-875.00</u>	per rollover

FEE SCHEDULE WORKSHEET Cont...

17. Any Other Applicable Fees or Discounts offered by the vendor or not described in this section. Please explain: \$ See Attached

City Fee \$80.00 (Funds go back to City)

Fee schedule for towing city owned vehicles:

1. Vehicle weight 10,001 lbs. GVW or less \$ N/A per vehicle
2. Vehicle weight between 10,001 and 26,000 lbs. GVW \$ N/A per vehicle
3. Vehicle weight over 26,000 lbs. GVW \$ N/A per vehicle
4. Trailers \$ N/A per trailer
5. Any other applicable fees or discounts offered by the vendor not described in this section.

No charge on city owned vehicles for towing up to 5 miles

CITY OF UNIVERSAL CITY

Date: 08/20/2024

TO: City Council
FROM: Randy Luensmann, Director of Public Works
SUBJECT: Ordinance 406-J-2024 The Drought Response Plan. Amending Ordinance 406-I-2013 and Ordinance 406-I-1-2013.

Historical Background

The City's Drought Contingency Plan, last updated in 2013, is being revised to incorporate minor changes. This update ensures compliance with state mandates and reflects feedback and lessons learned since the last revision, helping us better manage future drought conditions. The state requires this plan to be updated and submitted every five years. A public meeting was held on Tuesday, August 13th, 2024, at 4:00 p.m. to accept input for the Drought Contingency Plan in accordance with TCEQ requirements.

Action Requested

City Council approval of Ordinance 406-J-2024. Requires two readings.

Procurement Methodology

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

Source and Amount of Funding

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

Staff Recommendation

Approve Ordinance 406-J-2024 to update the City's Code of Ordinances.

Attachments:

- [Ordinance 406-J-2024](#)
- [Exhibit A - Clean Version](#)
- [Exhibit A - Redlined Version](#)

ORDINANCE 406-J-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS, AMENDING ORDINANCE 406-I-2013 (THE DROUGHT RESPONSE PLAN) AND ORDINANCE 406-I-1-2013 (AMENDMENT TO STAGE II RESPONSE – AQUIFER WATCH – STAGE II WATER USE LIMITATIONS); ESTABLISHING LEGISLATIVE FINDINGS; AMENDING THE UNIVERSAL CITY CODE OF ORDINANCES ACCORDINGLY; PROVIDING REPEAL AND REPLACEMENT; PROVIDING SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Water Code, Chapter 11 and the Texas Administrative Code Title 30, Chapter 288 require public water suppliers within certain specifications to develop, implement, and submit updated Drought Contingency plans to the Texas Commission on Environmental Quality every five years.

WHEREAS, the City of Universal City is a home rule City acting under its home rule Charter and the laws of the State of Texas; and,

WHEREAS, the City Council finds it necessary to establish the provision of this ordinance regarding a drought response plan; and,

WHEREAS, the City Council finds that it would be advantageous and beneficial to the citizens of the City of Universal City, Texas, to adopt this ordinance regulating water use limitations within the City of Universal City; and,

WHEREAS, the City Council of the City of Universal City, Texas, has determined that it is in the best interest of the public and in support of the health, safety, and general welfare of the citizens of the City that the Drought Response Plan be established and amended hereinafter stated; and,

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

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

Section 1. Recitals. The recitals set forth above are adopted herein for all purposes.

Section 2. Amendments per Exhibit A. The Universal City Code of Ordinances Part II, Chapter 2-10-Water and Sewers, Article V. Draught Response Plan shall be amended according to “Exhibit A.”

Section 3. Repeal. Ordinance 406-I-2013 and Ordinance 406-I-1-2013, and all other ordinance or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 4. Severability. 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 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. 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 7. Effective Date. This ordinance shall 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 20th day of August, 2024.

PASSED AND APPROVED, on second reading by the City Council of the City of Universal City on this the 3rd day of September, 2024.

CITY OF UNIVERSAL CITY, TEXAS

APPROVED

Tom Maxwell, Mayor

ATTEST:

APPROVED AS TO LEGAL SUFFICIENCY:

Maribel Garcia, Deputy City Clerk

Cynthia Trevino, City Attorney
Denton Navarro Rodriguez Bernal Santy & Zech, P.C.

- Distribution:
- Fire Department
- Police Department
- Finance Department
- Utility Department
- Public Works Department
- Development Service Department
- Municipal Code Corporation
- Ordinance Work Book
- Original

EXHIBIT A

PART II - MUNICIPAL SERVICES AND FACILITIES
Chapter 2-10 - WATER AND SEWERS
ARTICLE V. DROUGHT RESPONSE PLAN

ARTICLE V. DROUGHT RESPONSE PLAN¹

Sec. 2-10-101. Declaration of policy, purpose, and intent.

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Universal City hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses limited or prohibited under this Drought Response Plan (the Plan) are considered to be nonessential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X [section 2-10-110] of this Plan.

(Ord. No. 406-I-2013, § I, 4-2-13)

Sec. 2-10-102. Public Education and Outreach.

The City of Universal City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided on the utility bill, by means of utility bill inserts or mailouts.

(Ord. No. 406-I-2013, § II, 4-2-13)

The City will afford an opportunity for the public to provide input into the preparation of the Plan by means of providing a public notice and holding a public meeting on a specified date and time with 72 hours' notice at the City Council Chambers. The purpose of this meeting will be to accept input on the Plan.

Sec. 2-10-103. Coordination with regional water planning groups.

The service area of the City of Universal City is located within the Senate Bill 1 - Region L (South Central Texas Region) and City of Universal City has provided a copy of this Plan to the South Central Texas Regional Water Planning Group.

¹Editor's note(s)—Section XX of Ord. No. 406-I-2013, adopted April 2, 2013, superseded the former drought response plan, and enacted new provisions as herein codified. Former Art. V, §§ 2-10-101—2-10-120, derived from Ord. No. 406-H-2009, adopted Feb. 17, 2009; Ord. No. 406-H-1-2009, adopted July 21, 2009; and Ord. No. 406-H-2-2011, adopted June 21, 2011.

Cross reference(s)—Flow requirement standards for plumbing fixtures, § 4-6-80 et seq.

(Ord. No. 406-I-2013, § III, 4-2-13)

Sec. 2-10-104. Authorization.

The City Manager is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager shall have the authority to initiate or terminate each "Stage" or other water supply emergency response measures as described in this Plan.

(Ord. No. 406-I-2013, § IV, 4-2-13)

Sec. 2-10-105. Application.

The provisions of this Plan shall apply to all entities, persons, customers, and property utilizing water provided by the City of Universal City. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

(Ord. No. 406-I-2013, § V, 4-2-13)

Sec. 2-10-106. Definitions.

For the purposes of this Plan, the following definitions shall apply:

Aesthetic use: The use of water for fountains, waterfalls, and landscape lakes and ponds where such use is entirely ornamental and serves no other functional purpose.

Agricultural water use: Irrigation for the purpose of growing crops commercially for human consumption or to use as feed for livestock or poultry.

Athletic fields: A sports play field, the essential feature of which is turf grass, used primarily for organized sports for schools, professional sports or sanctioned league play.

Automatic pool fill: A water level sensing device that can control a valve to add make-up water to a pool, spa or water feature.

Beneficial use: The amount of water that is economically necessary for a purpose not otherwise prohibited by the city, state or federal law or regulation, when reasonable intelligence and reasonable diligence is used in applying water for that purpose.

Blowdown meter: A meter that tracks the amount of water discharged from a cooling tower system.

Bucket: A bucket or other container holding five (5) gallons or less, used singularly by one (1) person.

City: The City of Universal City.

Concentration: Recirculated water that has elevated levels of total dissolved solids as compared to the original make-up water.

Connection: The delivery point by which water is delivered to the City water system.

Cooling tower: An open water recirculation device that uses fans or natural draft to draw or force air to contact and cool water through the evaporative process.

Drip irrigation: An irrigation system (drip, porous pipe, etc.) that applies water at low-flow levels directly to the roots of the plant.

Day: A 24-hour period beginning at midnight.

Discretionary use: Any use listed as follows or any other use of groundwater that is not an essential use (compare with "essential use"), provided that use of groundwater is essential and not discretionary to the extent the use is necessary to prevent danger to public health, safety, or welfare, or to comply with state or federal law:

- (a) Recreational use to the extent the groundwater is not recycled, including the watering of turf areas.
- (b) Landscape irrigation, including residential, commercial, and public landscapes, golf courses, athletic fields, and cemeteries.
- (c) Filling or maintaining swimming pools.
- (d) Ornamental outdoor fountains and similar features.
- (e) Washing or [of] an impervious outdoor ground covering such as a parking lot, driveway, street, or sidewalk.
- (f) Use in connection with an aquaculture operation, to the extent the groundwater is not recycled.
- (g) Charity car washes, commercial and residential car washes that are not certified as a conservation car wash or do not recycle at least seventy-five (75) percent of the water it uses.

Domestic water use: The use of water, other than uses in the "outdoor" category, for personal human needs or for household purposes, such as drinking, bathing, cooling, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

Emergency connection: The delivery point by which water is delivered to the City water system in the event of an emergency.

Essential use: Use of water that is:

- (a) Essential to the protection of public health, safety, or welfare, including, but not limited to, use for drinking, food preparation, personal hygiene, public sanitation, control or prevention of disease, and fire fighting; or
- (b) Essential to an industrial use, agricultural or military activity which directly supports gainful employment, unless the use is specifically defined in this plan as discretionary use; or
- (c) Essential to irrigation use for farms and crops.

Existing facility: A swimming pool, hot tub or any similar facility, including residential and private facilities, installed during any period for which a drought contingency plan stage has not been declared or during a stage that has been rescinded. This term does not include pools specifically maintained to provide habitat for aquatic life.

Existing landscape plant: A landscaping plant existing after such period of time as to accomplish an establishment and maintenance of growth.

Golf course: An irrigated and landscaped playing area made up of greens, tees, fairways, roughs and related areas used for the playing of golf.

Groundwater: Water within or withdrawn from the Edwards Aquifer or the Carrizo-Wilcox Aquifer.

Hand-held hose: A hose attended by one (1) person, fitted with a manual or automatic shutoff nozzle.

Health care facility: Any hospital, clinic, nursing home or other health care or medical research facility.

Hose-end sprinkler: A sprinkler that applies water to landscape plants that is piped through a flexible, movable hose.

Household use: The use of water, other than uses in the outdoor category, for personal needs or for household purposes, such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

Impervious surface: Any structure or any street, driveway, sidewalk, patio or other surface covered with concrete, brick, paving, tile or other impervious materials.

Industrial use: The use of water for or in connection with commercial or industrial activities, including manufacturing, bottling, brewing, food processing, scientific research and technology, recycling, production of concrete, asphalt, and cement, commercial uses of water for entertainment, and hotel or motel lodging, generation of power other than hydroelectric, and other business activities.

Irrigation system: Also referred to as in-ground or permanent irrigation system, a system with fixed pipes and emitters or heads that apply water to landscape plants.

Landscape renovation: The removal and replacement of existing landscape plants with new landscape plants.

Landscape watering: The application of water to grow or maintain plants such as flowers, ground covers, turf or grasses, shrubs, and trees, but for the purposes of these rules does not include:

- (a) Essential use without waste of water by a commercial nursery to the extent the water is used for production rather than decorative landscaping;
- (b) Application of water without waste to a noncommercial family garden or orchard, the produce of which is for household consumption only; and
- (c) Application of water in the morning before 10:00 a.m. and in the evening after 8:00 p.m. by means of a bucket (not to exceed five (5) gallons in capacity), hand-held hose, soaker hose, or properly installed drip irrigation system, immediately next to a concrete foundation solely for the purpose of preventing, and to the extent the watering is necessary to prevent, substantial damage to the foundation or the structure caused by movement of the foundation.

Landscaping plant: Any member of the kingdom plantae, including any tree, shrub, vine, herb, flower, succulent, ground cover or grass species that grows or has been planted out-of-doors.

Livestock: Cattle, sheep, goats, hogs, poultry, horses, and game, domestic, exotic and other animals and birds, including zoo animals, used for commercial or personal purposes.

Livestock use: The use of water for drinking by or washing of livestock.

Make-up: Partial refilling due to evaporative water loss and backwashing.

Make-up meter: A meter that measures the amount of water entering a cooling tower system.

Msl: Elevation above mean sea level.

New facility: A swimming pool, hot tub or any similar facility, including residential and private facilities, installed during any current drought contingency plan stage. When the stage is rescinded, the new facility will be treated thereafter as an existing facility. This term does not include wading pools or pools specifically maintained to provide habitat for aquatic life.

New landscaping plant: Any plant or seed planted in or transplanted to an area within such period of time as to accomplish a reasonable establishment and maintenance of growth. Application of grass seed to an existing stand of grass or turf is not considered new landscaping for the purposes of this chapter.

Other outside use: The use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment, including automobiles and boats, and the washing of streets, driveways, sidewalks, patios, and other similar areas.

Park: A tract of land, other than a golf course, maintained by a city, private organization, or individual, as a place of beauty or of public recreation.

Pervious surface: Any ground surface which can absorb water or other liquids.

Power production: The use of water for steam generation and the use of water for cooling and for replenishment of cooling reservoirs.

Pressure washer: A machine that uses water or a water based product applied at high pressure to clean impervious surfaces.

Property address: The street address of a property, unless multiple street addresses are served by a single meter, in which case the billing address will be used.

Rain sensor: A device designed to stop the flow of water to an automatic irrigation system when rainfall has been detected.

Reduction goals: The percentages of reduction in water use from certified baseline use volumes that are imposed in connection with the respective stages. The following reduction goals are the established minimum reduction goals for each Demand Reduction Stage:

Stage I: Twenty (20) percent correlative water level: Index Well J-17 falls to or is less than six hundred sixty (660) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority.

Stage II: Thirty (30) percent correlative water level: Index Well J-17 falls to or is less than six hundred fifty (650) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority.

Stage III: Thirty-five (35) percent correlative water level: Index Well J-17 falls to or is less than six hundred forty (640) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority. Alternatively, Stage III may be implemented before or after the J-17 levels described above as deemed necessary by the City Manager.

Stage IV: Forty (40) percent correlative water level: Index Well J-17 falls to or is less than six hundred thirty (630) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority or the City Manager declares an emergency water shortage condition exists.

These stages are not cumulative. For example, the total reduction from certified baseline use volume to be achieved for Stage III is thirty-five (35) percent.

Schertz-Seguin Local Government Corporation: A nonprofit corporation of the State of Texas, created and existing under the laws of the State, including the Texas Transportation Corporation Act, as amended, Texas Transportation Code Section 431.001 et seq., the City of Schertz, Texas, a home-rule city ("Schertz"); the City of Seguin, Texas, a home-rule city ("Seguin");

Reused water: Water that has been recycled or reclaimed after it has been used for any beneficial purpose.

Soaker hose: Plastic or flexible hose with holes that send a fine spray in the air. Also includes flexible leaky hoses that emit water across the entire length based on water pressure, and connect directly to a flexible hose or spigot.

Spa: Any substructure associated with a swimming pool often described as a hot tub.

Sprinkler: An emitter that applies water to the landscape plants in a stream that travels through the air. Sprinkler irrigation can be applied by an irrigation system or hose-end sprayer or a soaker hose that sprays water in the air.

Swimming pool: Any structure, basin, chamber, or tank including hot tubs containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.

- (a) *Private residential swimming pool.* Any swimming pool located on private property under the control of the homeowner, the use of which is limited to swimming or bathing by the homeowner's family or invited guests.
- (b) *Public swimming pool.* Any swimming pool, other than a private residential swimming pool, intended to be used collectively by persons for swimming or bathing, operated by any person as defined herein, whether owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for such use. The term includes, but is not limited to, apartment community pools, condominium association pools and community association pools.

TDS: Total dissolved solids.

Trigger level: The mean sea level of the Edwards Aquifer as indicated by the J-17 index well.

Vegetable garden: Any noncommercial garden planted primarily for household use. For this use, "noncommercial" includes incidental direct selling of produce from such a vegetable garden to the public.

Waste: Water without obtaining maximum beneficial use thereof. Waste shall include, but not limited to, causing, suffering, or permitting a flow of water used for landscape watering to run into any river, creek or other natural watercourse or drain, superficial or underground channel, bayou, or into any sanitary or storm sewer, any street, road or highway or other impervious surface area, or upon the lands of another person or upon public lands. Waste shall also include, but not be limited to, any discharge of water used for commercial, industrial, municipal or domestic purposes to any storm, sanitary sewer, or septic system without the user first having obtained maximum beneficial use thereof. Waste shall also include, but not limited to, failure to repair any controllable leak on property owned by any registered meter holder.

Water: Includes, but is not limited to, potable water supplied by a water purveyor, potable water withdrawn from any groundwater well, surface water from any river, creek, natural watercourse, pond, lake or reservoir, and recycled water supplied by a water purveyor.

Watering day: A day designated for landscape watering limited to the standard 24-hour period of 12:00 a.m. to midnight. Thus, if it is Stage I and Wednesday is a designated watering day, the period of time referenced is Wednesday morning between midnight and 10:00 a.m., and Wednesday evening between 8:00 p.m. and midnight.

Watering days and hours: A day designated for landscape watering, limited as follows:

Last Digit of Address	Day
0 and 1	Monday
2 and 3	Tuesday
4 and 5	Wednesday
6 and 7	Thursday
8 and 9	Friday

- (a) Stage I is limited to the morning hours from midnight to 10:00 a.m. and the evening hours from 8:00 p.m. to midnight. Thus, if Friday is a designated watering day, the period of time referenced is Friday morning between 12:00 a.m. to 10:00 a.m. and Friday evening between 8:00 p.m. and midnight.
- (b) Stage II is limited to the morning hours of 7:00 a.m. to 11:00 a.m., and the evening hours of 7:00 p.m. to 11:00 p.m.
- (c) Stage III is limited to the morning hours of 7:00 a.m. to 10:00 a.m., and the evening hours of 8:00 p.m. to 11:00 p.m. Monday, Wednesday, and Friday for irrigation by drip irrigation, or five-gallon bucket.

Landscape irrigation with a soaker hose, in-ground irrigation system or hose-end sprinkler is permitted once a week after Stage III has been declared only on the designated watering day in Stages I and II during the hours of 7:00 a.m. to 10:00 a.m. and 8:00 p.m. to 11:00 p.m. Landscape watering with a handheld hose is allowed at any time on any day.

- (d) During Stage IV, Stage III landscape irrigation restrictions remain in effect. Additional restrictions on water use may be established at the discretion of the Edwards Aquifer Authority or City Council.

Water utility: Water used for withdrawal, treatment, transmission and distribution by potable water systems.

(Ord. No. 406-I-2013, § VI, 4-2-13)

Sec. 2-10-107. Criteria for initiation and termination of drought response stages.

The City Manager shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached. The City Manager, or designee, may declare later stages of drought or delay a later stage of drought when deemed necessary.

The City triggering criteria for initiation described below are based on the aquifer stage conditions. The aquifer conditions shall be based on the Edwards Aquifer water levels in Well AY-68-37-203 in San Antonio (also known as "Dodd Field Test Well" or "J-17") as set out in this section. These trigger levels were mandated by the Edwards Aquifer Authority.

The City triggering criteria for termination described below are based on when the Edwards Aquifer trigger levels at the J-17 Index Well is above the same stage trigger level for ten (10) consecutive days. The City Manager, or his/her designee, shall monitor consistency of aquifer level to determine if conditions warrant termination of the measures, and such determination shall include consideration of pumpage trends, seasonal adjustments, and current and forecast precipitation unless conditions significantly change to warrant an earlier review for stage termination. After due consideration of all of the above-described conditions, the City Manager may declare the measures terminated.

Stage I Triggers—Aquifer Awareness

Requirements for initiation. Customers shall be required to conserve water and adhere to the prescribed limitations on certain water uses, defined in Section VII [section 2-10-106], Definitions, when the Edwards Aquifer index well, J-17, level falls to or is less than six hundred sixty (660) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority. The water use reduction goal for this stage is twenty (20) percent.

Requirements for termination. Stage I of the Plan may be rescinded only when the Edwards Aquifer level at the J-17 Index Well is above the trigger level of six hundred sixty (660) msl for ten (10) consecutive days and it is determined conditions warrant termination of the measures.

Stage II Triggers—Aquifer Watch

Requirements for initiation. Customers shall be required to conserve water and adhere to the prescribed limitations on certain water uses, defined in Section VII [section 2-10-106], Definitions, when the Edwards Aquifer index well, J-17 aquifer level falls to or is less than six hundred fifty (650) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority. The water use reduction goal for this stage is thirty (30) percent.

Requirements for termination. Stage II of the Plan may be rescinded only when Edwards Aquifer level at the J-17 Index Well are above the trigger level of six hundred fifty (650) feet msl for ten (10) consecutive days

and it is determined conditions warrant termination of the measures. Conditions will determine if all restrictions are terminated or if a previous less restrictive stage will apply.

Stage III Triggers—Aquifer Alert

Requirements for initiation. Customers shall be required to conserve water and adhere to the prescribed limitations on certain water uses, defined in Section VII [section 2-10-106], Definitions, when the Edwards Aquifer index well, J-17 level falls to or is less than six hundred forty (640) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority. Alternatively, Stage III may be implemented before or after the J-17 levels described above as deemed necessary by the City Manager. The water use reduction goal for this stage is thirty-five (35) percent.

Requirements for termination. Stage III of the Plan may be rescinded only when the Edwards Aquifer level at the J-17 Index Well is above the trigger level of six hundred forty (640) feet msl for ten (10) consecutive days and it is determined conditions warrant termination of the measures. Conditions will determine if all restrictions are terminated or if a previous less restrictive stage will apply.

Stage IV Triggers—Emergency Water Shortage Conditions

Requirements for initiation. Customers shall be required to conserve water and adhere to the prescribed limitations on certain water uses, defined in Section VII [section 2-10-106], Definitions, when the Edwards Aquifer index well, J-17 level falls to or less than six hundred thirty (630) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority or the City Manager declares an emergency water shortage condition exists.

Customers shall be required to comply with these additional requirements and limitations for Stage IV of this Plan when the City Manager or his/her designee determines that a water supply emergency exists based on:

1. Reduction in available water supply up to a repeat of the drought of record;
2. Major water production or distribution system limitations;
3. Supply source contamination;
4. System outage due to the failure or damage of major water system components; or
5. The Edwards Aquifer Authority board has declared a prohibition of all sprinkler irrigation throughout the entire Edwards Aquifer region.

The water use reduction goal for this stage is forty (40) percent.

Requirements for termination. Stage IV of the Plan may be rescinded only when the Edwards Aquifer level at the J-17 Index Well is above the trigger level of six hundred thirty (630) feet msl for ten (10) consecutive days and it is determined conditions warrant termination of the measures. Conditions will determine if all restrictions are terminated or if a previous less restrictive stage will apply.

(Ord. No. 406-I-2013, § VII, 4-2-13)

Sec. 2-10-108. Wasting water, water use reduction measures and drought response stages.

(1) *Wasting Water.*

- (a) It shall be unlawful for any person or customer to waste water for any use other than described in the Plan.
- (b) Landscape irrigation, using individual sprinklers or sprinkler systems, is prohibited year-round between the hours of 10:00 a.m. and 8:00 p.m. (MANDATORY) when no other water use reduction measures and drought response stages are in effect.

- (c) It shall be a violation if a person or customer allows water to run off onto an impervious street, ditch or drain, or fails to repair a controllable leak.
- (d) Cooling towers (effective April 2013):
 1. Cooling towers not utilizing recycled water, shall operate a minimum of four (4) cycles of concentration.
 2. Newly constructed cooling towers shall be operated with conductivity controllers, as well as make-up and blow down meters.
- (2) *Water Use Reduction Measures and Drought Response Stages.* The City Manager or his/her designee shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII [section 2-10-107] of this Plan, shall determine that an aquifer awareness, aquifer watch, aquifer alert, or emergency water shortage condition exists and shall implement the following actions upon publication of notice at City Hall and/or signs posted in public places, city website, Facebook and water utility bills. In addition, the City Manager or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities, as appropriate for the requisite drought stage: (1) Mayor, (2) Members of the City Council, (3) Police Chief, (4) Fire Chief, (5) City Emergency Management Coordinator, (6) Public Works Director, (7) City Clerk, (8) Code Enforcement Officer, (9) Utility Administration, (10) all utility customers, and (11) Parks/streets superintendents and public facilities managers.

Stage I Response—Aquifer Awareness

Trigger Criteria: The Edwards Aquifer index well J-17 is at or below six hundred sixty (660) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority.

Goal: Achieve a twenty (20) percent reduction in total water use.

Supply Management Measures: The City of Universal City will continue its on-going education program, coordination activities, special-use provision, reuse and recycling program, fire hydrant and line monitoring program, and programs with water purveyors and companies. In addition, the City of Universal City shall reduce or discontinue flushing of water mains as far as is practical and prudent. The City will also utilize its Carrizo connection with the Schertz-Seguin Local Government Corporation if deemed appropriate.

Stage I Water Use Limitations: Under threat of penalty for violation, the following water use limitations shall apply to all persons:

- (a) Water customers shall comply with mandatory limits of landscape irrigation. Watering days will be based on the last digit of the address:

Last Digit of Address	Day
0 and 1	Monday
2 and 3	Tuesday
4 and 5	Wednesday
6 and 7	Thursday
8 and 9	Friday

If there is no street address associated with the property such as a parkway or if there is more than one (1) street address with a single contiguous property the irrigation day is Wednesday.

- (b) No person may waste water.
- (c) Landscape irrigation with a hand-held hose, drip irrigation system or five-gallon bucket is allowed at any time on any day. UNATTENDED HAND-HELD HOSE WILL BE CONSIDERED THE SAME AS SPRINKLERS.

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- (d) Landscape irrigation by means of a soaker hose, hose-end sprinkler or an in-ground sprinkler system is allowed only once a week on the designated watering day as determined by the last digit street address but limited to the morning hours from midnight to 10:00 a.m. and the evening hours from 8:00 p.m. to midnight.
 - (e) No person may allow irrigation runoff to escape from that person's land.
 - (f) Restaurants and other eating establishments are prohibited from serving water to customers except upon request of the customer.
 - (g) Residential car washing and mobile equipment (e.g., washing vehicles at a residence) is permitted only on Saturday and Sunday with a pressure washer, hand-held hose equipped with an automatic shut-off nozzle or bucket of five (5) gallons or less, without waste. Fleet Managers are encouraged to only wash those vehicles as is necessary for health and safety.
 - (h) Charity car washes are prohibited except at a commercial car wash that recycles at least seventy-five (75) percent of the water it uses or that is certified as a conservation car wash.
 - (i) Water customers are requested to practice water conservation and to minimize or discontinue water use for nonessential purposes.
 - (j) All nonpublic swimming pools must have a minimum of twenty-five (25) percent of the surface area covered with evaporation screens when not in use. Inflatable pool toys or floating decorations may be used. ~~Auto fill feature shall be turned off.~~
 - (k) Groundwater may be used to replenish swimming pools to maintenance level. Draining of swimming pools is permitted only onto a pervious surface or onto a pool deck where the water is transmitted directly to a pervious surface, only if:
 - 1. Draining excess water from the pool due to rain to lower the water to the maintenance level;
 - 2. Repairing, maintaining, or replacing a pool component that has become hazardous; or
 - 3. Repairing a pool leak.Refilling of swimming pools permitted only if pool has been drained for the repairs, maintenance or replacement set out in items 2. or 3., above.
 - (l) Newly installed swimming pools may be filled to maintenance level.
 - (m) Use of Edwards Aquifer water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes water source other than that provided from the Edwards Aquifer, the facility shall not be subject to these regulations.
 - (n) Sprinkler system maintenance and testing is prohibited except on designated watering days between the hours 8:00 a.m. and 12:00 noon and between 7:00 p.m. and 11:00 p.m.
 - (o) Essential and utility use - (VOLUNTARY).
 - a. Fire fighting - no restrictions.
 - b. Medical use by health care facilities - no restrictions.
 - c. Water utility use:
 - i. Leak detection and system repairs are recommended.
 - ii. Sewer line flushing - reduction is recommended.
 - iii. Fire hydrant flushing - reduction is recommended.

Stage II Response—Aquifer Watch

Trigger Criteria: The Edwards Aquifer index well J-17 is at or below six hundred fifty (650) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority.

Goal: Achieve a thirty (30) percent reduction in total water use.

Supply Management Measures: In addition to the supply management measures for Stage I, the City of Universal City will closely monitor the system for leaks and provide rapid repairs and reduce or discontinue the irrigation of public landscaped areas. The City will also utilize its Carrizo connection with the Schertz-Seguin Local Government Corporation if deemed appropriate.

Stage II Water Use Limitations: Under threat of penalty for violation, the following water use limitations shall apply to all persons:

- (a) All of the limitations and prohibitions applicable in Stage I apply in Stage II unless otherwise specified as follows.
- (b) Irrigation with a soaker hose, hose-end sprinkler or in-ground irrigation system is allowed only once a week on the designated watering day as determined by address during the hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m.
- (c) Landscape irrigation with a drip irrigation system or five-gallon bucket is allowed during the Stage II hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. on any day. Landscape irrigation with a hand-held hose is allowed at any time on any day. UNATTENDED HAND-HELD HOSE WILL BE CONSIDERED THE SAME AS SPRINKLERS.
- (d) No person may use groundwater for an ornamental outdoor fountain or similar feature, unless the water is recycled and the only additional groundwater used for the feature is to compensate for evaporative losses.
- (e) Athletic Fields: Public or private owners of an athletic field must comply with the provisions of this Plan unless an administrative waiver has been approved by the City Manager.
- (f) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Universal City.
- (g) No residential or nonresidential property owners may use water to pressure wash an impervious outdoor ground covering such as a parking lot, driveway, street, or sidewalk unless for health or safety reasons. Residential and nonresidential property owners may pressure wash their property for health and safety or in preparation of residential property maintenance such as for painting.

Stage III Response—Aquifer Warning

Trigger Criteria: The Edwards Aquifer index well J-17 is at or below six hundred forty (640) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority. Alternatively, Stage III may be implemented before or after the J-17 levels described above as deemed necessary by the City Manager.

Goal: Achieve a thirty-five (35) percent reduction in total water use.

Supply Management Measures: In addition to the supply management measures in Stages I and II, the City of Universal City will patrol the system for any waste of water and will issue citations as required. The City will also utilize its Carrizo connection with the Schertz-Seguin Local Government Corporation if deemed appropriate.

Stage III Water Use Limitations: All requirements of Stage I and II shall remain in effect during Stage III unless otherwise specified as follows:

- (a) Landscape irrigation by drip irrigation system or five-gallon bucket is allowed on every Monday, Wednesday, and Friday only during the Stage III hours of 7:00 a.m. to 10:00 a.m. and 8:00 p.m. to 11:00 p.m.. Landscape irrigation with a hand-held hose is allowed at any time on any day. UNATTENDED HAND-HELD HOSE WILL BE CONSIDERED THE SAME AS SPRINKLERS.
- (b) Landscape irrigation with a soaker hose, an in-ground irrigation system or hose-end sprinkler is permitted every other week beginning on the second Monday after Stage III has been declared and only on the designated water day assigned in Stages I and II during the hours of 7:00 a.m. to 10:00 a.m. and 8:00 p.m. to 11:00 p.m.
- (c) No person may use groundwater for an ornamental outdoor fountain or similar feature.
- (d) No residential or nonresidential property owners may use water to pressure wash an impervious outdoor ground covering such as a parking lot, driveway, street, or sidewalk unless for health or safety reasons.

Stage IV Response—Emergency Water Shortage Conditions

Trigger Criteria:

- (1) The Edwards Aquifer index well J-17 is at or below six-hundred thirty (630) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority or the City Manager declares an emergency water shortage condition exists;
- (2) Reduction in available water supply up to a repeat of the drought of record;
- (3) Major water production or distribution system limitations;
- (4) Supply source contamination;
- (5) System outage due to the failure or damage of major system components; or
- (6) The Edwards Aquifer Authority board has declared a prohibition of all sprinkler irrigation throughout the entire Edwards Aquifer region.

Goal: Achieve a forty (40) percent reduction in total water use.

Supply Management Measures: The City of Universal City will continue to implement the supply management measures of Stages I, II, and III, as well as utilize its Carrizo connection with the Schertz-Seguin Local Government Corporation and its emergency connection with the City of Selma if deemed appropriate by both Cities.

Water Use Limitations: All requirements of Stage I, II and III shall remain in effect during Stage IV unless otherwise specified as follows:

- (a) Stage III landscape irrigation restrictions remain in effect.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, recreational vehicle or other vehicle is absolutely prohibited except at car washes that recycle at least seventy-five (75) percent of the water it uses or that is certified as a conservation car wash.
- (c) Implementation of additional drought contingency measures may be applied by the direction of the Edwards Aquifer Authority.
- (d) A surcharge equal to two times (2 x) the current rate per Ordinance 149-M-31-9-2023 as amended for all classes of customers will be charged to any customer who consumes more gallons than shown in the table below for each respective class of customers.

2 x the Volume Rate
(Per 1,000 Gallons)
All Months

*Single-Family Residential and Irrigation**

For Monthly Use Between:	In City	Out of City
10,000 to 19,999 gallons	2 x current rate	n/a
20,000 – 40,999 gallons	2 x current rate	n/a
41,000 – 99,999,999 gallons	2 x current rate	n/a

*Multifamily Residential and Irrigation Per Dwelling Unit***

For Monthly Use Between:	In City	Out of City
5,000 – 6,999 gallons	2 x current rate	2 x current rate
7,000 – 7,999 gallons	2 x current rate	2 x current rate
8,000 – 99,999,999 gallons	2 x current rate	2 x current rate

Separate Commercial Irrigation Meters

For Monthly Use Between:	In City	Out of City	Combined Inside-Outside City
51,000 to 100,999 gallons	2 x current rate	2 x current rate	2 x current rate
101,000 to 200,999 gallons	2 x current rate	2 x current rate	2 x current rate
201,000 to 300,999 gallons	2 x current rate	2 x current rate	2 x current rate
301,000 to 400,999 gallons	2 x current rate	2 x current rate	2 x current rate
401,000 gallons and over	2 x current rate	2 x current rate	2 x current rate

(Ord. No. 406-I-2013, § VIII, 4-2-13; Ord. No. 406-I-1-2013, § 1, 5-7-13)

Sec. 2-10-109. Violations.

It shall be a violation of this article for any person in the corporate city limits of Universal City who intentionally, knowingly, recklessly, or criminally negligently to allow or cause water waste, to allow or cause landscape watering outside the prescribed hours for landscape watering, or to allow or cause any violation of any provision of this article.

(Ord. No. 406-I-2013, § IX, 4-2-13)

Sec. 2-10-110. Continued violations.

At locations of three (3) repeated or continued violations during the same calendar year, the Code Enforcement Officer shall have the authority to issue citations and the City Manager shall have the authority to discontinue the supply of potable water to the registered meter holder.

(Ord. No. 406-I-2013, § X, 4-2-13)

Sec. 2-10-111. Enforcement.

- (a) No person shall knowingly or intentionally allow the use of water from the City of Universal City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than three hundred dollars (\$300.00) during Stage I, by a fine of not less than three hundred fifty dollars (\$350.00) and not more than five hundred dollars (\$500.00) during Stage II, by a fine of not less than five hundred fifty dollars (\$550.00) and not more than seven hundred dollars (\$700.00) during Stage III, by a fine of not less than seven hundred fifty dollars (\$750.00) and not more than one thousand dollars (\$1,000.00) during Stage IV. Each occurrence that one (1) or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three (3) or more distinct violations of this Plan during a calendar year, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge and any other costs incurred by the City of Universal City in discontinuing service. In addition, suitable assurance must be given by the customer to the City Manager in writing that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the City of Universal City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a "rebuttable presumption" that the person in apparent control of the property committed the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parent's control shall constitute a rebuttable presumption that the parent committed the violation. Further, a water customer shall be held responsible for a violation committed by a guest, relative or any other occupant of the property.
- (d) The Code Enforcement Officer or other City employee designated by the City Manager, including police officers, may issue a citation to a person he/she reasonably believes to be in violation of this article. The citation shall be prepared in triplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator. The alleged violator shall appear in municipal court to enter a plea. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued.

(Ord. No. 406-I-2013, § XI, 4-2-13)

Sec. 2-10-112. Exceptions.

The Public Works Director or other city employee designated, may, in writing, grant temporary exception for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such exception would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such exception and if one (1) or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect; or
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(Ord. No. 406-I-2013, § XII, 4-2-13)

Sec. 2-10-113. Administrative waivers.

Administrative waivers may only be considered for newly installed landscapes located at new residential and commercial properties, and public and private athletic fields.

Persons requesting a waiver from the provisions of this article shall file a petition for an administrative waiver with the Director of Public Works within five (5) days after adoption of the Plan or after a particular drought response stage has been invoked. All petitions for administrative waivers shall be reviewed and considered for approval by the Director of Public Works or other designated City employee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article.
- (e) Description of the relief requested.
- (f) Period of time for which the exception is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Any other pertinent information.

Waivers granted by the Director of Public Works shall be subject to the following conditions:

- (a) Waivers for newly planted landscapes may qualify for a three-week exception from the one-day-per-week watering rules. The property owner shall specify the date of landscape installation. If the request is approved, a letter of confirmation stating the duration of the permit will be mailed to the applicant. Over-seeding existing turf or other landscape is not considered new landscape and will not be given a waiver.
- (b) Waivers for athletic fields shall be in the interest to maintain safety. There are two (2) options for requesting a variance to athletic field watering restrictions for safety reasons:
 - 1. Each athletic field may be watered once a week between midnight and 8:00 a.m. or 8:00 p.m. to midnight during Stages I, II and III.

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2. For campuses with multiple fields, each field may be irrigated on a separate day if time does not allow for irrigation of all fields on a single day within the specified hours. On the application please indicate the day of the week each field will be watered.
- (c) Waivers granted shall expire when the drought response stage is no longer in effect, unless the petitioner has failed to meet specified requirements.

No waiver granted by the Public Works Department shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the waiver.

(Ord. No. 406-I-2013, § XIII, 4-2-13)

Sec. 2-10-114. Nuisance.

The violation of any part of this chapter shall be a nuisance which may be abated and enjoined by the City of Universal City. Any person creating a public nuisance shall be subject to the provision of the Code governing such nuisances, including reimbursing the City of Universal City for any costs incurred in removing, abating or remedying said nuisance. The owner of any property where said nuisance has occurred shall be liable to the City, acting through and on behalf of the City of Universal City, for the cost of such abatement and shall pay such cost on demand and the City, acting through and on behalf of the City, shall have a right to file a lien on the property to secure payment of the cost of such abatement.

(Ord. No. 406-I-2013, § XIV, 4-2-13)

Sec. 2-10-115. Access to premises.

The City of Universal City and all persons or agents employed thereby shall, at all reasonable hours, contact property owner/customer to make an appointment to gain access to premises to ascertain if water is being wasted within the corporate limits of the City and whether provisions of the Plan have been, and are being, complied with in all respects. In the event of an emergency where City personnel cannot make contact with property owner/customer and it is determined that water is being wasted, the City shall turn off water service to the property at issue until such emergency is addressed.

(Ord. No. 406-I-2013, § XV, 4-2-13)

Sec. 2-10-116. Reporting requirements.

Upon implementation of "Stage I—Aquifer Awareness," City reporting requirements will be in compliance with the Edwards Aquifer Authority adopted Code Chapter 715 Subchapter E (Critical Period Management Rules).

(Ord. No. 406-I-2013, § XVI, 4-2-13)

Sec. 2-10-117. Liability.

Nonliability for the City or of the persons carrying out the provisions of this article: This article is an exercise of the City of its governmental functions for the protection of the public, peace, health, and safety and neither the City of Universal City, Texas, nor the agents and representatives of said City, association, or in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this article shall be liable for any damage sustained to persons as the result of said activity.

(Ord. No. 406-I-2013, § XVII, 4-2-13)

Sec. 2-10-118. Severability.

It is hereby declared to be the intention of the City of Universal City that the sections, paragraphs, sentences, clauses, and phrases of this article are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City of Universal City without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

(Ord. No. 406-I-2013, § XVIII, 4-2-13)

Sec. 2-10-119. This article to prevail if conflict.

In the event any section of this article conflicts in effect or application with any other section of the Code or ordinance, the section(s) of this chapter shall prevail.

(Ord. No. 406-I-2013, § XIX, 4-2-13)

Sec. 2-10-120. Reserved.

ARTICLE V. DROUGHT RESPONSE PLAN¹

Sec. 2-10-101. Declaration of policy, purpose, and intent.

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Universal City hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses limited or prohibited under this Drought Response Plan (the Plan) are considered to be nonessential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X [section 2-10-110] of this Plan.

(Ord. No. 406-I-2013, § I, 4-2-13)

Sec. 2-10-102. Public Education and Outreach.

The City of Universal City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided on the utility bill, by means of utility bill inserts or mailouts.

(Ord. No. 406-I-2013, § II, 4-2-13)

The city will afford an opportunity for the public to provide input into the preparation of the Plan by means of providing a public notice and holding a public meeting on a specified date and time with 72 hours' notice at the City Council Chambers. The purpose of this meeting will be to accept input on the Plan.

Commented [AF1]: Added in per TCEQ requirements.

Sec. 2-10-103. Coordination with regional water planning groups.

The service area of the City of Universal City is located within the Senate Bill 1 - Region L (South Central Texas Region) and City of Universal City has provided a copy of this Plan to the South Central Texas Regional Water Planning Group.

(Ord. No. 406-I-2013, § III, 4-2-13)

¹Editor's note(s)—Section XX of Ord. No. 406-I-2013, adopted April 2, 2013, superseded the former drought response plan, and enacted new provisions as herein codified. Former Art. V, §§ 2-10-101—2-10-120, derived from Ord. No. 406-H-2009, adopted Feb. 17, 2009; Ord. No. 406-H-1-2009, adopted July 21, 2009; and Ord. No. 406-H-2-2011, adopted June 21, 2011.

Cross reference(s)—Flow requirement standards for plumbing fixtures, § 4-6-80 et seq.

Sec. 2-10-104. Authorization.

The City Manager is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager shall have the authority to initiate or terminate each "Stage" or other water supply emergency response measures as described in this Plan.

(Ord. No. 406-I-2013, § IV, 4-2-13)

Sec. 2-10-105. Application.

The provisions of this Plan shall apply to all entities, persons, customers, and property utilizing water provided by the City of Universal City. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

(Ord. No. 406-I-2013, § V, 4-2-13)

Sec. 2-10-106. Definitions.

For the purposes of this Plan, the following definitions shall apply:

Aesthetic use: The use of water for fountains, waterfalls, and landscape lakes and ponds where such use is entirely ornamental and serves no other functional purpose.

Agricultural water use: Irrigation for the purpose of growing crops commercially for human consumption or to use as feed for livestock or poultry.

Athletic fields: A sports play field, the essential feature of which is turf grass, used primarily for organized sports for schools, professional sports or sanctioned league play.

Automatic pool fill: A water level sensing device that can control a valve to add make-up water to a pool, spa or water feature.

Beneficial use: The amount of water that is economically necessary for a purpose not otherwise prohibited by the city, state or federal law or regulation, when reasonable intelligence and reasonable diligence is used in applying water for that purpose.

Blowdown meter: A meter that tracks the amount of water discharged from a cooling tower system.

Bucket: A bucket or other container holding five (5) gallons or less, used singularly by one (1) person.

City: The City of Universal City.

Concentration: Recirculated water that has elevated levels of total dissolved solids as compared to the original make-up water.

Connection: The delivery point by which water is delivered to the City water system.

Cooling tower: An open water recirculation device that uses fans or natural draft to draw or force air to contact and cool water through the evaporative process.

Drip irrigation: An irrigation system (drip, porous pipe, etc.) that applies water at low-flow levels directly to the roots of the plant.

Day: A 24-hour period beginning at midnight.

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Discretionary use: Any use listed as follows or any other use of groundwater that is not an essential use (compare with "essential use"), provided that use of groundwater is essential and not discretionary to the extent the use is necessary to prevent danger to public health, safety, or welfare, or to comply with state or federal law:

- (a) Recreational use to the extent the groundwater is not recycled, including the watering of turf areas.
- (b) Landscape irrigation, including residential, commercial, and public landscapes, golf courses, athletic fields, and cemeteries.
- (c) Filling or maintaining swimming pools.
- (d) Ornamental outdoor fountains and similar features.
- (e) Washing or [of] an impervious outdoor ground covering such as a parking lot, driveway, street, or sidewalk.
- (f) Use in connection with an aquaculture operation, to the extent the groundwater is not recycled.
- (g) Charity car washes, commercial and residential car washes that are not certified as a conservation car wash or do not recycle at least seventy-five (75) percent of the water it uses.

Domestic water use: The use of water, other than uses in the "outdoor" category, for personal human needs or for household purposes, such as drinking, bathing, cooling, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

Emergency connection: The delivery point by which water is delivered to the City water system in the event of an emergency.

Essential use: Use of water that is:

- (a) Essential to the protection of public health, safety, or welfare, including, but not limited to, use for drinking, food preparation, personal hygiene, public sanitation, control or prevention of disease, and fire fighting; or
- (b) Essential to an industrial use, agricultural or military activity which directly supports gainful employment, unless the use is specifically defined in this plan as discretionary use; or
- (c) Essential to irrigation use for farms and crops.

Existing facility: A swimming pool, hot tub or any similar facility, including residential and private facilities, installed during any period for which a drought contingency plan stage has not been declared or during a stage that has been rescinded. This term does not include pools specifically maintained to provide habitat for aquatic life.

Existing landscape plant: A landscaping plant existing after such period of time as to accomplish an establishment and maintenance of growth.

Golf course: An irrigated and landscaped playing area made up of greens, tees, fairways, roughs and related areas used for the playing of golf.

Groundwater: Water within or withdrawn from the Edwards Aquifer or the Carrizo-Wilcox Aquifer.

Hand-held hose: A hose attended by one (1) person, fitted with a manual or automatic shutoff nozzle.

Health care facility: Any hospital, clinic, nursing home or other health care or medical research facility.

Hose-end sprinkler: A sprinkler that applies water to landscape plants that is piped through a flexible, movable hose.

Household use: The use of water, other than uses in the outdoor category, for personal needs or for household purposes, such as drinking, bathing, heating, cooking, sanitation or cleaning, whether the use occurs in a residence or in a commercial or industrial facility.

Impervious surface: Any structure or any street, driveway, sidewalk, patio or other surface covered with concrete, brick, paving, tile or other impervious materials.

Industrial use: The use of water for or in connection with commercial or industrial activities, including manufacturing, bottling, brewing, food processing, scientific research and technology, recycling, production of concrete, asphalt, and cement, commercial uses of water for entertainment, and hotel or motel lodging, generation of power other than hydroelectric, and other business activities.

Irrigation system: Also referred to as in-ground or permanent irrigation system, a system with fixed pipes and emitters or heads that apply water to landscape plants.

Landscape renovation: The removal and replacement of existing landscape plants with new landscape plants.

Landscape watering: The application of water to grow or maintain plants such as flowers, ground covers, turf or grasses, shrubs, and trees, but for the purposes of these rules does not include:

- (a) Essential use without waste of water by a commercial nursery to the extent the water is used for production rather than decorative landscaping;
- (b) Application of water without waste to a noncommercial family garden or orchard, the produce of which is for household consumption only; and
- (c) Application of water in the morning before 10:00 a.m. and in the evening after 8:00 p.m. by means of a bucket (not to exceed five (5) gallons in capacity), hand-held hose, soaker hose, or properly installed drip irrigation system, immediately next to a concrete foundation solely for the purpose of preventing, and to the extent the watering is necessary to prevent, substantial damage to the foundation or the structure caused by movement of the foundation.

Landscaping plant: Any member of the kingdom plantae, including any tree, shrub, vine, herb, flower, succulent, ground cover or grass species that grows or has been planted out-of-doors.

Livestock: Cattle, sheep, goats, hogs, poultry, horses, and game, domestic, exotic and other animals and birds, including zoo animals, used for commercial or personal purposes.

Livestock use: The use of water for drinking by or washing of livestock.

Make-up: Partial refilling due to evaporative water loss and backwashing.

Make-up meter: A meter that measures the amount of water entering a cooling tower system.

Msl: Elevation above mean sea level.

New facility: A swimming pool, hot tub or any similar facility, including residential and private facilities, installed during any current drought contingency plan stage. When the stage is rescinded, the new facility will be treated thereafter as an existing facility. This term does not include wading pools or pools specifically maintained to provide habitat for aquatic life.

New landscaping plant: Any plant or seed planted in or transplanted to an area within such period of time as to accomplish a reasonable establishment and maintenance of growth. Application of grass seed to an existing stand of grass or turf is not considered new landscaping for the purposes of this chapter.

Other outside use: The use of water outdoors for the maintenance, cleaning and washing of structures and mobile equipment, including automobiles and boats, and the washing of streets, driveways, sidewalks, patios, and other similar areas.

Park: A tract of land, other than a golf course, maintained by a city, private organization, or individual, as a place of beauty or of public recreation.

Pervious surface: Any ground surface which can absorb water or other liquids.

Power production: The use of water for steam generation and the use of water for cooling and for replenishment of cooling reservoirs.

Pressure washer: A machine that uses water or a water based product applied at high pressure to clean impervious surfaces.

Property address: The street address of a property, unless multiple street addresses are served by a single meter, in which case the billing address will be used.

Rain sensor: A device designed to stop the flow of water to an automatic irrigation system when rainfall has been detected.

Reduction goals: The percentages of reduction in water use from certified baseline use volumes that are imposed in connection with the respective stages. The following reduction goals are the established minimum reduction goals for each Demand Reduction Stage:

Stage I: Twenty (20) percent correlative water level: Index Well J-17 falls to or is less than six hundred sixty (660) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority.

Stage II: Thirty (30) percent correlative water level: Index Well J-17 falls to or is less than six hundred fifty (650) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority.

Stage III: Thirty-five (35) percent correlative water level: Index Well J-17 falls to or is less than six hundred forty (640) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority. Alternatively, Stage III may be implemented before or after the J-17 levels described above as deemed necessary by the City Manager.

Stage IV: Forty (40) percent correlative water level: Index Well J-17 falls to or is less than six hundred thirty (630) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority or the City Manager declares an emergency water shortage condition exists.

These stages are not cumulative. For example, the total reduction from certified baseline use volume to be achieved for Stage III is thirty-five (35) percent.

Schertz-Seguin Local Government Corporation: A nonprofit corporation of the State of Texas, created and existing under the laws of the State, including the Texas Transportation Corporation Act, as amended, Texas Transportation Code Section 431.001 et seq., the City of Schertz, Texas, a home-rule city ("Schertz"); the City of Seguin, Texas, a home-rule city ("Seguin");

Reused water: Water that has been recycled or reclaimed after it has been used for any beneficial purpose.

Soaker hose: Plastic or flexible hose with holes that send a fine spray in the air. Also includes flexible leaky hoses that emit water across the entire length based on water pressure, and connect directly to a flexible hose or spigot.

Spa: Any substructure associated with a swimming pool often described as a hot tub.

Sprinkler: An emitter that applies water to the landscape plants in a stream that travels through the air. Sprinkler irrigation can be applied by an irrigation system or hose-end sprayer or a soaker hose that sprays water in the air.

Swimming pool: Any structure, basin, chamber, or tank including hot tubs containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.

- (a) **Private residential swimming pool.** Any swimming pool located on private property under the control of the homeowner, the use of which is limited to swimming or bathing by the homeowner's family or invited guests.
- (b) **Public swimming pool.** Any swimming pool, other than a private residential swimming pool, intended to be used collectively by persons for swimming or bathing, operated by any person as defined herein, whether owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for such use. The term includes, but is not limited to, apartment community pools, condominium association pools and community association pools.

TDS: Total dissolved solids.

Trigger level: The mean sea level of the Edwards Aquifer as indicated by the J-17 index well.

Vegetable garden: Any noncommercial garden planted primarily for household use. For this use, "noncommercial" includes incidental direct selling of produce from such a vegetable garden to the public.

Waste: Water without obtaining maximum beneficial use thereof. Waste shall include, but not limited to, causing, suffering, or permitting a flow of water used for landscape watering to run into any river, creek or other natural watercourse or drain, superficial or underground channel, bayou, or into any sanitary or storm sewer, any street, road or highway or other impervious surface area, or upon the lands of another person or upon public lands. Waste shall also include, but not be limited to, any discharge of water used for commercial, industrial, municipal or domestic purposes to any storm, sanitary sewer, or septic system without the user first having obtained maximum beneficial use thereof. Waste shall also include, but not limited to, failure to repair any controllable leak on property owned by any registered meter holder.

Water: Includes, but is not limited to, potable water supplied by a water purveyor, potable water withdrawn from any groundwater well, surface water from any river, creek, natural watercourse, pond, lake or reservoir, and recycled water supplied by a water purveyor.

Watering day: A day designated for landscape watering limited to the standard 24-hour period of 12:00 a.m. to midnight. Thus, if it is Stage I and Wednesday is a designated watering day, the period of time referenced is Wednesday morning between 12:00 a.m. to 10:00 a.m., and Wednesday evening between 8:00 p.m. and midnight.

Watering days and hours: A day designated for landscape watering, limited as follows:

Last Digit of Address	Day
0 and 1	Monday
2 and 3	Tuesday
4 and 5	Wednesday
6 and 7	Thursday
8 and 9	Friday

- (a) Stage I is limited to the morning hours from midnight to 10:00 a.m. and the evening hours from 8:00 p.m. to midnight. Thus, if Friday is a designated watering day, the period of time referenced is Friday morning between 12:00 a.m. to 10:00 a.m. and Friday evening between 8:00 p.m. and midnight.
- (b) Stage II is limited to the morning hours of 7:00 a.m. to 11:00 a.m., and the evening hours of 7:00 p.m. to 11:00 p.m.
- (c) Stage III is limited to the morning hours of ~~7:00 a.m. to 10:00 a.m., and the evening hours of 8:00 p.m. to 11:00 p.m.~~ **Monday, Wednesday, and Friday** for irrigation by drip irrigation, or five-gallon bucket.

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Landscape irrigation with a soaker hose, in-ground irrigation system or hose-end sprinkler is permitted ~~once a week after Stage III has been declared only on the designated watering day in Stages I and II during the hours of 7:00 a.m. to 10:00 a.m. and 8:00 p.m. to 11:00 p.m.~~ Landscape watering with a handheld hose is allowed at any time on any day.

- (d) During Stage IV, Stage III landscape irrigation restrictions remain in effect. Additional restrictions on water use may be established at the discretion of the Edwards Aquifer Authority or City Council.

Water utility: Water used for withdrawal, treatment, transmission and distribution by potable water systems.

(Ord. No. 406-I-2013, § VI, 4-2-13)

Sec. 2-10-107. Criteria for initiation and termination of drought response stages.

The City Manager shall monitor water supply and/or demand conditions on a weekly basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached. The City Manager, or designee, may declare later stages of drought or delay a later stage of drought when deemed necessary.

The City triggering criteria for initiation described below are based on the aquifer stage conditions. The aquifer conditions shall be based on the Edwards Aquifer water levels in Well AY-68-37-203 in San Antonio (also known as "Dodd Field Test Well" or "J-17") as set out in this section. These trigger levels were mandated by the Edwards Aquifer Authority.

The City triggering criteria for termination described below are based on when the Edwards Aquifer trigger levels at the J-17 Index Well is above the same stage trigger level for ~~ten (10) consecutive days~~. The City Manager, or his/her designee, shall monitor consistency of aquifer level to determine if conditions warrant termination of the measures, and such determination shall include consideration of pumpage trends, seasonal adjustments, and current and forecast precipitation unless conditions significantly change to warrant an earlier review for stage termination. After due consideration of all of the above-described conditions, the City Manager may declare the measures terminated.

Stage I Triggers—Aquifer Awareness

Requirements for initiation. Customers shall be required to conserve water and adhere to the prescribed limitations on certain water uses, defined in Section VII [section 2-10-106], Definitions, when the Edwards Aquifer index well, J-17, level falls to or is less than six hundred sixty (660) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority. The water use reduction goal for this stage is twenty (20) percent.

Requirements for termination. Stage I of the Plan may be rescinded only when the Edwards Aquifer level at the J-17 Index Well is above the trigger level of six hundred sixty (660) msl for ~~ten (10) consecutive days~~ and it is determined conditions warrant termination of the measures.

Stage II Triggers—Aquifer Watch

Requirements for initiation. Customers shall be required to conserve water and adhere to the prescribed limitations on certain water uses, defined in Section VII [section 2-10-106], Definitions, when the Edwards Aquifer index well, J-17 aquifer level falls to or is less than six hundred fifty (650) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority. The water use reduction goal for this stage is thirty (30) percent.

Requirements for termination. Stage II of the Plan may be rescinded only when Edwards Aquifer level at the J-17 Index Well are above the trigger level of six hundred fifty (650) feet msl for ~~ten (10) consecutive days~~

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and it is determined conditions warrant termination of the measures. Conditions will determine if all restrictions are terminated or if a previous less restrictive stage will apply.

Stage III Triggers—Aquifer Alert

Requirements for initiation. Customers shall be required to conserve water and adhere to the prescribed limitations on certain water uses, defined in Section VII [section 2-10-106], Definitions, when the Edwards Aquifer index well, J-17 level falls to or is less than six hundred forty (640) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority. Alternatively, Stage III may be implemented before or after the J-17 levels described above as deemed necessary by the City Manager. The water use reduction goal for this stage is thirty-five (35) percent.

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Requirements for termination. Stage III of the Plan may be rescinded only when the Edwards Aquifer level at the J-17 Index Well is above the trigger level of six hundred forty (640) feet msl for **ten (10) consecutive days** and it is determined conditions warrant termination of the measures. Conditions will determine if all restrictions are terminated or if a previous less restrictive stage will apply.

Stage IV Triggers—Emergency Water Shortage Conditions

Requirements for initiation. Customers shall be required to conserve water and adhere to the prescribed limitations on certain water uses, defined in Section VII [section 2-10-106], Definitions, when the Edwards Aquifer index well, J-17 level falls to or less than six hundred thirty (630) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority or the City Manager declares an emergency water shortage condition exists.

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Customers shall be required to comply with these additional requirements and limitations for Stage IV of this Plan when the City Manager or his/her designee determines that a water supply emergency exists based on:

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1. Reduction in available water supply up to a repeat of the drought of record;
2. Major water production or distribution system limitations;
3. Supply source contamination;
4. System outage due to the failure or damage of major water system components; or
5. The Edwards Aquifer Authority board has declared a prohibition of all sprinkler irrigation throughout the entire Edwards Aquifer region.

The water use reduction goal for this stage is forty (40) percent.

Requirements for termination. Stage IV of the Plan may be rescinded only when the Edwards Aquifer level at the J-17 Index Well is above the trigger level of six hundred thirty (630) feet msl for **ten (10) consecutive days** and it is determined conditions warrant termination of the measures. Conditions will determine if all restrictions are terminated or if a previous less restrictive stage will apply.

(Ord. No. 406-I-2013, § VII, 4-2-13)

Sec. 2-10-108. Wasting water, water use reduction measures and drought response stages.

(1) *Wasting Water.*

- (a) It shall be unlawful for any person or customer to waste water for any use other than described in the Plan.
- (b) Landscape irrigation, using individual sprinklers or sprinkler systems, is prohibited year-round between the hours of 10:00 a.m. and 8:00 p.m. (MANDATORY) when no other water use reduction measures and drought response stages are in effect.

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(Supp. No. 80)

- (c) It shall be a violation if a person or customer allows water to run off onto an impervious street, ditch or drain, or fails to repair a controllable leak.
- (d) Cooling towers (effective April 2013):
 1. Cooling towers not utilizing recycled water, shall operate a minimum of four (4) cycles of concentration.
 2. Newly constructed cooling towers shall be operated with conductivity controllers, as well as make-up and blow down meters.

(2) *Water Use Reduction Measures and Drought Response Stages.* The City Manager or his/her designee shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII [section 2-10-107] of this Plan, shall determine that an aquifer awareness, aquifer watch, aquifer alert, or emergency water shortage condition exists and shall implement the following actions upon publication of notice at City Hall and/or signs posted in public places, city website, Facebook and water utility bills. In addition, the City Manager or his/her designee shall notify directly, or cause to be notified directly, the following individuals and entities, as appropriate for the requisite drought stage: (1) Mayor, (2) Members of the City Council, (3) Police Chief, (4) Fire Chief, (5) City Emergency Management Coordinator, (6) Public Works Director, (7) City Clerk, (8) Code Enforcement Officer, (9) Utility Administration, **(10) all utility customers**, and (11) Parks/streets superintendents and public facilities managers.

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Stage I Response—Aquifer Awareness

Trigger Criteria: The Edwards Aquifer index well J-17 is at or below six hundred sixty (660) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority.

Goal: Achieve a twenty (20) percent reduction in total water use.

Supply Management Measures: The City of Universal City will continue its on-going education program, coordination activities, special-use provision, reuse and recycling program, fire hydrant and line monitoring program, and programs with water purveyors and companies. In addition, the City of Universal City shall reduce or discontinue flushing of water mains as far as is practical and prudent. The City will also utilize its Carrizo connection with the Schertz-Seguin Local Government Corporation if deemed appropriate.

Stage I Water Use Limitations: Under threat of penalty for violation, the following water use limitations shall apply to all persons:

- (a) Water customers shall comply with mandatory limits of landscape irrigation. Watering days will be based on the last digit of the address:

Last Digit of Address	Day
0 and 1	Monday
2 and 3	Tuesday
4 and 5	Wednesday
6 and 7	Thursday
8 and 9	Friday

If there is no street address associated with the property such as a parkway or if there is more than one (1) street address with a single contiguous property the irrigation day is Wednesday.

- (b) No person may waste water.
- (c) Landscape irrigation with a hand-held hose, drip irrigation system or five-gallon bucket is allowed at any time on any day. UNATTENDED HAND-HELD HOSE WILL BE CONSIDERED THE SAME AS SPRINKLERS.

- (d) Landscape irrigation by means of a soaker hose, hose-end sprinkler or an in-ground sprinkler system is allowed only once a week on the designated watering day as determined by the last digit street address but limited to the morning hours from midnight to 10:00 a.m. and the evening hours from 8:00 p.m. to midnight.
- (e) ~~No residential or nonresidential property owners may use water to pressure wash an impervious outdoor ground covering such as a parking lot, driveway, street, or sidewalk unless for health or safety reasons. Residential and nonresidential property owners may pressure wash their property for health and safety or in preparation of residential property maintenance such as for painting.~~
- (f) No person may allow irrigation runoff to escape from that person's land.
- (g) Restaurants and other eating establishments are prohibited from serving water to customers except upon request of the customer.
- (h) Residential car washing and mobile equipment (e.g., washing vehicles at a residence) is permitted only on Saturday and Sunday with a pressure washer, hand-held hose equipped with an automatic shut-off nozzle or bucket of five (5) gallons or less, without waste. Fleet Managers are encouraged to only wash those vehicles as is necessary for health and safety.
- (i) Charity car washes are prohibited except at a commercial car wash that recycles at least seventy-five (75) percent of the water it uses or that is certified as a conservation car wash.
- (j) Water customers are requested to practice water conservation and to minimize or discontinue water use for nonessential purposes.
- (k) All nonpublic swimming pools must have a minimum of twenty-five (25) percent of the surface area covered with evaporation screens when not in use. Inflatable pool toys or floating decorations may be used. ~~Auto fill feature shall be turned off.~~
- ~~(l) Groundwater may be used to replenish swimming pools to maintenance level. Draining of swimming pools is permitted only onto a pervious surface or onto a pool deck where the water is transmitted directly to a pervious surface, only if:~~
 - ~~1. Draining excess water from the pool due to rain to lower the water to the maintenance level;~~
 - ~~2. Repairing, maintaining, or replacing a pool component that has become hazardous; or~~
 - ~~3. Repairing a pool leak.~~

~~Refilling of swimming pools permitted only if pool has been drained for the repairs, maintenance or replacement set out in items 2, or 3, above.~~
- (m) ~~Newly installed nonpublic swimming pools may be filled to maintenance level.~~
- ~~(n) Use of fountains, waterfalls, or other aesthetic water features, outdoors is prohibited.~~
- (o) Use of Edwards Aquifer water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. However, if the golf course utilizes water source other than that provided from the Edwards Aquifer, the facility shall not be subject to these regulations.
- ~~(p) Sprinkler system maintenance and testing is prohibited except on designated watering days between the hours 8:00 a.m. and 12:00 noon and between 7:00 p.m. and 11:00 p.m.~~
- (q) ~~Essential and utility use - (VOLUNTARY).~~
 - a. Fire fighting - no restrictions.
 - b. Medical use by health care facilities - no restrictions.

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- c. Water utility use:
 - i. Leak detection and system repairs are recommended.
 - ii. Sewer line flushing - reduction is recommended.
 - iii. Fire hydrant flushing - reduction is recommended.

Stage II Response—Aquifer Watch

Trigger Criteria: The Edwards Aquifer index well J-17 is at or below six hundred fifty (650) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority.

Goal: Achieve a thirty (30) percent reduction in total water use.

Supply Management Measures: In addition to the supply management measures for Stage I, the City of Universal City will closely monitor the system for leaks and provide rapid repairs and reduce or discontinue the irrigation of public landscaped areas. The City will also utilize its Carrizo connection with the Schertz-Seguin Local Government Corporation if deemed appropriate.

Stage II Water Use Limitations: Under threat of penalty for violation, the following water use limitations shall apply to all persons:

- (a) All of the limitations and prohibitions applicable in Stage I apply in Stage II unless otherwise specified as follows.
- (b) Irrigation with a soaker hose, hose-end sprinkler or in-ground irrigation system is allowed only once a week on the designated watering day as determined by address during the hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m.
- (c) Landscape irrigation with a drip irrigation system or five-gallon bucket is allowed during the Stage II hours of 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. on any day. Landscape irrigation with a hand-held hose is allowed at any time on any day. UNATTENDED HAND-HELD HOSE WILL BE CONSIDERED THE SAME AS SPRINKLERS.

- ~~(d) No person may use groundwater for an ornamental outdoor fountain or similar feature, unless the water is recycled and the only additional groundwater used for the feature is to compensate for evaporative losses.~~
- ~~(e) Athletic Fields: Public or private owners of an athletic field must comply with the provisions of this Plan unless an administrative waiver has been approved by the City Manager.~~
- ~~(f) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the City of Universal City.~~
- ~~(g) No residential or nonresidential property owners may use water to pressure wash an impervious outdoor ground covering such as a parking lot, driveway, street, or sidewalk unless for health or safety reasons. Residential and nonresidential property owners may pressure wash their property for health and safety or in preparation of residential property maintenance such as for painting.~~

Stage III Response—Aquifer Warning

Trigger Criteria: The Edwards Aquifer index well J-17 is at or below six hundred forty (640) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority. Alternatively, Stage III may be implemented before or after the J-17 levels described above as deemed necessary by the City Manager.

Goal: Achieve a thirty-five (35) percent reduction in total water use.

Moved up [1]: Groundwater may be used to replenish swimming pools to maintenance level. Draining of swimming pools is permitted only onto a pervious surface or onto a pool deck where the water is transmitted directly to a pervious surface, only if: ¶

1. Draining excess water from the pool due to rain to lower the water to the maintenance level; ¶
2. Repairing, maintaining, or replacing a pool component that has become hazardous; or ¶
3. Repairing a pool leak. ¶

Refilling of swimming pools permitted only if pool has been drained for the repairs, maintenance or replacement set out in items 2. or 3., above.

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Supply Management Measures: In addition to the supply management measures in Stages I and II, the City of Universal City will patrol the system for any waste of water and will issue citations as required. The City will also utilize its Carrizo connection with the Schertz-Seguin Local Government Corporation if deemed appropriate.

Stage III Water Use Limitations: All requirements of Stage I and II shall remain in effect during Stage III unless otherwise specified as follows:

(a) Landscape irrigation by drip irrigation system or five-gallon bucket is allowed on every Monday, Wednesday, and Friday only during the Stage III hours of 7:00 a.m. to ~~10:00 a.m.~~ and ~~8:00 p.m.~~ to 11:00 p.m.. Landscape irrigation with a hand-held hose is allowed at any time on any day. UNATTENDED HAND-HELD HOSE WILL BE CONSIDERED THE SAME AS SPRINKLERS.

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(b) Landscape irrigation with a soaker hose, an in-ground irrigation system or hose-end sprinkler is permitted every other week beginning on the second Monday after Stage III has been declared and only on the designated water day assigned in Stages I and II during the hours of 7:00 a.m. to ~~10:00 a.m.~~ and ~~8:00 p.m.~~ to 11:00 p.m.

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(c) No person may use groundwater for an ornamental outdoor fountain or similar feature.

~~(d) No residential or nonresidential property owners may use water to pressure wash an impervious outdoor ground covering such as a parking lot, driveway, street, or sidewalk unless for health or safety reasons. Residential and nonresidential property owners may pressure wash their property for health and safety or in preparation of residential property maintenance such as for painting.~~

Stage IV Response—Emergency Water Shortage Conditions

Trigger Criteria:

- (1) The Edwards Aquifer index well J-17 is at or below six-hundred thirty (630) feet msl based on a ten-day rolling average calculated and determined by the Edwards Aquifer Authority or the City Manager declares an emergency water shortage condition exists;
- (2) Reduction in available water supply up to a repeat of the drought of record;
- (3) Major water production or distribution system limitations;
- (4) Supply source contamination;
- (5) System outage due to the failure or damage of major system components; or
- (6) The Edwards Aquifer Authority board has declared a prohibition of all sprinkler irrigation throughout the entire Edwards Aquifer region.

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Goal: Achieve a forty (40) percent reduction in total water use.

Supply Management Measures: The City of Universal City will continue to implement the supply management measures of Stages I, II, and III, as well as utilize its Carrizo connection with the Schertz-Seguin Local Government Corporation and its emergency connection with the City of Selma if deemed appropriate by both Cities.

Water Use Limitations: All requirements of Stage I, II and III shall remain in effect during Stage IV unless otherwise specified as follows:

- (a) Stage III landscape irrigation restrictions remain in effect.
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane, recreational vehicle or other vehicle is absolutely prohibited except at car washes that recycle at least seventy-five (75) percent of the water it uses or that is certified as a conservation car wash.

- (c) Implementation of additional drought contingency measures may be applied by the direction of the Edwards Aquifer Authority.
- (d) A surcharge equal to two times (2 x) the current rate per Ordinance ~~149-M-31-05~~ 149-M-31-9-2023 as amended for all classes of customers will be charged to any customer who consumes more gallons than shown in the table below for each respective class of customers.

2 x the Volume Rate
(Per 1,000 Gallons)
All Months

*Single-Family Residential and Irrigation**

For Monthly Use Between:	In City	Out of City
10,000 to 19,999 gallons	2 x current rate	n/a
20,000 – 40,999 gallons	2 x current rate	n/a
41,000 – 99,999,999 gallons	2 x current rate	n/a

*Multifamily Residential and Irrigation Per Dwelling Unit***

For Monthly Use Between:	In City	Out of City
5,000 – 6,999 gallons	2 x current rate	2 x current rate
7,000 – 7,999 gallons	2 x current rate	2 x current rate
8,000 – 99,999,999 gallons	2 x current rate	2 x current rate

Separate Commercial Irrigation Meters

For Monthly Use Between:	In City	Out of City	Combined Inside-Outside City
51,000 to 100,999 gallons	2 x current rate	2 x current rate	2 x current rate
101,000 to 200,999 gallons	2 x current rate	2 x current rate	2 x current rate
201,000 to 300,999 gallons	2 x current rate	2 x current rate	2 x current rate
301,000 to 400,999 gallons	2 x current rate	2 x current rate	2 x current rate
401,000 gallons and over	2 x current rate	2 x current rate	2 x current rate

(Ord. No. 406-I-2013, § VIII, 4-2-13; Ord. No. 406-I-1-2013, § 1, 5-7-13)

Sec. 2-10-109. Violations.

It shall be a violation of this article for any person in the corporate city limits of Universal City who intentionally, knowingly, recklessly, or criminally negligently to allow or cause water waste, to allow or cause landscape watering outside the prescribed hours for landscape watering, or to allow or cause any violation of any provision of this article.

(Ord. No. 406-I-2013, § IX, 4-2-13)

Sec. 2-10-110. Continued violations.

At locations of three (3) repeated or continued violations during the same calendar year, the Code Enforcement Officer shall have the authority to issue citations and the City Manager shall have the authority to discontinue the supply of potable water to the registered meter holder.

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(Ord. No. 406-I-2013, § X, 4-2-13)

Sec. 2-10-111. Enforcement.

- (a) No person shall knowingly or intentionally allow the use of water from the City of Universal City for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the City Manager in accordance with provisions of this Plan.
- (b) Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than three hundred dollars (\$300.00) during Stage I, by a fine of not less than three hundred fifty dollars (\$350.00) and not more than five hundred dollars (\$500.00) during Stage II, by a fine of not less than five hundred fifty dollars (\$550.00) and not more than seven hundred dollars (\$700.00) during Stage III, by a fine of not less than seven hundred fifty dollars (\$750.00) and not more than one thousand dollars (\$1,000.00) during Stage IV. Each occurrence that one (1) or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three (3) or more distinct violations of this Plan during a calendar year, the City Manager shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge and any other costs incurred by the City of Universal City in discontinuing service. In addition, suitable assurance must be given by the customer to the City Manager in writing that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.
- (c) Any person, including a person classified as a water customer of the City of Universal City, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a "rebuttable presumption" that the person in apparent control of the property committed the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parent's control shall constitute a rebuttable presumption that the parent committed the violation. Further, a water customer shall be held responsible for a violation committed by a guest, relative or any other occupant of the property.
- (d) The Code Enforcement Officer or other City employee designated by the City Manager, including police officers, may issue a citation to a person he/she reasonably believes to be in violation of this article. The citation shall be prepared in triplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator. The alleged violator shall appear in municipal court to enter a plea. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued.

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(Ord. No. 406-I-2013, § XI, 4-2-13)

Sec. 2-10-112. Exceptions.

The Public Works Director or other city employee designated, may, in writing, grant temporary exception for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such exception would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such exception and if one (1) or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect; or
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

(Ord. No. 406-I-2013, § XII, 4-2-13)

Sec. 2-10-113. Administrative waivers.

Administrative waivers may only be considered for newly installed landscapes located at new residential and commercial properties, and public and private athletic fields.

Persons requesting a waiver from the provisions of this article shall file a petition for an administrative waiver with the Director of Public Works within five (5) days after adoption of the Plan or after a particular drought response stage has been invoked. All petitions for administrative waivers shall be reviewed and considered for approval by the Director of Public Works or other designated City employee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this article.
- (e) Description of the relief requested.
- (f) Period of time for which the exception is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Any other pertinent information.

Waivers granted by the Director of Public Works shall be subject to the following conditions:

- (a) Waivers for newly planted landscapes may qualify for a three-week exception from the one-day-per-week watering rules. The property owner shall specify the date of landscape installation. If the request is approved, a letter of confirmation stating the duration of the permit will be mailed to the applicant. Over-seeding existing turf or other landscape is not considered new landscape and will not be given a waiver.
- (b) Waivers for athletic fields shall be in the interest to maintain safety. There are two (2) options for requesting a variance to athletic field watering restrictions for safety reasons:
 - 1. Each athletic field may be watered once a week between midnight and 8:00 a.m. or 8:00 p.m. to midnight during Stages I, II and III.

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2. For campuses with multiple fields, each field may be irrigated on a separate day if time does not allow for irrigation of all fields on a single day within the specified hours. On the application please indicate the day of the week each field will be watered.

~~(e) Waivers granted shall expire when the drought response stage is no longer in effect, unless the petitioner has failed to meet specified requirements.~~

No waiver granted by the Public Works Department shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the waiver.

(Ord. No. 406-I-2013, § XIII, 4-2-13)

Sec. 2-10-114. Nuisance.

The violation of any part of this chapter shall be a nuisance which may be abated and enjoined by the City of Universal City. Any person creating a public nuisance shall be subject to the provision of the Code governing such nuisances, including reimbursing the City of Universal City for any costs incurred in removing, abating or remedying said nuisance. The owner of any property where said nuisance has occurred shall be liable to the City, acting through and on behalf of the City of Universal City, for the cost of such abatement and shall pay such cost on demand and the City, acting through and on behalf of the City, shall have a right to file a lien on the property to secure payment of the cost of such abatement.

(Ord. No. 406-I-2013, § XIV, 4-2-13)

Sec. 2-10-115. Access to premises.

The City of Universal City and all persons or agents employed thereby shall, at all reasonable hours, contact property owner/customer to make an appointment to gain access to premises to ascertain if water is being wasted within the corporate limits of the City and whether provisions of the Plan have been, and are being, complied with in all respects. In the event of an emergency where City personnel cannot make contact with property owner/customer and it is determined that water is being wasted, the City shall turn off water service to the property at issue until such emergency is addressed.

(Ord. No. 406-I-2013, § XV, 4-2-13)

Sec. 2-10-116. Reporting requirements.

Upon implementation of "Stage I—Aquifer Awareness," City reporting requirements will be in compliance with the Edwards Aquifer Authority adopted Code Chapter 715 Subchapter E (Critical Period Management Rules).

(Ord. No. 406-I-2013, § XVI, 4-2-13)

Sec. 2-10-117. Liability.

Nonliability for the City or of the persons carrying out the provisions of this article: This article is an exercise of the City of its governmental functions for the protection of the public, peace, health, and safety and neither the City of Universal City, Texas, nor the agents and representatives of said City, association, or in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this article shall be liable for any damage sustained to persons as the result of said activity.

(Ord. No. 406-I-2013, § XVII, 4-2-13)

Deleted: (c) Waivers may be granted for filling a newly installed nonpublic swimming pool with groundwater.¶
(d) Waivers may be granted for pressure washing at a residential or commercial property for general property maintenance purposes.¶

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Sec. 2-10-118. Severability.

It is hereby declared to be the intention of the City of Universal City that the sections, paragraphs, sentences, clauses, and phrases of this article are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the City of Universal City without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

(Ord. No. 406-I-2013, § XVIII, 4-2-13)

Sec. 2-10-119. This article to prevail if conflict.

In the event any section of this article conflicts in effect or application with any other section of the Code or ordinance, the section(s) of this chapter shall prevail.

(Ord. No. 406-I-2013, § XIX, 4-2-13)

Sec. 2-10-120. Reserved.

CITY OF UNIVERSAL CITY

Date: 08/15/2024

TO: City Council
FROM: Kim M. Turner, City Manager
SUBJECT: Ordinance 525-X-2024 Municipal Solid Waste Annual CPI Adjustment

Historical Background

Waste Management has delivered to the City a copy of its annual CPI/fuel adjustment methodology. The attached Ordinance provides for a revision of Schedule A of the contract. The residential rate per unit per month will increase from \$26.27 to \$26.87. Per the contract, the rate takes effect automatically. However, it is important for the Council to adopt the new rate, so the City's Code of Ordinances contains the latest data.

Action Requested

City Council approval of Ordinance 525-X-2024. Requires two readings.

Procurement Methodology

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

Source and Amount of Funding

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

Staff Recommendation

Approve Ordinance 525-X-2024 to update the City's Code of Ordinances.

ORDINANCE NUMBER: 525-X-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS, REVISING 525-U-2021, SCHEDULE A (BASE RATES) AS PROVIDED IN SECTION 2-3-9 MODIFICATION OF RATES, EXHIBIT "A"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Universal City, Texas ("City") is a Texas Home Rule City possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas constitution, Section 51.072 of the Texas Local Government Code, and the City's Home Rule Charter; and

WHEREAS, pursuant to Texas Health and Safety Code Section 364.033, in August 2021, the City authorized a contract with a Waste Management of Texas to furnish solid waste collection, transportation, handling, storage, or disposal services per Ordinance 525-U-2021; and

WHEREAS, the contract established rates for collection of solid waste for all residences and businesses in the City and authorized contractor to make annual rate adjustments as outlined in Section 2-3-9 Modification to Rates (codified); and

WHEREAS, contractor has presented City with its Municipal Solid Waste Annual Adjustment.

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

SECTION 1. Code of Ordinances Amended. The Code of Ordinances of the City of Universal City, Part II, Chapter 2-3, Schedule A is hereby deleted in its entirety and replaced it with new Chapter 2-3, Schedule A as provided in the attached **EXHIBIT A**, incorporated fully herein.

SECTION 2. 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 3. Repealer clause. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4. 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 5. 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 6. 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 7. 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 _____ day of August 2024.

PASSED AND APPROVED in substantial form, on second reading by the City Council of the City of Universal City on this the _____ of September 2024.

Tom Maxwell, Mayor

Attest:

Approved as to form:

Maribel Garcia, Deputy City Clerk

Cynthia X. Trevino, City Attorney

EXHIBIT A

Schedule A
(Base Rates)

EXHIBIT A

City of Universal City 9/1/2024 <small>FOR THE CUSTOMER TAB</small>								
RESIDENTIAL RATES (Does Not Include City Franchise Fee)								
1 - WM Provided 96 Gallon Waste Cart - Curbside 2x/wk	\$26.87							
1 - WM Provided 96 Gallon Recycle Cart - Curbside 1x/wk	Included							
Household Hazardous Waste Collectionn - At Your Door	Included							
Brush Waste (6 CY Allowance) - Curbside	Included							
Bulk Waste (Fall & Spring Cleanup) - Convenience Station	Included							
Each Additional WM 96 Gallon Cart (Trash or Recycle)	\$10.47							
Pink Tag/Sticker	\$2.14							
COMMERCIAL HAND COLLECT (Includes 10% Franchise Fee)								
	1XWK	2XWK						
Hand-PU (1-5 Bags)	N/A	N/A						
Hand-PU (5-10 Bags)	N/A	N/A						
Poly Cart-PU (1 Cart)	\$32.92	\$65.69						
Poly Cart-PU (2 Carts)	\$63.69	\$131.66						
Poly Cart-PU (3 Carts)	\$98.75	\$197.49						
Poly Cart-PU (4 Carts)	\$131.66	\$263.31						
COMMERCIAL RATES (Includes 10% Franchise Fee)								
	FREQUENCY PER WEEK							
Container Size / Type	1XWK	2XWK	3XWK	4XWK	5XWK	6XWK	7XWK	EXTRA PU
2 Yard FEL Container	\$60.02	\$120.04	\$180.07	\$240.73	\$299.50	\$299.50	N/A	\$60.02
3 Yard FEL Container	\$90.02	\$153.05	\$270.10	\$360.11	\$450.15	\$378.14	N/A	\$90.02
4 Yard FEL Container	\$102.03	\$240.07	\$360.11	\$480.17	\$600.55	\$720.56	N/A	\$102.03
6 Yard FEL Container	\$137.74	\$306.10	\$540.18	\$720.22	\$900.29	\$1,079.58	N/A	\$137.74
8-Yard FEL Container	\$204.07	\$408.13	\$612.19	\$780.41	\$1,020.32	\$1,196.77	N/A	\$204.07
10 Yard FEL Container	\$299.92	\$600.15	\$900.29	\$1,200.31	\$1,500.39	\$1,814.52	N/A	\$299.92
See Other Charges Or Notes Below								
Delivery	N/A							
Lock Bar, MONTHLY	\$24.32							
Casters MONTHLY	\$24.32							
Redelivery Charge for non payment **	N/A							
Snapshot Charge	Non-Exempt							
TEMPORARY SERVICE								
6 Yard Temp ***	N/A							
8 Yard Temp ***	N/A	*** Temporary Service includes delivery, rental and removal, and disposal						
COMMERCIAL FRONT LOAD COMPACTORS* (Includes or Does Not Inc Franchise Fee?)								
Size	1x	2x	3x	4x	5x	6x	7x	XPU
2 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
6 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10 Yard FEL Compactor	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
See Other Charges Or Notes Below								
Delivery	N/A	*Compactor Rate Does Not Include Rental (Choose one and delete the other)						
Lock Bar, MONTHLY	N/A	*Compactor Rate Includes Rental						
Casters	N/A							
Redelivery Fee for non payment	N/A							
Gate or Enclosure Fee	N/A							
Snapshot Charge	Non-Exempt							
Additional Charge	N/A							
COMMERCIAL FRONT LOAD RECYCLING CONTAINERS (Includes 10% Franchise Fee)								
Size	1x	2x	3x	4x	5x	6x	7x	XPU
2 Yard FEL Container	\$115.71	\$231.42	N/A	N/A	N/A	N/A	N/A	\$115.71
3 Yard FEL Container	\$131.73	\$263.46	N/A	N/A	N/A	N/A	N/A	\$131.73
4 Yard FEL Container	\$175.85	\$351.70	N/A	N/A	N/A	N/A	N/A	\$175.85
6 Yard FEL (Cardboard)	\$263.77	\$527.55	N/A	N/A	N/A	N/A	N/A	\$263.77
8 Yard FEL Cardboard	\$351.70	\$703.41	N/A	N/A	N/A	N/A	N/A	\$351.70
See Other Charges Or Notes Below								
Delivery	N/A							
Lock Bar, MONTHLY	\$26.36							
Casters MONTHLY	\$26.36							
Redelivery Fee for non payment	N/A							
Gate or Enclosure Fee	N/A							
Snapshot Charge	Non-Exempt							
Additional Charge	N/A							
ROLL-OFF RATES (Includes 15% Franchise Fee)								

Container Size / Type	Delivery Rate	Rental Rate	BY Month or Day Rate	Hauling Charge (Per Pull + Disp)	Haul Rate per Pull	Disposal Rate per ton OV6
20 Yard (Open-Top)	\$121.59	\$6.08	Day	\$611.82	N/A	\$46.36
30 Yard (Open-Top)	\$121.59	\$6.08	Day	\$663.57	N/A	\$46.36
40 Yard (Open-Top)	\$121.59	\$6.08	Day	\$695.70	N/A	\$46.36
40 Yard (Open-Top) - City Fall/Spring Cleanup Use*	\$121.59	\$6.08	Day	\$611.82	N/A	\$46.36
20 Yard (Compactor)	N/A	Negotiated	Month	\$588.60	N/A	\$46.36
30 Yard (Compactor)	N/A	Negotiated	Month	\$588.60	N/A	\$46.36
32 Yard (Compactor)	N/A	Negotiated	Month	\$588.60	N/A	\$46.36
34 Yard (Compactor)	N/A	Negotiated	Month	\$588.60	N/A	\$46.36
40 Yard (Compactor)	N/A	Negotiated	Month	\$726.62	N/A	\$46.36
42 Yard (Compactor)	N/A	Negotiated	Month	\$726.62	N/A	\$46.36
Additional Service	N/A	N/A	N/A	N/A	N/A	N/A
REL Charge Rate:			N/A			
TRIP Charge Rate:			N/A			

NOTES / FREE SERVICES

City has 2(30YD) Perm Rolloffs at its Public Works Yard and can receive 180 Free Prescheduled Hauls Each Year - Weight cannot exceed 8 Tons Per Haul - WM can Charge Current per ton overage rate OV 8 with a 3 Day Notice of Overage to City. If hauls exceed 180 Permanent free allotment then WM can charge the current haul rate.

City will receive 6(40YD) Temp Rolloffs 2x a year for the Fall & Spring Cleanup held at Public Works Yard. Each cleanup has an allotment of 72 free total hauls between the 6(40YD) Rolloffs. Weight cannot exceed 8 Tons per haul - WM can Charge Current per ton rate OV 8 with a 3 Day Notice of Overage. If hauls exceed 72 free temp haul allotments per event then WM can charge current haul rate.



WM
1777NE Loop 410, Suite 1001
San Antonio, TX 78217

August 13, 2024

City of Universal City
Attn: Kim Turner
2150 Universal City Blvd.
Universal City, TX 78148

Re: Annual Rate Adjustment

Dear Kim,

WM is pleased to be the current provider of residential solid waste and recycling collection services for the City of Universal City.

Pursuant to Section 9 (CPI Adjustment) of the Municipal Solid Waste Agreement contract base rates for services shall be adjusted by 85% of the average monthly percentage increase of the CPI, US City Average for All Urban Customers, for Garbage and Trash (not Seasonally Adjusted). The 2023 twelve-month average was 568.79; the 2024 twelve-month average was 604.31. The percent, weighted change would be 5.31%. (Please see attached worksheet)

In Section 9. (Fuel Adjustment) base rates shall be adjusted by 15% of the average percentage increase or decrease in the Natural Gas Commercial Price – Texas by the Dept of Energy during the applicable period. The 2023 twelve-month average was 11.93; the 2024 twelve-month average was 9.53. The percent, weighted change would be -3.02% (Please see attached worksheet)

The total annual rate adjustment for September 1, 2024, will be 2.29%

The monthly residential rate per unit per month will increase from \$26.27 to \$26.87.

I have attached reports on how the CPI adjustment for Garbage and Trash; The DOE index for Natural Gas Commercial Price - Texas and a report on how the annual adjustment was calculated. Please review and let me know if there are immediate questions.

As always, WM is grateful for the relationship and partnership that we have with the administration and residents of the City of Universal City, and we look forward to being of service for years to come!

Respectfully,

Gary Gauci
Public Sector Solutions Manager
Waste Management of Texas, Inc.
ggauci@wm.com
512-484-3819

**City of Universal City
Annual Rate Adjustment Methodology
Effective August 12, 2024**

2022 - 2023 vs 2023 - 2024

INDEX	2022-2023 12- Month Average	2023-2024 12- Month Average	Change	Change %	Weighting	Applied Rate Adjustment Percentage
BLS CPI-U Garbage & Trash	568.79	604.31	35.52	6.25%	85%	5.31%
EIA/DOE Natural Gas Commercial Price - Texas	11.93	9.53	-2.40	-20.12%	15%	-3.02%

Total Calculated Annual Rate Adjustment: **2.29%**

CITY OF UNIVERSAL CITY

Date: 8/20/2024

TO: Members of City Council
FROM: Kim Turner, City Manager
SUBJECT: Discuss and Consider Ordinance 149-M-31-09-2024 (Water Rates)

Attached are the water rates presented and discussed in the budget session that includes a 2% increase in demand charge and a 2% increase in the volume rate.

These rates shall be effective and assessed on the meter readings for utility bills created on and after October 1, 2024, in line with the regular schedules of utility billing practices.

ORDINANCE 149-M-31-09-2024

AN ORDINANCE OF THE CITY OF UNIVERSAL CITY, TEXAS, AMENDING ORDINANCE 149 FEE SCHEDULES; AMENDING ORDINANCE 149-M-31-9-2023 AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND AMENDING THE UNIVERSAL CITY CODE OF ORDINANCES ACCORDINGLY.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS, THAT: Ordinance 149-M and Ordinance 149-M-31-9-2023 shall be amended to change the following fee schedules:

1. The Pass-Through Edwards Aquifer Authority Management Fee, Water Demand and Volume Charge per billing period as per the following tables shall be assessed:

Fixed Pass-Through Edwards Aquifer Authority Management Fee (Per Month) For All Customers

<i>Meter Size</i>	<i>In City</i>	<i>Out of City</i>	<i>Combined Inside-Outside City</i>
5/8"	\$ 3.23	\$ 3.23	\$ 3.23
3/4"	\$ 4.85	\$ 4.85	\$ 4.85
1"	\$ 8.08	\$ 8.08	\$ 8.08
1 1/2"	\$ 16.15	\$ 16.15	\$ 16.15
2"	\$ 25.84	\$ 25.84	\$ 25.84
3"	\$ 51.68	\$ 51.68	\$ 51.68
4"	\$ 80.75	\$ 80.75	\$ 80.75
6"	\$161.50	\$161.50	\$161.50
8"	\$258.40	\$258.40	\$258.40
10" Compound Meter	\$370.99	\$370.99	\$370.99
10" Turbine	\$806.49	\$806.49	\$806.49

For sizes not shown, the next larger size shall be issued. Upon request for meters over 8 inches, a proportionate rate shall be established based on meter capacity.

Fixed Water Demand Charge (Per Month) For All Customers

<i>Meter Size</i>	<i>In City</i>	<i>Out of City</i>	<i>Combined Inside-Outside City</i>
5/8"	\$ 20.18	\$ 24.21	\$ 23.47
3/4"	\$ 30.24	\$ 36.31	\$ 35.23
1"	\$ 50.39	\$ 60.48	\$ 58.82
1 1/2"	\$ 100.74	\$ 120.89	\$ 117.47
2"	\$ 161.21	\$ 193.44	\$ 187.91
3"	\$ 322.39	\$ 386.90	\$ 375.60
4"	\$ 503.72	\$ 604.49	\$ 586.82
6"	\$1,007.43	\$1,208.93	\$1,173.72
8"	\$1,611.88	\$1,934.26	\$1,877.95
10" Compound Meter	\$2,317.31	\$2,780.78	\$2,694.81
10" Turbine	\$5,037.61	\$6,045.13	\$5,858.24

For sizes not shown, the next larger size shall be issued. Upon request for meters over 8 inches, a proportionate rate shall be established based on meter capacity.

**Volume Rate
(Per 1,000 Gallons)
All Months**

*Single-Family Residential and Irrigation**

<i>For Monthly Use Between:</i>	<i>In City</i>	<i>Out of City</i>
1 to 5,999 gallons	\$ 2.60	\$ 3.08
6,000 to 9,999 gallons	\$ 3.89	\$ 4.61
10,000 to 19,999 gallons	\$ 5.12	\$ 6.11
20,000 to 40,999 gallons	\$ 10.21	\$12.21
41,000 gallons and over	\$20.36	\$24.42

*Multi-Family Residential with Irrigation Per Dwelling Unit***

<i>For Monthly Use Between:</i>	<i>In City</i>	<i>Out of City</i>
1 to 2,999 gallons	\$ 2.60	\$ 3.08
3,000 to 4,999 gallons	\$ 3.89	\$ 4.61
5,000 to 6,999 gallons	\$ 5.12	\$ 6.11
7,000 to 7,999 gallons	\$10.21	\$12.21
8,000 gallons and over	\$20.36	\$24.42

	<u>Commercial</u>		
	<i>In City</i>	<i>Out of City</i>	<i>Combined Inside-Outside City</i>
ALL USE	\$3.89	\$4.67	\$4.48

<u>Separate Commercial/Multi-Family Irrigation Meters (Potable Water)</u>			
<i>For Monthly Use Between:</i>	<i>In City</i>	<i>Out of City</i>	<i>Combined Inside-Outside City</i>
1 to 50,999 gallons	\$ 3.94	\$ 4.73	\$ 4.04
51,000 to 100,999 gallons	\$ 5.54	\$ 6.65	\$ 5.68
101,000 to 200,999 gallons	\$ 7.75	\$ 9.30	\$ 7.95
201,000 to 300,999 gallons	\$ 10.85	\$13.02	\$11.12
301,000 to 400,999 gallons	\$15.21	\$18.25	\$15.59
401,000 gallons and over	\$21.28	\$25.54	\$21.80

<u>Separate Commercial Irrigation Meter (Reuse Water)</u>			
	<i>In City</i>	<i>Out of City</i>	<i>Combined Inside-Outside City</i>
ALL USE	\$7.98	\$7.98	\$7.98

* Volumetric sum of the customer’s domestic and irrigation water use shall be the basis for calculating the volume charge.

** Volumetric sum of the customer’s domestic with irrigation water use shall be the basis for calculating the volume charge. This total volume shall be divided by the number of dwelling units (DU’s) in the associated multi-family complex to arrive at the average water use per DU). This then is the basis for calculating the volume charge per DU. This volume charge per DU shall then be multiplied by the associated number of DU’s to arrive at the total volume charge for the customer.

2. These rates shall be effective and assessed to all customers beginning with utility bills rendered on or after October 1, 2024.
3. The Universal City Code of Ordinances, Section 1-4-40, (Y)(2), shall be amended accordingly.
4. All Ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

PASSED on first reading by the City Council of the City of Universal City on this the 20th day of August, 2024.

PASSED AND APPROVED on second reading by the City Council of the City of Universal City on this the 3rd day of September, 2024.

CITY OF UNIVERSAL CITY, TEXAS

APPROVED:

 Tom Maxwell, Mayor

ATTEST:

APPROVED FOR LEGAL SUFFICIENCY:

 Maribel Garcia, Deputy City Clerk

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

- Distribution:
 Utilities Department
 Finance Department
 Public Works Department
 Development Services
 Municipal Code Corporation
 Work Book
 Original

ORDINANCE 149-M-31-9-2023

AN ORDINANCE OF THE CITY OF UNIVERSAL CITY, TEXAS, AMENDING ORDINANCE 149 FEE SCHEDULES; AMENDING ORDINANCE 149-M-31-9-2022 AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND AMENDING THE UNIVERSAL CITY CODE OF ORDINANCES ACCORDINGLY.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS, THAT: Ordinance 149-M and Ordinance 149-M-31-9-2022 shall be amended to change the following fee schedules:

1. The Pass-Through Edwards Aquifer Authority Management Fee, Water Demand and Volume Charge per billing period as per the following tables shall be assessed:

Fixed Pass-Through Edwards Aquifer Authority Management Fee (Per Month) For All Customers

<i>Meter Size</i>	<i>In City</i>	<i>Out of City</i>	<i>Combined Inside-Outside City</i>
5/8"	\$ 3.13	\$ 3.13	\$ 3.13
3/4"	\$ 4.70	\$ 4.70	\$ 4.70
1"	\$ 7.83	\$ 7.83	\$ 7.83
1½"	\$ 15.65	\$ 15.65	\$ 15.65
2"	\$ 25.04	\$ 25.04	\$ 25.04
3"	\$ 50.08	\$ 50.08	\$ 50.08
4"	\$ 78.25	\$ 78.25	\$ 78.25
6"	\$156.50	\$156.50	\$156.50
8"	\$250.40	\$250.40	\$250.40
10" Compound Meter	\$359.58	\$359.58	\$359.58
10" Turbine	\$781.68	\$781.68	\$781.68

For sizes not shown, the next larger size shall be issued. Upon request for meters over 8 inches, a proportionate rate shall be established based on meter capacity.

Fixed Water Demand Charge (Per Month) For All Customers

<i>Meter Size</i>	<i>In City</i>	<i>Out of City</i>	<i>Combined Inside-Outside City</i>
5/8"	\$ 19.78	\$ 23.74	\$ 23.01
3/4"	\$ 29.65	\$ 35.60	\$ 34.54
1"	\$ 49.40	\$ 59.29	\$ 57.67
1½"	\$ 98.76	\$ 118.52	\$ 115.17
2"	\$ 158.05	\$ 189.65	\$ 184.23
3"	\$ 316.07	\$ 379.31	\$ 368.24
4"	\$ 493.84	\$ 592.64	\$ 575.31
6"	\$ 987.68	\$1,185.23	\$1,150.71
8"	\$1,580.27	\$1,896.33	\$1,841.13
10" Compound Meter	\$2,271.87	\$2,726.25	\$2,641.97
10" Turbine	\$4,938.83	\$5,926.60	\$5,743.37

For sizes not shown, the next larger size shall be issued. Upon request for meters over 8 inches, a proportionate rate shall be established based on meter capacity.

**Volume Rate
(Per 1,000 Gallons)
All Months**

*Single-Family Residential and Irrigation**

<i>For Monthly Use Between:</i>	<i>In City</i>	<i>Out of City</i>
1 to 5,999 gallons	\$ 2.55	\$ 3.02
6,000 to 9,999 gallons	\$ 3.81	\$ 4.52
10,000 to 19,999 gallons	\$ 5.02	\$ 5.99
20,000 to 40,999 gallons	\$ 10.01	\$11.97
41,000 gallons and over	\$19.96	\$23.94

*Multi-Family Residential with Irrigation Per Dwelling Unit***

<i>For Monthly Use Between:</i>	<i>In City</i>	<i>Out of City</i>
1 to 2,999 gallons	\$ 2.55	\$ 3.02
3,000 to 4,999 gallons	\$ 3.81	\$ 4.52
5,000 to 6,999 gallons	\$ 5.02	\$ 5.99
7,000 to 7,999 gallons	\$10.01	\$11.97
8,000 gallons and over	\$19.96	\$23.94

ORDINANCE 149-M-31-9-2022

Page 2 of 2

	<i>In City</i>	<i>Commercial Out of City</i>	<i>Combined Inside-Outside City</i>
ALL USE	\$3.81	\$4.57	\$4.39

Separate Commercial/Multi-Family Irrigation Meters (Potable Water)

<i>For Monthly Use Between:</i>	<i>In City</i>	<i>Out of City</i>	<i>Combined Inside-Outside City</i>
1 to 50,999 gallons	\$ 3.86	\$ 4.63	\$ 4.04
51,000 to 100,999 gallons	\$ 5.43	\$ 6.52	\$ 5.68
101,000 to 200,999 gallons	\$ 7.60	\$ 9.12	\$ 7.95
201,000 to 300,999 gallons	\$ 10.64	\$12.77	\$11.12
301,000 to 400,999 gallons	\$14.91	\$17.89	\$15.59
401,000 gallons and over	\$20.86	\$25.03	\$21.80

Separate Commercial Irrigation Meter (Reuse Water)

	<i>In City</i>	<i>Out of City</i>	<i>Combined Inside-Outside City</i>
ALL USE	\$7.82	\$7.82	\$7.82

* Volumetric sum of the customer's domestic and irrigation water use shall be the basis for calculating the volume charge.

** Volumetric sum of the customer's domestic with irrigation water use shall be the basis for calculating the volume charge. This total volume shall be divided by the number of dwelling units (DU's) in the associated multi-family complex to arrive at the average water use per DU). This then is the basis for calculating the volume charge per DU. This volume charge per DU shall then be multiplied by the associated number of DU's to arrive at the total volume charge for the customer.

2. These rates shall be effective with all bills whose beginning meter reading occurs on or after September 1, 2023.
3. The Universal City Code of Ordinances, Section 1-4-40, (Y)(2)(a) and (Y)(2)(b), shall be amended accordingly.
4. All Ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

PASSED AND APPROVED, on first reading by the City Council of the City of Universal City on this 15th day of August 2023.

PASSED AND ADOPTED, on second reading by the City Council of the City of Universal City on this 5th day of September 2023.



ATTEST:

CITY OF UNIVERSAL CITY, TEXAS
APPROVED:

John Williams
John Williams, Mayor

APPROVED AS TO LEGAL SUFFICIENCY:

Kristin Mueller
Kristin Mueller, City Clerk

Megan R. Santee
Megan R. Santee, Attorney at Law
Denton, Navarro, Rocha, Bernal & Zech, P.C.

CITY OF UNIVERSAL CITY

Date: 8/20/2024

TO: Members of City Council
FROM: Kim Turner, City Manager
SUBJECT: Discuss and Consider Ordinance 149-M-32-09-2024 (Sewer Rates)

Attached are the wastewater rates presented and discussed in the budget session that includes a 2% rate increase in the wastewater demand charge and a 2% rate increase in the volume rate to support FY-2025 increases in the wholesale wastewater treatment costs, an expanded capital program, and increasing operations and maintenance expenses.

These rates shall be effective and assessed on the meter readings for utility bills created on and after October 1, 2024, in line with the regular schedules of utility billing practices.

ORDINANCE 149-M-32-09-2024

AN ORDINANCE OF THE CITY OF UNIVERSAL CITY, TEXAS, AMENDING ORDINANCE 149 FEE SCHEDULES; AMENDING ORDINANCE 149-M-32-09-2023; REPEALING ALL OR PARTS OF ORDINANCES IN CONFLICT; AND AMENDING THE UNIVERSAL CITY CODE OF ORDINANCES ACCORDINGLY.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS, THAT:

1. Ordinance 149-M, Sewer Service, per billing period, Demand and Volume Charge, and Ordinance 149-M-32-09-2023 be amended to change the following:

Fixed Demand Charge (Per Month)

	<i>In City</i>	<i>Out of City</i>	<i>Combined Inside-Outside City</i>
Single-Family Residential:	\$20.55	\$22.84	n/a
All Other Customers*	\$20.55	\$22.84	\$22.34

Volume Rate (Per 1,000 Gallons)

	<i>In City</i>	<i>Out of City</i>	<i>Combined Inside-Outside City</i>
Single-Family Residential**	\$4.44	\$ 5.33	n/a
All Other Customers***	\$7.27	\$ 8.70	\$ 8.38

* Only charged for water used under 3,000 gallons.

** Based on average winter month water use.

*** Based on monthly metered water use.

2. These rates shall be effective and assessed to all customers beginning with utility bills rendered on or after October 1, 2024.
3. The Universal City Code of Ordinances, Section 1-4-40(Y)(3), shall be amended accordingly and the remainder of Subsection (Y)(3) shall remain unchanged.
4. All Ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

PASSED on first reading by the City Council of the City of Universal City on this the 20th day of August, 2024.

PASSED AND APPROVED on second reading by the City Council of the City of Universal City on this the 3rd day of September, 2024.

CITY OF UNIVERSAL CITY, TEXAS

APPROVED:

Tom Maxwell, Mayor

ATTEST:

APPROVED FOR LEGAL SUFFICIENCY:

Maribel Garcia, Deputy City Clerk

Cynthia Trevino, City Attorney
Denton, Navarro, Rodriguez, Bernal, Santee, & Zech, P.C.

Distribution:
Utilities Department
Finance Department
Public Works Department
Development Services
Municipal Code Corporation
Work Book
Original

ORDINANCE 149-M-32-09-2023

AN ORDINANCE OF THE CITY OF UNIVERSAL CITY, TEXAS, AMENDING ORDINANCE 149 FEE SCHEDULES; AMENDING ORDINANCE 149-M-32-09-2022; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND AMENDING THE UNIVERSAL CITY CODE OF ORDINANCES ACCORDINGLY.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS, THAT:

- 1. Ordinance 149-M, Sewer Service, per billing period, Demand and Volume Charge, and Ordinance 149-M-32-09-2022 be amended to change the following:

Fixed Demand Charge (Per Month)

Table with 4 columns: Category, In City, Out of City, Combined Inside-Outside City. Rows include Single-Family Residential and All Other Customers*.

Volume Rate (Per 1,000 Gallons)

Table with 4 columns: Category, In City, Out of City, Combined Inside-Outside City. Rows include Single-Family Residential** and All Other Customers***.

- * Only charged for water used under 3,000 gallons.
** Based on average winter month water use.
*** Based on monthly metered water use.

- 2. These rates shall be effective with all bills whose beginning meter reading occurs on or after October 1, 2023.
3. The Universal City Code of Ordinances, Section 1-4-40, (Y) (3), shall be amended accordingly AND the remainder of Subsection 3 shall remain unchanged.
4. All Ordinances or parts of ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

PASSED AND APPROVED, on first reading by the City Council of the City of Universal City on this 15th day of August 2023.

PASSED AND ADOPTED, on second reading by the City Council of the City of Universal City on this 5th day of September 2023.



CITY OF UNIVERSAL CITY, TEXAS
APPROVED:

Signature of John Williams, Mayor

ATTEST:

APPROVED AS TO LEGAL SUFFICIENCY:

Signature of Kristin Mueller, City Clerk

Signature of Megan R. Santee, Attorney at Law
Denton, Navarro, Rocha, Bernal & Zech, P.C.

CITY OF UNIVERSAL CITY

Date: 8/20/2024

TO: Members of City Council
FROM: Kim Turner, City Manager
SUBJECT: Discuss and Consider Ordinance 570-D-2024 (Stormwater Rates)

Attached are the stormwater rates presented and discussed in the budget session that does not include a rate increase.

These rates shall be effective and assessed on the meter readings for utility bills created on and after October 1, 2024, in line with the regular schedules of utility billing practices.

ORDINANCE NO. 570-D-2024

AN ORDINANCE OF THE CITY OF UNIVERSAL CITY, TEXAS, RENEWING
ORDINANCE 570-D-2023 ESTABLISHING MUNICIPAL STORM WATER UTILITY FEES.

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

Ordinance 570, Section II – D (3) is hereby renewed as follows:

SECTION II. STORM WATER UTILITY FEE ESTABLISHED:

D. Municipal Storm Water Utility Fees:

3. Based thereon, the City shall fix the following schedule of monthly Municipal Storm Water Utility Fees for each respective category of land use and square footage (sf) size:

- a) Residential Tier 1 (5,000 & more sf) = \$ 5.67 per month
- b) Residential Tier 2 (0-4,999 sf) = \$ 4.29 per month
- c) Multi-family Tier 1 (0–21,999 sf) = \$ 9.53 per month
- d) Multi-family Tier 2 (22,000-43,999 sf) = \$ 29.84 per month
- e) Multi-family Tier 3 (44,000-131,999 sf) = \$ 90.48 per month
- f) Multi-family Tier 4 (132,000 & more sf) = \$430.56 per month
- g) Commercial Tier 1 (0-21,999 sf) = \$ 24.41 per month
- h) Commercial Tier 2 (22,000-43,999 sf) = \$ 66.79 per month
- i) Commercial Tier 3 (44,000-86,999 sf) = \$ 119.70 per month
- j) Commercial Tier 4 (87,000-131,999 sf) = \$206.29 per month
- k) Commercial Tier 5 (132,000 & more) = \$417.82 per month

And, the Universal City Code of Ordinances Section 2-10-147(d)(3) is hereby renewed accordingly.

This Ordinance shall become effective upon its passage and publication as required by law and the Storm Water Utility Fees shall be assessed to the users of all lots and tracts in the city limits of Universal City, Texas, effective beginning with utility bills rendered on or after October 1, 2024.

PASSED on first reading by the City Council of the City of Universal City on this the 20th day of August, 2024.

PASSED AND APPROVED on second reading by the City Council of the City of Universal City on this the 3rd day of September, 2024.

CITY OF UNIVERSAL CITY, TEXAS
APPROVED:

Tom Maxwell, Mayor

ATTEST:

APPROVED AS TO LEGAL SUFFICIENCY:

Maribel Garcia, Deputy City Clerk

Cynthia Trevino, City Attorney
Denton, Navarro, Rodriguez, Bernal, Santee & Zech, P.C.

ORDINANCE NO. 570-D-2023

AN ORDINANCE OF THE CITY OF UNIVERSAL CITY, TEXAS, AMENDING ORDINANCE 570-C-2022 TO ESTABLISH NEW MUNICIPAL STORM WATER UTILITY FEES; AND AMENDING THE UNIVERSAL CITY, TEXAS, CODE OF ORDINANCES.

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

Ordinance 570, Section II – D (3) is hereby amended to read:

SECTION II. STORM WATER UTILITY FEE ESTABLISHED:

D. Municipal Storm Water Utility Fees:

3. Based thereon, the City shall fix the following schedule of monthly Municipal Storm Water Utility Fees for each respective category of land use and square footage (sf) size:

- a) Residential Tier 1 (5,000 & more sf) = \$ 5.67 per month
- b) Residential Tier 2 (0-4,999 sf) = \$ 4.29 per month
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- j) Commercial Tier 4 (87,000-131,999 sf) = \$206.29 per month
- k) Commercial Tier 5 (132,000 & more) = \$417.82 per month

And, the Universal City Code of Ordinances Section 2-10-147 (d) (3) is hereby amended accordingly.

This Ordinance shall become effective upon its passage and publication as required by law and the Storm Water Utility Fees shall be assessed to the users of all lots and tracts in the city limits of Universal City, Texas, effective beginning with utility bills rendered for September 1, 2023.

PASSED AND APPROVED, on first reading by the City Council of the City of Universal City on this 15th day of August 2023.

PASSED AND ADOPTED, on second reading by the City Council of the City of Universal City on this 5th day of September 2023.



ATTEST:

Kristin Mueller
Kristin Mueller, City Clerk

CITY OF UNIVERSAL CITY, TEXAS
APPROVED:

John Williams
John Williams, Mayor

APPROVED AS TO LEGAL SUFFICIENCY:

Megan R. Santee
Megan R. Santee, Attorney at Law
Denton, Navarro, Rocha, Bernal & Zech, P.C

DEVELOPMENT SERVICES DEPARTMENT

MONTHLY REPORT

JULY 2024

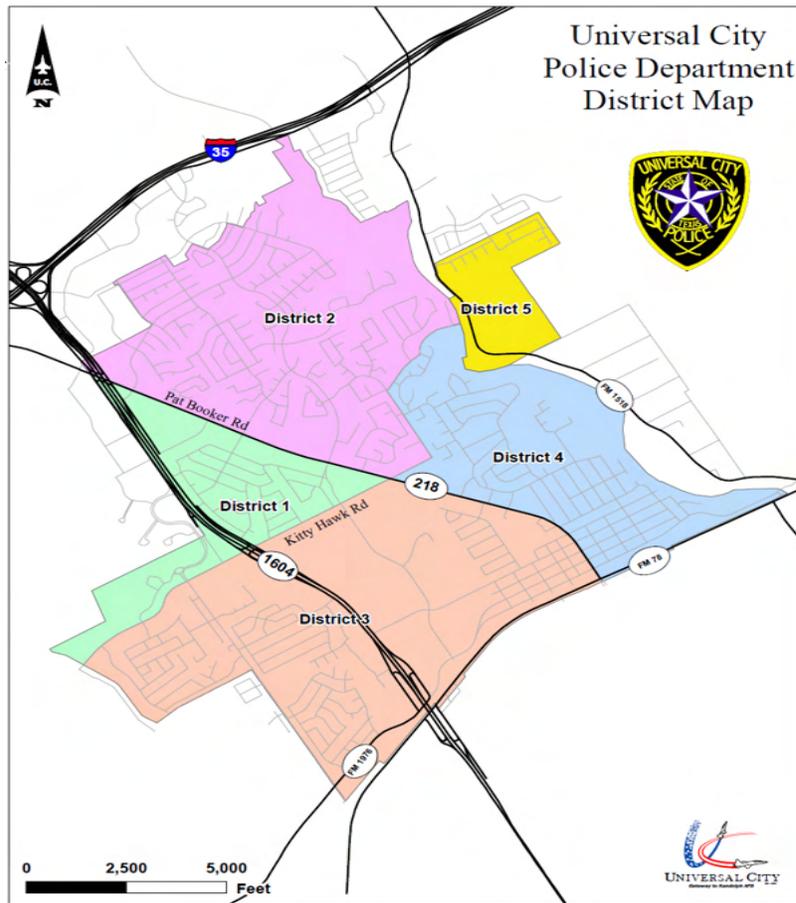
BUILDING		
<u>PERMITS ISSUED</u> 119	<u>CERTIFICATES OF OCCUPANCY</u> 4	
<u>TOTAL INSPECTIONS</u> 347	<u>1ST TIME INSPECTIONS</u> 302	<u>RE-INSPECTIONS</u> 45
HEALTH		
<u>TOTAL INSPECTIONS</u> 53	<u>1ST TIME INSPECTIONS</u> 33	<u>RE-INSPECTIONS</u> 20
CODE COMPLIANCE		
<u>CASES OPENED</u> 68	<u>CASES CLOSED</u> 35	



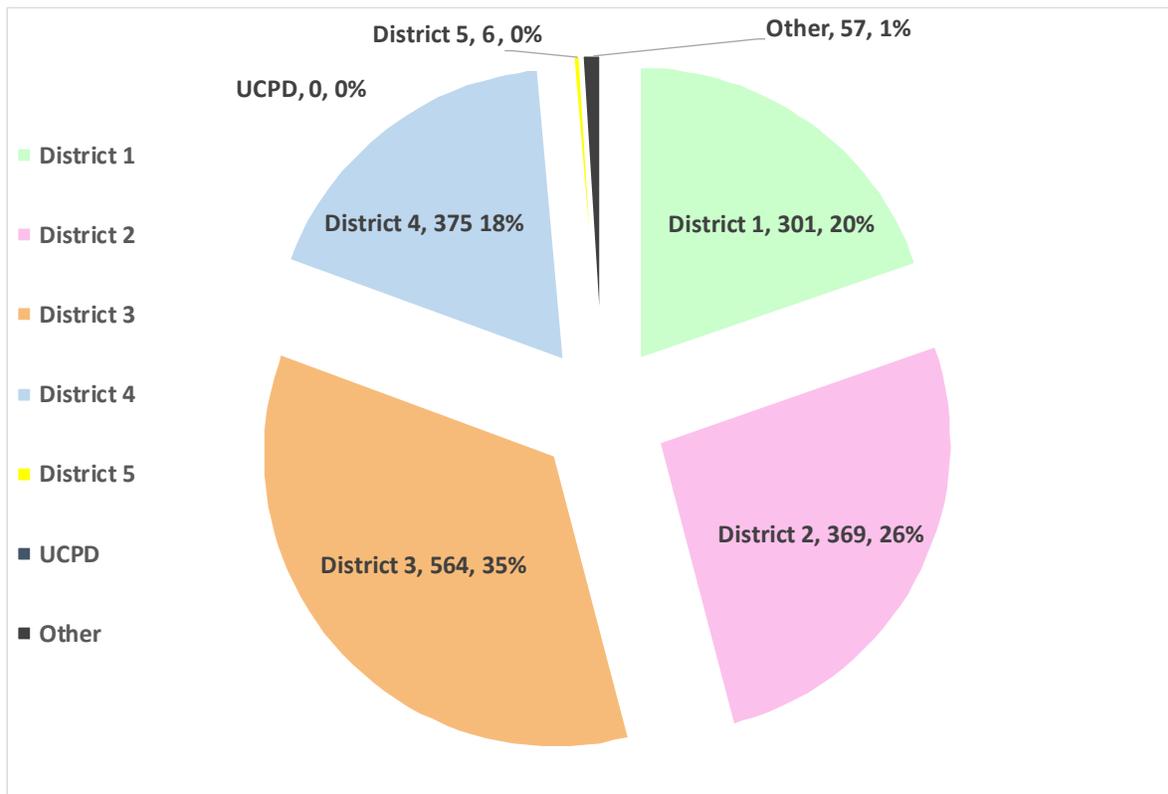
July 2024

ACTIVITY REPORT

“To provide patrol services, respond to emergencies, investigate crimes, and develop crime prevention programs that will render a safe environment for our community”.



Call activity received by Communication Technicians include the following: Officer initiated, backup calls, 911 emergency and non-emergency telephone calls.



WRITTEN REPORTS

ORIGINAL	219
SUPPLEMENTAL	252
TOTAL	471

CALL TYPES

PRIMARY	899
BACK-UP	521
CALL FOR SERVICE	3158
TOTAL	4578

INVESTIGATIONS

ASSIGNED	337
CLEARED	42
TOTAL	295

SUMMONS

CITATIONS	770
WARNINGS	601
TOTAL	1371

ARREST

ADULT	70
JUVENILE	2
TOTAL	72

ACCIDENTS

MAJOR	9
MINOR	58
TOTAL	67

Agency Executive Dashboard: UNIVERSAL CITY POLICE DEPARTMENT

Crash Summary by Year

by Crash Category	2021	2022	2023	2024 *
Total Crashes	505	401	438	308
Fatal (K)	2	1	1	--
Other Injury (A,B,C)	125	126	117	78
Non-Injury (N, U)	378	274	320	230
DUI	21	25	19	14
DWI	13	14	7	5
Speed Related	134	97	124	50
CMV Involved	14	8	5	11
Intersection Related	195	175	216	135
Motorcycle Involved	11	6	6	6
Cell Phone Related	3	9	4	1

by Crash Severity	2021	2022	2023	2024 *
FATAL INJURY	2	1	1	0
NOT INJURED	369	267	311	226
POSSIBLE INJURY	46	58	45	40
SUSPECTED MINOR INJURY	57	62	60	26
SUSPECTED SERIOUS INJURY	22	6	12	12

by Weather Condition	2021	2022	2023	2024 *
CLEAR	448	372	368	257
CLOUDY	22	10	39	27
FOG	1	0	0	0
OTHER (EXPLAIN IN NARRATIVE)	1	0	0	0
RAIN	25	19	31	23
SLEET/HAIL	2	0	0	1
SNOW	6	0	0	0

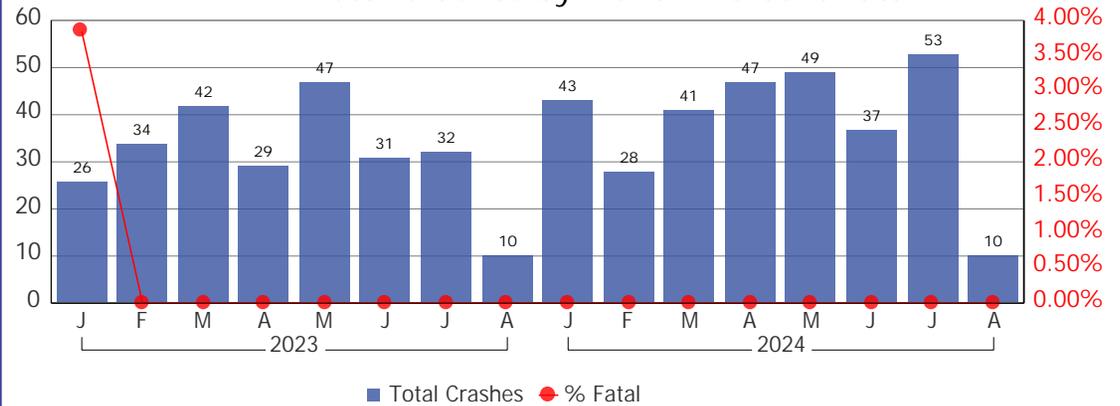
-- = No crash data

*Thresholds are based on YTD vs. YTD LY values

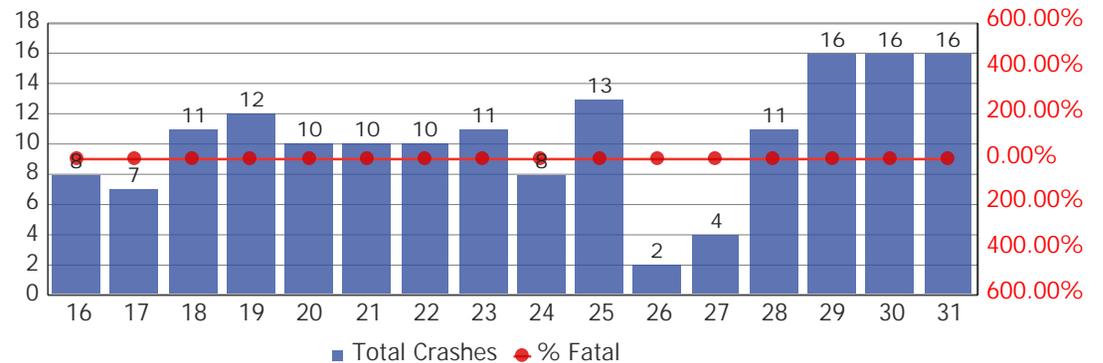
Crash Summary YTD

Top 5 Crash Contributing Factors YTD	Crashes	Crashes YTD LY	DUI Crashes	Fatal Crashes	Fatalities
DRIVER INATTENTION	70	80	2	--	--
FAILED TO CONTROL SPEED	45	55	4	--	--
FAILED TO YIELD RIGHT OF WAY - TURNING LEFT	34	21	1	--	--
CHANGED LANE WHEN UNSAFE	29	25	--	--	--
FOLLOWED TOO CLOSELY	29	18	--	--	--

Total Crashes by Month: Percent Fatal



Total Crashes Last 16 Weeks: Percent Fatal



UNIVERSAL CITY POLICE DEPARTMENT

JUL-2024

Case ID	Crash Date	Occurred On	Intersecting Road	Intersection Offset Amt	Direction	Private Drive / Parking Lot
FM0078		5 crashes				
240009568	07/11/2024	FM0078	SH0218	0		NO
2400010167	07/24/2024	FM0078	BROOKS AVE	0		NO
240010283	07/26/2024	FM0078	BROOKS AVE	0		NO
240010326	07/27/2024	FM0078	NORTH ST	30.000 FEET	W	NO
240010166	07/24/2024	FM0078	PAT BOOKER RD	0		NO
FM1976		1 crash				
240009772	07/16/2024	FM1976	SPRINGWOOD SQUARE ST	0		NO
SL1604		7 crashes				
240009732	07/15/2024	SL1604	SL1604	1.000 MILES	N	NO
240009811	07/17/2024	SL1604	SH0218	150.000 FEET	S	NO
240009536	07/12/2024	SL1604	PAT BOOKER RD	195.000 FEET	S	NO
240009339	07/09/2024	SL1604	GRANADA DR	63.000 FEET	S	NO
240009338	07/09/2024	SL1604	PALISADES DR	53.000 FEET	NE	NO
240009131	07/05/2024	SL1604	W BYRD	42.000 FEET	SW	NO
240010404	07/29/2024	SL1604	W BYRD	0		NO
UNIVERSAL CITY BLVD		2 crashes				
240010134	07/23/2024	UNIVERSAL CITY BLVD	EL DORADO	363.000 FEET	NW	YES
240009906	07/19/2024	UNIVERSAL CITY BLVD	ATHENIAN	0		NO
ATHENIAN		1 crash				
240010218	07/25/2024	ATHENIAN	UNKNOWN	5.000 FEET	SE	NO
SH0218		13 crashes				
240009341	07/09/2024	SH0218	UNIVERSAL CITY BLVD	0		NO
240009614	07/13/2024	SH0218	ATHENIAN	470.000 FEET	SE	NO
240009610	07/13/2024	SH0218	ATHENIAN	32.000 FEET	NW	NO
240009683	07/14/2024	SH0218	ATHENIAN	112.000 FEET	NW	NO
240009924	07/19/2024	SH0218	ATHENIAN	400.000 FEET	N	NO
240009928	07/19/2024	SH0218	ATHENIAN	309.000 FEET	S	NO

UNIVERSAL CITY POLICE DEPARTMENT

JUL-2024

Case ID	Crash Date	Occurred On	Intersecting Road	Intersection Offset Amt	Direction	Private Drive / Parking Lot
240010163	07/24/2024	SH0218	ATHENIAN	0		NO
240010484	07/31/2024	SH0218	VILLAGE GREEN	160.000 FEET	N	NO
240008986	07/03/2024	SH0218	W AVIATION BLVD	0		NO
240009411	07/10/2024	SH0218	VILLA DR	0		NO
240009773	07/16/2024	SH0218	VILLA DR	50.000 FEET	N	NO
24000981	07/18/2024	SH0218	VILLAGE OAK DR	170.000 FEET	N	NO
240010364	07/28/2024	SH0218	ATHENIAN ST	200.000 FEET	S	NO
E LOOP 1604 N		2 crashes				
240010098	07/23/2024	E LOOP 1604 N	SH0218	300.000 FEET	N	NO
240009862	07/18/2024	E LOOP 1604 N	W BYRD BLVD	1000.000 FEET	S	NO
KITTY HAWK RD		8 crashes				
240008915	07/02/2024	KITTY HAWK RD	UNIVERSAL CITY BLVD	0		NO
240009054	07/04/2024	KITTY HAWK RD	UNIVERSAL CITY BLVD	754.000 FEET	SW	YES
240010161	07/24/2024	KITTY HAWK RD	UNIVERSAL CITY BLVD	0		YES
240010332	07/27/2024	KITTY HAWK RD	UNIVERSAL CITY BLVD	300.000 FEET	E	NO
240010411	07/29/2024	KITTY HAWK RD	UNIVERSAL CITY BLVD	1.000 FEET	S	YES
240009861	07/18/2024	KITTY HAWK RD	QUIVIRA DR	150.000 FEET	E	NO
240010219	07/25/2024	KITTY HAWK RD	E 1604 ACCESS ROAD LOOP	16.000 FEET	SW	NO
240009353	07/09/2024	KITTY HAWK RD	E TX 1604 LOOP N	0		NO
PAT BOOKER RD		3 crashes				
240009872	07/18/2024	PAT BOOKER RD	UNIVERSAL CITY BLVD	50.000 FEET	S	YES
240010210	07/25/2024	PAT BOOKER RD	PALLISADES	0		NO
240009803	07/17/2024	PAT BOOKER RD	BUCKINGHAM VILLAGE	300.000 FEET	N	YES
PALISADES DR		1 crash				
240010172	07/24/2024	PALISADES DR	E 1604 ACCESS ROAD LOOP	16.000 FEET	SW	NO
E WRIGHT BLVD		1 crash				
240009272	07/08/2024	E WRIGHT BLVD	TRUDY LN	32.000 FEET	W	NO
E AVIATION BLVD		1 crash				

UNIVERSAL CITY POLICE DEPARTMENT

JUL-2024

Case ID	Crash Date	Occurred On	Intersecting Road	Intersection Offset Amt	Direction	Private Drive / Parking Lot
240010366	07/28/2024	E AVIATION BLVD MEADOWLAND 1 crash	TRUDY LN	50.000 FEET	S	NO
240010328	07/27/2024	MEADOWLAND GUILFORD FORGE 1 crash	FERN MEADOW DR	100.000 FEET	W	NO
240009729	07/15/2024	GUILFORD FORGE SUNRISE CANYON DR 1 crash	RISING STAR	100.000 FEET	E	NO
240010275	07/25/2024	SUNRISE CANYON DR E LOOP 1604 N ACCESS RD 1 crash	UNIVERSAL CITY BLVD	300.000 FEET	W	YES
240010112	07/23/2024	E LOOP 1604 N ACCESS RD PATBOOKER RD 1 crash	FM1976	60.000 FEET	SE	NO
240009757	07/16/2024	PATBOOKER RD KIITY HAWK RD 1 crash	BUCKINGHAM VILLAGE ST	0		NO
240009965	07/20/2024	KIITY HAWK RD ANCHOR BLUFF 1 crash	UNIVERSAL CITY BLVD	0		YES
240010488	07/31/2024	ANCHOR BLUFF ATHENIAN ST 1 crash	GAMBLEWOOD	365.000 FEET	E	NO
240009527	07/12/2024	ATHENIAN ST	SH0218	300.000 FEET	SE	NO

Grand Total: 53