MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Wednesday, 16 January 2024

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

2. **QUORUM CHECK and VOTE TO CONSIDER THE EXCUSE OF ABSENT MEMBERS (if applicable):** Maribel Garcia, Deputy City Clerk

Present:	**Staff Present:**
Mayor John Williams	Kim Turner, City Manager
Mayor Pro Tem Goolsby	Megan Santee, City Attorney
Councilmember Steven Buck	Michael Cassata, Development Services Director
Councilmember Ashton Bulman	Christine Green, Finance Director
Councilmember Christina Fitzpatrick	Randy Luensmann, Public Works Director
Councilmember Paul Najarian	Maribel Garcia, Deputy City Clerk
Councilmember Phil Vaughan	

Mayor Williams noted a quorum was present.

3. **INVOCATION and PLEDGE OF ALLEGIANCE:**

Councilmember Najarian gave the invocation. Mayor Williams 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:**
1. Financial/Investment Report: Christine Green reported on first quarter financials and investments outcomes.

5. **CITIZENS TO BE HEARD:**

- Bernie Rubal, 635 Balboa, thanked and recognized retiring employees being honored at the meeting. He felt disappointed that the 2023 Accomplishments Report did not include a report on the collapsed sewer line near his house. He informed Council that a records management report should be conducted annually in January according to the City's Code of Ordinances Chapter 1-6. He shared that a prior open records request showed non-compliance with records management policies and suggested process improvements.

- John Heberling, 8434 Ulysses, thanked the Mayor for his service after hearing he would not be running for reelection. He complimented the Mayor's meeting management. He thanked Councilmember Vaughan for his home's Christmas decor. He also thanked the City for the Waste Management contract, though it was contentious when passed, it allowed that more products would be able to be recycled.

- Lori Putt, 114 Foxglove, thanked the Public Works employees being honored in their retirement this meeting. She wished them the best in their retirement and thanked them on behalf of Parks Partners, the City, and herself.

- Devona Trigilio, 8438 Ulysses, thanked Councilmembers Bulman and Vaughan after attending her first Guide Your Council event. She appreciated the City for providing Waste Management pink tags for extra trash gathered after a missed pickup day. She expressed gratitude to the City for action made to make the City great. She thanked Regina Carmona, Community Relations Coordinator, and informed the public of Flashlight Night.

6. PUBLIC HEARINGS:

a. P.C. 596 (SU 017) – A request for a Specific Use Permit (SUP) at 320 Kitty Hawk Road, Suites 108 & 109 (CB 5053N BLK LOTS 5 & 6 SCHLUETER SUBD UT-3) to allow an Administrative and Business Offices use in the C3-Commercial Services District, per Zoning Ordinance 581.

Mr. Cassata gave an overview of the SUP request and clarified the location. He informed Council that the Planning and Zoning Commission had unanimously approved a recommendation to approve the SUP and that Staff had sent out 13 legal notices per code requirements with no responses.

Mayor Williams opened the Public Hearing at 6:45 PM.

There being no public comment, **Mayor Williams closed the Public Hearing at 6:46 PM.**

7. ANNOUNCEMENTS:

a. CITY MANAGER'S ANNOUNCEMENTS:

Mrs. Turner thanked everyone who worked the prior weekend during inclement weather. Employees included those in the Fire, Public Works, and Community Relations departments.

b. MAYOR'S ANNOUNCEMENTS:

Mayor Williams reported that Daryl John and Dr. Adriana Rocha Garcia were elected to the Guadalupe County Appraisal District Board and the Bexar County Appraisal District Board respectively.

i. **Public Works Retirees**: Mayor Williams commended four retirees for their combined 113 years of service to the City. He thanked Avery Lunsford for his service and noted the over $2 million in parks funding he secured during his 29 years of service. He thanked Blake Partridge for his 34 years of service and noted his work in planning and the Northeast Partnership. He thanked Ray Perez for his service to the City. Mayor Williams noted his 35 years with the City including 22 years as Streets Superintendent. He thanked Tracy Woody for his 15 years of service and noted how he changed all City street signs in response to State legislation. All four were given awards for their service to the City.
ii. **City Clerk Send-off**: Mayor Williams thanked Kristin Mueller for her 8 years with the City. She was thanked for her contributions as City Clerk and Economic Development Director.

c. COUNCILMEMBERS' ANNOUNCEMENTS:

Mayor Pro Tem Goolsby thanked everyone for their service to the City.

Councilmember Buck reiterated thanks. He wished Ms. Mueller well in Seguin, where she would begin her new job. He stated he was envious of those who retired and thanked City Staff for their work over the weekend during inclement weather. He noted the absence of infrastructure failures.

Councilmember Bulman echoed thanks for the service of leaving employees. She reminded the public of the candidate filing period for the May 4th, 2024 Uniform Election starting January 17th and ending February 16th.

Councilmember Najarian thanked Public Works retirees for their service and shared personal anecdotes of his interactions with them. He thanked Ms. Mueller for her service as well.

Councilmember Fitzpatrick reiterated Ms. Trigilio's comments about thanking City employees for nice things around the City. She emphasized this point, stating that the Public Works retirees were responsible for providing such a nice community. She thanked Ms. Mueller and stated she would be greatly missed. Councilmember Fitzpatrick announced the Library's Tasty Table event February 17th. Councilmember Bulman and she would be judges at the event.

Councilmember Vaughan inquired about a records management plan, referring to Mr. Rubal's comment, and asked whether a charter review was necessary.

Mrs. Turner and Mayor Williams explained that a charter review was not necessary for the City's records management plan. They elaborated on the requirements of a charter review and suggested that it not be done before the Comprehensive Plan given the budget requirements and time required. A new Comprehensive Plan creation process had already been in motion.

Mrs. Turner explained that the records management plan for the City was being followed and the City would have routine disposition of records that weekend.

7. CONSENT AGENDA:

Mayor Pro Tem Goolsby moved to approve the following Consent Agenda items:

a) Consider the minutes of the Tuesday, January 2nd, 2024 Regular Meeting.

Councilmember Fitzpatrick seconded the motion.

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

Motion to approve carried.

8. ACTION ITEMS:

B. Ordinance No. 655-M-2024 (PC 596 SU 017): An ordinance approving a Specific Use Permit to Valerie Burton for an Administrative and Business Offices use in the form of a cleaning business in a C3-Commercial Services District on property located at 320 Kitty Hawk Road, Suites 108 & 109, Universal City, Texas (CB 5053N BLK LOTS 5 & 6 SCHLUETER SUBD UT-3); providing for non-severability; and establishing an effective date.

Mayor Pro Tem Goolsby stated that after conducting a public hearing on the request for a Specific Use Permit for the property at 320 Kitty Hawk Road, Suites 108 & 109 and receiving the Planning and Zoning Commission's recommendation, City Council had considered the request and he moved to approve PC 596 and SU 017 and to grant a specific use permit to Valerie

Burton to allow an Administrative and Business Offices use in the form of a cleaning business at 320 Kitty Hawk Road, Suites 108 & 109. He moved to approved Ordinance No. 655-M-2024. Councilmember Bulman seconded the motion.

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

Motion to approve carried.

C. Resolution 895-K-2024 (2024 Personnel Policy and Procedures Manual): A resolution repealing Resolutions 895-A-2020, 895-B-2020, 895-C-2020, 895-F-2021, 895-F-2022, 895-G-2022, 895-H-2022, 895-I-2022, and 895-J-2023 in their entirety; adopting a 2024 Personnel Policy and Procedures Manual for the City of Universal City; establishing legislative findings; providing amendments; and setting an effective date.

Mrs. Turner explained the amendments and changes in the policy. She explained the repeal of everything not included in this policy.

Councilmember Buck and Mrs. Turner discussed the unused sick leave pool and explained how this policy update was the preferred method of current employees given the lack of use of the sick leave pool. The preferred method is direct donation of sick leave hours to the employee in need.

Councilmember Najarian moved to approve Resolution 895-K-2024. Councilmember Buck seconded the motion.

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

Motion to approve carried.

D. Award Construction Contract for the Olympia Hills Flooring, Bathroom Renovations, and Interior Finishes.

Mrs. Turner explained the bidding process and reported the low bid.

Councilmember Bulman noted that the budgeted amount for this project was $550,000 while expenses with acceptance of this bid would be $235,000. She confirmed that the remainder of the budgeted amount would be allocated to parking lot improvements at the golf course.

Councilmember Buck confirmed that subflooring would be done correctly referring to prior conversations about potential flooring complications.

Mayor Pro Tem Goolsby moved to award the Construction Contract for the Olympia Hills flooring, bathroom renovations, and interior finishes for $234,979.00 to Joeris and authorize the City Manager to execute the construction documents. Councilmember Buck seconded the motion.

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

Motion to approve carried.

E. Bid Acceptance of the Olympia Hills Golf Course Holes 8 & 9 Drainage Improvements.

Mrs. Turner reminded Council that Venue Tax revenues were set aside into the Stormwater Fund to be allocated to this drainage project. She reported the low bid and the recommended bid.

Mayor Williams emphasized the need for these improvements and noted how hazardous these holes had been for Staff to maintain.

Councilmember Bulman confirmed this project would be a long-term fix.

Council was assured of Abelar Inc.'s experience and performance following a question from Councilmember Najarian. Mr. Luensmann reported the process of reviewing bids.

Councilmember Vaughan gained clarification from Mr. Luensmann regarding materials, the course path, and project location. He noted current hazards on the course. Councilmember Vaughan was also assured that, due to the project coming in under budget, Staff would report to Council after project completion and request direction on how to proceed with surplus funds.

Mayor Pro Tem Goolsby moved to approve the acceptance of the low Base Bid for the Olympia Hills Golf Course Holes 8 & 9 Drainage Improvements, awarding the bid to Abelar Inc. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

F. Discuss Implementing a Councilmember Message Board.

Councilmember Vaughan, given the listed prices on Xenforo's website for their Council message board service, moved to direct Staff to set up a Council message board with Xenforo's $60 a month subscription service. He stated that with his forfeited monthly stipend in addition to Councilmember Bulman's and Councilmember Buck's already forfeited monthly stipends, the service could be paid. Councilmember Bulman seconded the motion.

Councilmembers Buck and Bulman shared their support for the creation of a message board for the sake of being prepared for upcoming meetings. They also stated their opinion that it would save time in future meetings either by providing background information beforehand or allowing discussion of potential action items before the creation of an action item.

Councilmembers Fitzpatrick and Najarian expressed concern regarding the time investment required by both Staff and Councilmembers in either interacting with or maintaining the board. They both shared concern regarding underutilization of the message board citing other cities.

Mayor Pro Tem Goolsby stated he would support trying a Council message board but also emphasized the need to be able to disband it if goals of the board were not met.

Given the motion on the floor, Ms. Santee cautioned Council that, given the lack of a contract, pricing model, or description of services, Council should only motion to direct Staff to provide options for a Council message board.

Councilmembers Vaughan and Bulman amended their motions accordingly.

Councilmember Fitzpatrick stated her preference for in person conversation and reiterated worries regarding time commitment due to length of responses and reading materials posted.

Councilmember Najarian received clarification regarding compliance with the Texas Open Meetings Act.

Ms. Santee cautioned that any member who speaks of a message board post outside of the message board to a fellow member may be in violation of the Open Meetings Act.

Councilmember Bulman clarified that her intended use for the board was to discuss proposed agenda items to gauge Council interest. She opined this would save time in meetings by allowing members to present materials prior to discussion in Council meetings.

Council agreed to move forward with exploring Council message board options provided through Staff quotes and potential contracts for service.

Councilmember Vaughan moved to direct Staff to bring forth an action item for Council message board options including cost and implementation details. Councilmember Bulman seconded the motion.

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

Motion to approve carried.

G. Discuss Posting Candidate Packets on the City Website Upon Receipt.

Councilmember Bulman noted that surrounding cities posted their Applications for a Place on the Ballot (hereafter referred to as "applications") on their website the day someone applies. She expressed understanding for why someone may not want their personal information online and said an alternative could be posting the applicant's name and the position they applied to run for either they day they apply or the following day.

Councilmember Najarian shared his confusion for the need for this procedural change and expressed concern about applicants withdrawing applications, yet having their names posted on the website. He opined that candidates could announce their campaign on their own. He noted that candidate names are posted on the City website after ballot position drawings have been finalized.

At the direction of Mrs. Turner, Ms. Mueller explained current procedure regarding posting candidate names on the City website. She noted that candidate campaign finance reports were now required to be posted on the City website 10 days after receipt according to changes in State law made by the 88th Legislature. Ms. Mueller reported that a small minority of clerks post the applications online given that there are no posting requirements for posting applications per State or Federal law. If something was posted, most clerks only posted names, the position they applied to run for (hereafter referred to as "the position"), and occupation. Time of posting requirements were not established for most clerks, nor were they required by law.

Mrs. Turner expressed concern that posting candidate names before ballot position drawing could politicize the City website and create polarizing rather than altruistic motives for running.

Councilmember Buck confirmed that anyone could call the City Clerk's office and inquire about who has filed before the filing period is over or before ballot position drawing.

Councilmember Vaughan understood privacy concerns regarding posting full applications on the internet, but stated he felt that knowledge of who and how many people were running was valuable. Furthermore, posting the name and position applied for of a candidate would be enough. He expressed concern for Staff time if residents called daily to know who had filed.

Mayor Pro Tem Goolsby confirmed that standard protocol for cities that post names of applicants on their website was to post within a reasonable time. He supported posting the name and position.

Mrs. Turner explained that many cities who post applications or applicant names often have district elections opining that the names of applicants do not matter as much in an at-large city.

Councilmember Fitzpatrick supported posting the name and position they applied for, but asked why it was important to post applicant names before ballot position drawing had been conducted. She noted most candidates announce when they file.

Councilmember Bulman clarified that the filing period ends before ballot position drawing is conducted giving more importance to posting applicant names when applications are received. She expressed her belief that knowing who is running is a valid motivator for another candidate to file. She added that she supported this for increased transparency.

Mrs. Turner reiterated her concern that this motivation would politicize the City website as it is not official city business to announce a campaign.

Councilmember Najarian stated his position that a candidate application does not mean the person will definitively run. He'd prefer to wait for the ballot position drawing.

Mayor Williams stated his belief that posting the name and office the person is running for was unnecessary, but if it is to be done then that is the only information that should be posted. He felt that it was incumbent upon the applicant to announce their candidacy.

Ms. Santee cautioned that any motion to be made on this item would only be to direct Staff.

Councilmember Bulman moved to direct Staff to post candidate names and position they applied for according to their candidate application filing within a reasonable time on the City website. Councilmember Vaughan seconded the motion.

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

Motion to approve failed.

H. Resolution No. 966 2024-1 (Mall-Lito): A resolution authorizing a project, which will facilitate the promotion and development of new or expanded commercial development, and which was approved by the Board of Directors of the Universal City Economic Development Corporation on 11 January 2024; and, providing an effective date.

Ms. Mueller explained that the applicants, Dania Contreras and Karina Henriquez, co-owners of Mall-Litto, applied for the EDC Storefront Improvement Program. Their project would cost an estimated $8,120, and the EDC approved $4,500 at their most recent meeting January 11, 2024. Storefront Improvement Program funds for the FY 2024 total $100,000 with the EDC already having committed $34,225 of those funds prior to this project. Ms. Mueller clarified the location of the new thrift store.

Councilmember Bulman moved to approve Resolution No. 966 2024-1. Councilmember Vaughan seconded the motion.

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

Motion to approve carried.

N. T. 1. <u>**Executive Session:**</u>

a) Pursuant to Texas Gov't Code Sec. 551.072 regarding the purchase and value of real property if deliberation in open session would have a detrimental effect on the position of the corporation in negotiations with a third party; and for attorney consultation pursuant to Sec. 551.071(2); regarding real property at 110-118 E. Byrd Boulevard.

b) Reconvene in Open Session and take action, if needed, on any item pertaining to or listed in the Executive Session section of this Agenda.

Mayor Williams began the Closed Session at 8:01 P.M.

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

Mayor Williams and the City Council reconvened into Open Session at 8:12 P.M. No action was taken during the Closed Session.

I. Resolution No. 967-2024: A resolution of the City of Universal City authorizing the purchase of Real Property located at 110-118 E. Byrd Boulevard, Universal City, Texas, by the Universal City Economic Development Corporation, for projects to promote new or expanded business development.

Councilmember Najarian moved to approve Resolution No. 967-2024. Councilmember Buck seconded the motion.

Vote: Yeas: Najarian, Buck, Goolsby, Fitzpatrick

Nays: Bulman, Vaughan

Motion to approve carried.

9. ADJOURNMENT: Mayor Williams adjourned the meeting at 8:13 P.M.

APPROVED:

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John Williams, Mayor

ATTEST:

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Maribel Garcia, Deputy City Clerk