

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Wednesday, 20 February 2024

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

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

Maribel Garcia, Deputy City Clerk

Present:

Mayor John Williams
Councilmember Ashton Bulman
Councilmember Christina Fitzpatrick
Councilmember Paul Najarian
Councilmember Phil Vaughan

Staff Present:

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

Absent:

Mayor Pro Tem Bear Goolsby
Councilmember Steven Buck

Mayor Williams noted a quorum was present.

Mayor Williams noted a quorum was present and explained that Councilmember Buck was on a military duty trip and Mayor Pro Tem Goolsby was ill.

Councilmember Najarian moved to excuse the absences. Councilmember Fitzpatrick seconded the motion.

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

Motion to approve carried.

3. INVOCATION and PLEDGE OF ALLEGIANCE:

Councilmember Vaughan 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. ORR Report. Ms. Garcia reported FY 2023 and the first quarter (Q1) of FY 2024 Open Records Requests (ORRs). She announced that FY 2023 resulted in a 94% increase in ORRs since FY 2022 and a 512% increase since FY 2018. While the amount of ORRs and amount of time fulfilling them had increased since FY 2022, the average amount of time spent per request decreased. Regarding Q1, Ms. Garcia reported a total of 261 requests made with approximately 96 hours spent fulfilling requests.

5. CITIZENS TO BE HEARD:

- Bernie Rubal, 635 Balboa, expressed concern regarding the exemption to competitive bidding under Texas Local Gov't Code Section 252.022 included in the Purchase Policy on the Consent Agenda. He discussed the need to more narrowly define the exemption and have more stringent requirements including providing a Statement of Work prior to authorization of the exemption. There was no presentation of a Statement of Work with the current Waste Management contract; only general guidelines for the contract were presented. Mr. Rubal also advocated for ethical consideration when exempting multi-million-dollar sole source contracts from bidding simply due to them being sole source. He added Council should request ample time to consider contracts prior to their renewal; he noted the 90-day autorenewal clause in the current Waste Management contract and requested consideration of removal of the Special Terms agreement in the Waste Management contract.
- Michael Voeller, 210 E. Aviation Blvd., co-owner of Gather Brewing Co. (Gather), shared his business's need for more public parking. He said small businesses are the foundation of growth in small cities and emphasized their appreciation for being in Universal City. He also shared that Gather employed many Universal City residents.
- Rachel Voeller, 210 E. Aviation Blvd., co-owner of Gather, said Gather had provided jobs, sponsored community, City and military events, and donated to local non-profits. The business also contributed over \$75,000 in taxes and consistently hosts community events with high attendance from all over. She emphasized parking needs for larger events and day-to-day operations; both regularly need more parking. She discussed the negative impacts of lack of parking, noting that the parking lot is full when Gather is only at half capacity. She echoed Mr. Voeller's opinion of small businesses' role in city growth. She asked Council to consider a crosswalk from the proposed parking lot to Gather's side of the street considering increased traffic along Aviation Blvd.
- Ginny Comstock, 210 E. Aviation Blvd., employee and events coordinator at Gather, emphasized increased parking needs due to growing business. She noted Gather rented a business's lot nearby, but that the option is not always available. She shared alternatives guests are forced to use to park. She reiterated the business's growth in clientele stating that event reservations increased. She echoed the request for consideration of a crosswalk to allow safe crossing of Aviation Blvd.
- Linda Sefton, 205 Trudy, expressed concern regarding appointing Dr. Chichi Junda Woo as Universal City's official health authority. She noted requirements for a public health authority, saying she did not believe Dr. Woo was reputable given her history as a polarizing figure, including being a former Director of Planned Parenthood. She commented on Dr. Woo's ideology and political history, inexperience in the field of public health, and failure to act as a State officer to enforce laws. She said all these factors would lead to distrust by City residents, especially considering voting history. She emphasized the need for trust in public health officials. She asked Council to vote against Dr. Woo and consider alternatives given that Dr. Woo's contract does not expire until May 21, 2024.
- John Heberling, 8434 Ulysses, commended the UCPD for the positive results of their racial profiling report. He expressed concern about ad hominem attacks he had seen on social media, specifically on a Facebook group called Universal City Uncensored. He asked that Councilmembers with membership in that group defend their colleagues and keep comments about the issues and not about personal attacks.
- Lori/Lauren Bennet, 487 Emelia, seconded Ms. Sefton's concerns. She added her own experience during the pandemic regarding mask mandates; medically unable to wear a mask, she was ostracized in public due to pandemic rhetoric often associated with Dr. Woo's recommendations. She emphasized her want to trust government again and the importance of 1st and 4th amendment rights of bodily autonomy and expression. She indicated she would not trust Dr. Woo if appointed.

6. ANNOUNCEMENTS:

a. CITY MANAGER'S ANNOUNCEMENTS:

Mrs. Turner announced that Snowfest 2024 was a success despite the weather and thanked Staff, volunteers, and specifically thanked Mr. Luensmann and Regina Carmona for their and their Staff's work on the event.

b. MAYOR'S ANNOUNCEMENTS:

Mayor Williams announced that April was the Month of the Military Child and that he would ask Council to wear purple for one meeting in April. He thanked and commended the Public Works-Utilities Billing department for contacting him when they noticed a leak through smart meter reports of his water usage. He complimented CPS for sealing tree trimming cuts as an oak wilt prevention measure when clearing the tree line for powerline safety. He recommended an article in the Gateway regarding oak wilt prevention. He announced the redesignation of the Air Education and Training Command as Airman Development Command (ADC). He complimented Staff for Snowfest and thanked volunteers and sponsors. He mentioned Walmart had a Universal City themed monopoly game, and explained golf course rerouting due to drainage project construction.

c. COUNCILMEMBERS' ANNOUNCEMENTS:

Councilmember Vaughan received consensus to discuss financial transparency based on Texas Comptroller recommendations for what cities should publish on their website.

Councilmember Fitzpatrick thanked volunteers who participated in Snowfest despite the cold weather. She also reported Flashlight Night at the golf course was a success.

Councilmember Najarian echoed parking necessities at Gather. He thanked Mr. Heberling for his comments and stated he was not on the Facebook page he discussed. He thanked Mary Eddy, a Parks and Recreation Commissioner, for her recruitment of Air Force volunteers for Snowfest, and thanked all coordinators of the event. He asked Council and residents to attend the Judson ISD bond meeting on Friday, February 23rd. He announced the 9-week Citizen's Police Academy course starting on March 21st and encouraged everyone to participate.

Councilmember Bulman responded to Gather's support of the parking lot item stating that while she loves and supports Gather, and frequently visits, she would vote in line with her fiscal conservatism. To Mr. Heberling, she stated she does not respond to comments on Facebook as a personally kept practice in light of the Public Information Act. She commended Snowfest and Flashlight Night.

7. CONSENT AGENDA:

Councilmember Najarian moved to approve the following Consent Agenda items:

- a) Consider the minutes of the Tuesday, 06 February 2024 Regular Meeting.
- b) Ordinance 544-A-2024: An ordinance approving, adopting, and renewing the Purchase Policy of the City of Universal City.

Councilmember Fitzpatrick seconded the motion.

Vote: Yeas: Najarian, Fitzpatrick, Bulman, Vaughan

Nays: None

Motion to approve carried.

8. ACTION ITEMS:

- B. Resolution 902-2024: A resolution of the City Council of Universal City, Texas to appoint Dr. Chichi Junda Woo as the official Health Authority for the City of Universal City; and setting an effective date.**

Mrs. Turner explained that the City assigns a Health Authority in accordance with State law. Many surrounding cities use the San Antonio Metropolitan Health District (SAMHD) as their Health Authority. However, Council would have to give permission prior to Dr. Woo or the Health authority acting on the City's behalf through a Declaration of Emergency. While other entities made declarations during COVID 19, the Universal City Council did not and made their own health decisions. Mrs. Turner assured Council that, if Dr. Woo was granted permission to make decisions through a Declaration of Emergency, she would only have jurisdiction over infectious diseases and contagions. Mrs. Turner emphasized that SAMHD was contracted as a resource for the City. Any requests to SAMHD and their current Local Health Authority – currently Dr. Woo – would not be requests for their personal ideology but rather their medical expertise. She noted politicization of medical decisions following COVID 19 but emphasized that this appointment is not meant to be partisan or political. She emphasized the designation is a safety net to be able to use SAMHD for guidance in the case of a health emergency.

Councilmember Vaughan confirmed Council could not choose someone other than Dr. Woo if they wished to stay with SAMHD as the City's health district. It was explained that Dr. Woo is an employee of SAMHD and cities who chose the organization as their health district did not have a choice in hiring their Local Health Authority.

Mrs. Turner reiterated that the City's contract is with SAMHD, not Dr. Woo. She confirmed that Dr. Woo runs the organization.

Councilmember Vaughan moved to table the item for further consideration after exploring alternatives. He explained he held similar concerns as those stated by citizens. Councilmember Bulman later seconded the motion.

Mrs. Turner and Councilmember Vaughan revisited explanation of when Dr. Woo would be called on to act by Council.

Ms. Santee noted that, given the contract with SAMHD and that State law requires cities have a Health Authority, both would need to undergo several steps including legal review before options could be presented.

Mayor Williams reiterated that the City had never needed to call on their Health Authority to make decisions. He concurrently stated that he understood citizens' and fellow Councilmembers' concerns and was interested in reviewing alternatives.

Councilmember Najarian noted the vast quantity of comments from citizens expressing their distrust in Dr. Woo. He agreed with comments regarding Dr. Woo's inexperience outside of obstetrics and gynecology. He understood the statutory need for a Health Authority, but

worried that Dr. Woo would not be trusted during a public health emergency; trust in the Health Authority is necessary. He supported tabling to explore options and because two Councilmember were absent for the decision.

Councilmember Bulman confirmed that, in the case that the Resolution failed on a vote at this meeting, the City would be in violation of State law and in possible breach of contract with SAMHD. The City would need to supply an alternative that meets statutory requirements.

Mayor Williams reiterated Councilmember Vaughan's motion to table the item pending the presentation of alternatives, with Councilmember Bulman seconding the motion.

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

Motion to approve carried.

- C. Resolution 969-2024-3: A resolution of the City Council of the City of Universal City approving a project of the Universal City Economic Development Corporation as authorized by Section 505.158 of the Texas Local Government Code, authorizing certain financial assistance to be used for targeted infrastructure located within the City of Universal City, Texas; and providing for an effective date.**

Mrs. Turner gave background on the item including EDC proceedings for contract services and a bid for construction of the parking lot. The EDC unanimously approved to issue a low bid of \$102,197.10 to CemenTech Concrete Services at their last meeting.

Councilmember Bulman asked how temporary the parking lot would be.

Mrs. Turner explained the initial project proposal to Council included temporary surface installation but not necessarily a temporary parking lot. The surface has since changed from temporary materials to permanent. The materials will be all-weather surface – asphalt – and the parking lot will remain if it is needed. Parking may eventually be pushed out when the Aviation District is more developed, but parking accommodation would still be made. Mrs. Turner emphasized the disuse of the lot as is, the use of an unpaved lot as parking, and the benefit of a parking lot several local businesses and nearby residents with guests may use.

Councilmember Bulman confirmed that the City is planning for a striped crosswalk.

Councilmember Vaughan explained he would vote against the item due to his belief that monies could be used for more pressing needs. He gave the example of a previous sewer line agenda item that this funding could have gone toward.

Councilmember Najarian shared he would vote to pass the item because he saw the need for parking and the negative effect on business that a lack of parking has created. He opined that the City needed to show commitment to the Aviation District by investing in necessary infrastructure to make the Aviation District Plan work.

Councilmember Fitzpatrick clarified that it is too early for developer interest in the Aviation District and the City first needed to encourage developers by investing in necessities for the district, such as parking. She echoed Councilmember Najarian's comments stating this project

showed commitment to supporting current businesses and the City's Aviation District Plan.

Councilmember Najarian moved to approve Resolution 969-2024-3. Councilmember Fitzpatrick seconded the motion.

Vote: Yeas: Najarian, Fitzpatrick

Nays: Bulman, Vaughan

Mayor Williams broke the tie by voting Yea. He felt that there was necessity for parking and that it would be important for the City's future.

Motion to approve carried.

N. T. 1. Executive Session:

- a) Pursuant to Texas Gov't Code Sec. 551.071(2) regarding consultation with attorneys in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with discussion in Open Session; consultation with City Attorney.
- 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, and City Attorney Megan Santee.

Mayor Williams and the City Council reconvened into Open Session at 8:05 P.M. No action was taken during the Closed Session.

9. ADJOURNMENT: Mayor Williams adjourned the meeting at 8:06 P.M.

APPROVED:

John Williams, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk