

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, January 17, 2023

1. CALL TO ORDER: Mayor John Williams at 6:30 P.M.
2. QUORUM CHECK: Kristin Mueller, City Clerk

Present:

Mayor John Williams
Mayor Pro Tem Richard Neville
Councilmember Steven Buck
Councilmember Bear Goolsby
Councilmember Paul Najarian
Councilmember William Shelby
Councilmember Phil Vaughan

Present:

Kim Turner, City Manager
Megan Santee, City Attorney
Kristin Mueller, City Clerk/Economic Dev Director
Michael Cassata, Development Services Director
Randy Luensmann, Public Works Director
Jessica Moore, Finance Director
Mateo Garcia, Assistant Finance Director
Maribel Garcia, Deputy City Clerk

Mayor Williams noted a quorum was present.

3. INVOCATION: Mayor Pro Tem Richard Neville gave the invocation.
4. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAG: Led by Mayor Williams.
5. VOTE TO CONSIDER THE EXCUSE OF ABSENT MAYOR/COUNCILMEMBERS:

No action was necessary; all councilmembers were present.

6. AWARDS/PROCLAMATION/INTRODUCTION OF GUESTS:

Mayor Williams presented Colonel Colin Chauret with a proclamation declaring January 23, 2023, as "Colonel Colin J. N. Chauret's" Day in Universal City and wished him a very happy 100th birthday. He thanked him for his service in the military, his work with the backflow prevention valve, and representing the community.

Colonel Chauret was presented with the key to the City of Universal City for special recognition of his 100 years of life representing his country and community.

Colonel Chauret gave a speech detailing his life including how he stayed active and walked 61,000 miles. He also detailed his experience having had nine children and being "Mr. Lucky" during his career in the US Air Force. When asked what his experience was with living in Universal City, he stated that "this is the epitome of having a nice place to live."

Afterward, Mayor Williams gave an obituary in honor and remembrance of former Councilmember Beverley Volle who passed recently. He noted her twelve-year tenure on City Council, as well as her work with the Universal City 9/11 Memorial and the Heroes' Walk having been a 9/11 Pentagon survivor.

7. CONSENT AGENDA:

Councilmember Najarian moved to approve the following consent agenda items:

- a) Consider the minutes of the Tuesday, December 20, 2022 City Council Regular Meeting.
- b) Consider Ordinance 655-H-2023 (PC 559 SU 012): An Ordinance approving a Specific Use Permit to Solar World Texas, LLC for an Automotive Repair Service use in a C3-Commercial Services District on property located at 1734 Pat Booker Road, Universal City, Texas (CB 5047A BLK 1 LOT 15); providing for non-severability; and establishing an effective date. (2nd Reading).

Councilmember Goolsby seconded the motion.

Vote: Yeas: Najarian, Goolsby, Neville, Buck, Shelby, Vaughan
Nays: None.

Motion to approve carried.

8. CITIZENS TO BE HEARD:

- Bernard Rubal, 635 Balboa, expressed concerns over two main issues: First, that there may be flaws in the data used for budget cycle planning. He stressed that the true priorities of the City budget cycle need to be addressed. Second, that record retention needs to be addressed – he stated that there needs to be a list of documents the City is supposed to preserve per Section 1-6-1 of the code regarding the retention schedule.

9. BUSINESS:

B. Consider Bid Acceptance for the 1MG, Kitty Hawk No. 2 Ground Storage Water Tank Replacement.

Mrs. Turner introduced the item stating that the City needs water storage.

Mr. Luensmann stated that the current tank was acquired from the City of Schertz and has since deteriorated. He stated that after the bid went out, five bids were proposed, and he recommends the lowest bid made by Paso Robles Tank, Inc. for \$1,182,615.

Councilmember Goolsby expressed concern over Paso Roble's location in California and their communication and management records.

Mr. Luensmann stated that he is not concerned about those parts of their record, but that the management and communication concerns would be addressed in pre-contract meetings.

Councilmember Najarian stated that he was not worried about their communication and management record because their achievement levels were high and that our contact with them is close by in New Braunfels.

Councilmember Shelby asked for clarification on where the tank is that the City is replacing. He also asked whether there would be any outages or shortages due to the replacement.

Councilmember Buck shared the coverage concerns and asked about the lifespan of the replacement.

Mr. Luensmann clarified the location of the tank, the larger one behind Victory Lane, and said that the replacement would have a self-supporting roof. He stated that he did not anticipate any

coverage needs but that any needs would be quickly fixed if they arose. He clarified for Councilmember Buck that the pumps feeding the larger tank could not be used for the small tank that would be supplementing coverage, but that the wells were good. He also stated that the tank would have around a fifty-year lifespan.

Councilmember Shelby moved to accept the Bid. Councilmember Najarian seconded the motion.

Vote: Yeas: Shelby, Najarian, Buck, Neville, Goolsby, Vaughan
Nays: None.

Motion to approve carried.

C. Consider Resolution 895-I-2022: a resolution amending the City's Personnel and Procedures Manual to authorize the offering of Health Benefits Coverage to City Retirees; to repeal all resolution in conflict; to provide an Open Meetings Clause; and to set an effective date.

Mrs. Turner reminded councilmembers of additions made to the resolution since the first reading, including the requirement of fifteen years of service with the City in conjunction with TMRS credits to be eligible for City health insurance as a retiree.

Mayor Pro Tem Neville moved to approve Resolution 895-I-2022. Councilmember Najarian seconded the motion.

Vote: Yeas: Neville, Najarian, Buck, Goolsby, Shelby, Vaughan
Nays: None.

Motion to approve carried.

D. Discuss the City of Universal City Fund Balance Policy.

Mrs. Turner introduced this item by clarifying that it is just a draft of the Fund Balance Policy for discussion amongst councilmembers. If there is a policy motion, the Council may entertain that motion, but otherwise this is just a discussion.

Councilmember Vaughan spoke first to thank the Council for agreeing to discuss the Policy and explained that the Policy is meant to allow cities to create targets for the Fund Balance. He suggested that consideration for the Policy should include reflecting on savings and spending from previous budget cycles to determine the need and use of funds.

Councilmember Shelby asked why we always talk about the surplus in months, and what we are preparing for with the reserve.

Mrs. Turner answered that the City talks about the reserve in months because if the City had a disaster resulting in budget shortages, the reserve would provide x-amount of months' capital. She stated that since her tenure, the City has grown the reserve to a healthy amount. Her opinion is that the City does not need to grow the reserve, but that it needs to decide what level to keep the reserve at, and recommended the City should not decrease the current level of reserves. Mrs. Turner clarified that the Fund Balance must be set by Council and the reserve is not meant to be used for long-term ongoing projects. She emphasized that the reserve is meant to be used for one-time capital expenditures. She also said that the City was upgraded to AA+ bond rating for general bond and water utilities due to its conservative budgeting, but that bond

ratings are being done differently due to cities being rated on a global economic scale. Consequently, the effects to the City bond rating if the City were to lower the Fund Balance are unknown.

Councilmember Shelby asked if the reserve is sitting in banks collecting interest, and if the interest collected stays in the same reserve, or if it gets allocated elsewhere.

Mrs. Turner answered that the reserve is collecting interest and that interest stays with the reserve. She also stated that the City can decide to add to the reserve from other places. She added that the City currently has sixteen months' worth of reserves.

Councilmember Najarian asked if we should grow the reserve more and expressed hesitation to change the fund considering the bond ratings the City has earned and the unknown consequences of changing the Fund Balance.

Mrs. Turner recommended that the City not grow the reserve more and said the City could potentially reduce the level going into the fund, but then Council would have to decide what to do with excess funds. She reiterated that excess funds should not be used for long-term projects and should instead go to a one-time expenditure. She explained that having the excess go to a long-term project would be assuming that we would have the surplus in other years' budgets.

Councilmember Buck shared with the Council his findings for the recommendation of what level to keep the fund. He asked staff whether the City could transfer money from the reserve to other expenditures as part of the budgeting process.

Ms. Moore expressed concern that the City would allocate funds from the reserve to expenditures and then not be able to recuperate the funds spent, depleting the Fund Balance.

Mrs. Turner asked whether Councilmember Buck was asking if there could be two reserves, one for emergencies as it is now, and one for discretionary funds.

Councilmember Buck said yes, but also asked if during the budgeting process funds could be allocated from the reserve to a project that would normally be a bond project, rather than issuing a bond or as large of a bond.

Mrs. Turner stated that it is possible but highly advised against it due to bond projects mainly being ongoing projects. She explained that the Fund could be used for smaller capital expenditures to either supplement or fully pay the expenditure.

Councilmember Buck asked if the City could create a reserve that could be used for unforeseen circumstances specifically regarding an operational reserve to fix, for example, a fire engine.

Mrs. Turner answered that this is possible and would be a capital reserve fund that excess funds could go toward to be used as specified.

Councilmember Buck stated that best practice, according to his findings, was for a minimum of two months reserve, but suggested that this is practical for a much larger city. He suggested a range of 12-15 months' reserve.

Councilmember Goolsby supported the proposal of a range and asked if we could use excess of the range to pay debts off early.

Mrs. Turner said that we could and stated that the City had done this before.

Councilmember Goolsby asserted that paying debts off early would be better for the City and suggested that 70% of excess funds go to this, and 30% go toward capital improvements.

Mrs. Turner stated that it is incumbent upon City Staff to communicate capital needs and which accounts could be paid off to City Council.

Councilmember Najarian stated that he was inclined to stay at 14 months reserve and said paying off debts quickly would be compelling to creditors.

Mrs. Turner clarified that paying off debts quickly makes banks less money and may not be in the City's best interest, though she agreed that debt should be paid off first.

Councilmember Shelby expressed his agreement that the reserve be calculated in months. He asked whether the City could allocate money to a rainy-day fund due to him not seeing a rainy-day fund in any of the financial reports.

Mrs. Turner specified that the fund is seen in the quarterly finance report, though blended, and that staff can line-item the fund in the next report. She clarified that the reserve balance is the same as a typical rainy-day emergency fund.

Councilmember Shelby expressed his opinion that the City should not lower the Fund Balance, but that he understands capping the Balance.

Mayor Williams requested that the next steps for the Fund Balance Policy be leaving the Policy the way it is now and revisiting it at the next budget cycle.

Mrs. Turner clarified that during the budget cycle, she would bring specifics for the Fund Balance and a resolution.

Public Hearing: P.C. 560 (ZC 231) and Ordinance 632-PC 560 FLUP-2023 —A request for an amendment to the Future Land Use Plan for an approximately 13.968-acre tract located at 2902 Pat Booker Road/SH218 (CB 5047 P-15 ABS 777) from CS+O-Commercial Services and Overlay to HDR-High Density Residential, per Zoning Ordinance 581.

Mr. Cassata gave an overview of the property and stated that the last property owner was Junky Joes – formerly a junkyard. He stated that the developer who applied for the property, White-Conlee, requested three things: a FLUP amendment, Zoning Change, and PUD with a final Plat to come back to Council for approval once it is completed. He informed Council that staff talked with the developers about mitigating impact on the surrounding area and came up with solutions for minimal impact. Furthermore, staff had gone over regulation and code specifics with White-Conlee and have included specific requests in the plan. Mr. Cassata said TXDOT has suggested two curb cuts, and the traffic analysis done has predicted a 6% increase in daily traffic, with only a 1% increase during peak hours.

White-Conlee gave their presentation with Ashley Fairman and Kevin White presenting. They stated that they are requesting a Zoning Change and a PUD so that they lock into what is presented with no changes. They went over specifics, informing the Council that this is a market rate development. Ms. Fairman said most units in the complex would be single unit homes, which allows the parking and traffic estimates to be more accurate. She compared the proposed development to existing similar developments and said their development would be lower

density and much newer. She stated that the development would include a turnaround for school busses, went over leasing, amenities, the tree survey, the impervious cover plan, detention pond for flood mitigation, a graphic of current versus intended engineer-controlled water flow, and gave examples of downward lighting and different building designs. She conveyed that TXDOT is working with them for traffic mitigation solutions such as raised medians or a traffic light. White-Conlee already plans to build the required ten-foot sidewalk.

Mayor Williams opened the Public Hearing at 8:12 P.M.

Thomas Kendric, 8715 Stoney Brook Dr, asked why he was not informed of the project earlier and how he should get informed. He expressed privacy concerns about three-story buildings, asking where they would be, and asked if there would be access from the development to the greenbelt. He also requested the flood mitigation measures be addressed and explained his concern that the development would cause more flooding. He also asked for clarification on the functions of a retention or detention pond due to his concern of increased mosquitos. He also expressed concern for light pollution in his neighborhood.

Mayor Williams closed the Public Hearing at 8:16 P.M.

- E. Discuss & Consider Ordinance 632-PC 560 FLUP-2023: An Ordinance amending the Future Land Use Plan to change land use designation of property located at 2902 Pat Booker Road, Universal City, Texas (CB 5047 P-15 ABS 777) from CS+O – Commercial Services & Overlay to HDR – High Density Residential; providing for severability; and establishing an effective date. (1st Reading).**

Councilmember Goolsby requested that the retention/detention pond be clarified.

Chris Kowalski, the engineer in charge of pond calculations, explained that the pond is a detention pond which releases water slowly into the greenbelt and would be used for flood control by reducing the current waterflow. He clarified that there would be no access to the greenbelt from the apartment complex.

Councilmember Goolsby asked Mr. Kowalski to address erosion concerns.

Mr. Kowalski stated that he must prove that there would not be negative impact, including erosion concerns, when he officially designs the detention pond.

Mr. White stated that the pond would have a 3-acre volume capacity.

Councilmember Goolsby asked about the photometric studies, addressing the light pollution.

Mr. White stated that while the property would be well lit, there would be no light pollution.

Councilmember Goolsby expressed concern about residents cutting through the neighborhood to reach a back entrance to the development.

Mr. White clarified that there would be no back entrance for residents to cut through.

Councilmember Goolsby expressed concerns about the building aesthetics. He asked whether brick details on the leasing office would be mimicked in the apartment buildings.

Mr. White said they should be mimicked but the renderings may not have picked up detail.

Councilmember Goolsby asked about the raised medians.

Mr. Cassata clarified this would be a TXDOT issue that is not finalized.

Councilmember Shelby echoed aesthetic concerns and added concerns about open metal railings. He worried that personal belongings of residents would be placed outdoors on balconies and requested that the building aesthetics be nice enough to compensate for possible aesthetic problems caused by residents themselves.

Mr. White stated that specifics on what is allowed to be placed outside on balconies can be dictated in the lease and clarified that the current 3-D renderings of the property are based on previous comments made by Council on aesthetic.

Councilmember Shelby asked how much the property costs in terms of square footage.

Mr. White said the property would cost approximately \$170 per square foot.

Councilmember Shelby clarified in layman's terms how the detention pond would work and asked for clarification on the waterflow chart's arrows. He confirmed that the back fence on the greenbelt would be eight feet tall, not allowing for any foot traffic through the greenbelt.

Mayor Williams sent the Council Meeting into a recess starting at 8:34 P.M. and ending at 8:41 P.M.

Councilmember Najarian asked whether there would be a privacy fence and any carports.

Ms. Fairman stated that there would be a privacy fence.

Mr. White responded that there would be a limited number of carports due to limited demand.

Councilmember Vaughan asked how much space there would be between fencing and homeowners.

Ms. Fairman stated that there would be the drainage easement which makes a buffer between the fence on the development property and homeowners' fences.

Mrs. Turner added that the drainage easement is 80 feet and that there is a buffer between the apartments and their own fence. She stated that the mobile home park to the north of the development is the property that would be sharing a fence with the development.

Mr. Cassata stated that residents within a 200-foot radius were notified about the development, to answer Mr. Kendric's question.

Councilmember Buck asked to clarify which buildings were two and three stories, to answer Mr. Kendric's question. He also requested an explanation of "downlighting."

Mr. White displayed the layout of the property's two- and three-story buildings and clarified that downlighting provides a 90-degree cutoff for how lights are positioned, not allowing them to shine directly into other properties. He explained that due to the downlighting, there would be a higher number of light fixtures but that the photometrics done should be accurate, making sure that there is no light pollution at the edge of the property.

Councilmember Buck revisited clarification that a detention pond is one that lets go of water whereas a retention pond is one where water is stagnant. He stated that for mosquitos to appear, the detention pond would have to have stagnant water for three days.

Mayor Pro Tem Neville asked what the development's target audience was and asked about military members.

Mr. White said that the residents are expected to be mainly professionals and military members.

Mayor Pro Tem Neville expressed concerns about families with children.

Mrs. Turner clarified that the development has already accounted for this with the bus turnaround.

Councilmember Shelby moved to approve Ordinance 632-PC 560 FLUP-2023. Councilmember Najarian seconded the motion.

**Vote: Yeas: Shelby, Najarian, Buck, Neville, Goolsby, Vaughan
Nays: None.**

Motion to approve carried.

Public Hearing: P.C. 561 (ZC 232)—A request for a Zone Change from C3-Commercial Services to PUD 2023-101 for an approximately 13.968-Acre tract located at 2902 Pat Booker Road/SH 218 (CB 5047 P-15 ABS 777), per Zoning Ordinance 581.

Mayor Williams opened the Public Hearing at 8:52 P.M.

Mr. Kendric, 8712 Stoney Brook Dr, reiterated his privacy concerns regarding where two- and three-story buildings. He reiterated mosquito concerns due to detention ponds having the organic material used as a habitat for mosquitos, as well as concerns about light pollution and maintaining the appearance of his neighborhood. He asked whether trees could be added to the greenbelt to retain the look of the neighborhood, and asked if there is any recourse if assurances by developers are not true.

Mayor Williams closed the Public Hearing at 8:56 P.M.

Public Hearing: P.C. 562 (ZC 233)—A request for approval of PUD Preliminary and Final Plans for an approximately 13.968-Acre tract located at 2902 Pat Booker Road/SH 218 (CB 5047 P-15 ABS 777), per Zoning Ordinance 581.

Mayor Williams opened the Public Hearing at 8:57 P.M.

Mayor Williams closed the Public Hearing at 8:58 P.M.

- F. **Discuss & Consider Ordinance 581-X-PUD-2023-101: An Ordinance 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. (1st Reading).

Councilmember Shelby asked about the height of the lights, and how much light will bleed out of the property. He requested that the photometrics (light study) be shown again.

Mr. White stated that the intent is for the downward lighting to limit all light pollution.

Councilmember Shelby expressed his belief that there would be minimal light pollution with the 80-foot buffer provided by the greenbelt plus the buffer between the fence and the buildings. He inquired as to whether the height of the trees would add protection for residents.

Mr. White said that the survey measured the girth of the trees, not the height, but that the survey recorded trees with four inches and up.

Councilmember Shelby asked whether they could expect the trees to diffuse light.

Mr. White stated that because the light is downlighting there would be more fixtures but that the light should not carry that far out.

Councilmember Shelby questioned whether the City has the power with the PUD to make developers adhere to the PUD.

Mr. Cassata confirmed they do but they would have to be cautious about subjectivity. He asserted that the photometric provided by the developers that is included in the PUD would have to be adhered to.

Councilmember Shelby clarified his previous question to ask if the City had the power to enforce the PUD if fixtures were installed improperly.

Mr. Cassata said that, for example, if non-downlighting was installed, the City could require downlighting.

Councilmember Goolsby made clear that the lighting would not change and asked if the property is currently zoned for C3 commercial zoning, meaning that a commercial development could go here without going in front of Council with additional requirements.

Mr. Cassata answered that a commercial development would not have to be this accommodating, and that they would have 90% impervious cover and possibly more lighting.

Councilmember Goolsby responded with his preference for the PUD process.

Mayor Pro Tem Neville expressed concern about the balance of HDR to C3 zoning in the city.

Mr. Cassata responded that the Zoning Change adheres to the market, and that sometimes these proposals are not viable in the future.

Councilmember Najarian inquired about the plant palette, specifically about the shade trees. He asked whether the shade trees would be placed in the back to fill in spots for privacy.

Mr. White said that yes, shade trees would be planted in addition to existing trees and clarified that trees in the drainage easement are off property and unchanged by White-Conlee.

Councilmember Najarian moved to approve Ordinance 581-X-PUD-2023-101. Councilmember Buck seconded the motion.

Vote: Yeas: Najarian, Buck, Goolsby, Neville, Shelby, Vaughan
Nays: None.

Motion to approve carried.

Closed Session pursuant of Tex. Gov't Code Sec. 551.071 consultation with attorney; Tex. 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 Tex. Gov't Code Sec. 551.087 deliberation regarding economic development negotiations; regarding undeveloped property owned by the City of Universal City located at Loop 1604 and Kitty Hawk Rd.

Mayor Williams began the Closed Session at 9:20 P.M.

Mayor Williams reconvened the Council Meeting at 9:28 P.M.

10. CITY MANAGER COMMENTS:

Mrs. Turner announced that:

- Public Works received an AMI Replacement Grant for \$100,000. With the grant they were able to upgrade 658 meters.
- The 2022 Accomplishments Report is done and would be sent out in the next couple of days.
- Chipotle had a successful groundbreaking
- Frisco, TX received the bid for the next Universal Studios. The property would be 2400-acres. This would bring a boom for the Texas economy.

12. COUNCILMEMBER COMMENTS:

Mayor Pro Tem Neville gave an update on the maintenance chiefs *The Hangar Doors are Open* organization. He gave compliments to Mr. Cassata for the presentation he gave at their last meeting and said that Mr. Cassata was able to answer many questions for the veterans. He said the organization meets at the VFW.

Councilmember Buck congratulated Colonel Sharret and wished him a happy 100th birthday. He also thanked everyone for attending the meeting, reminded everyone of the City Facebook and his Sunday meetings before every City Council meeting. He gave a brief history of the 1968 sales tax election defeated 150 to 114, and 911 services implemented in 1969.

Councilmember Goolsby said that he had a lot of fun on the dais and out in the City with former Councilmember Volle.

Councilmember Shelby thanked Mayor Williams for the kind words shared for former Councilmember Volle, expressing that he would have said the same. He also reminded everyone that candidate packets are now available.

Councilmember Najarian reiterated remembrances for former Councilmember Volle and said she would be dearly missed. He also reminded everyone about Snowfest on February 18th, and wished we had more land so we could have hosted Universal Studios.

13. MAYORAL COMMENTS:

Mayor Williams gave details for former Councilmember Volle's funeral service. He stated that she was a valuable resource well before her time in Council.

14. ADJOURNMENT: Mayor Williams adjourned the meeting at 9:37 P.M.

ATTEST: _____
John Williams, Mayor

Kristin Mueller, City Clerk