

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, 06 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
Mayor Pro Tem Goolsby
Councilmember Steven Buck
Councilmember Ashton Bulman
Councilmember Christina Fitzpatrick
Councilmember Paul Najarian
Councilmember Phil Vaughan

Staff Present:

Kim Turner, City Manager
Megan Santee, City Attorney
Michael Cassata, Development Services Director
Christine Green, Finance Director
Randy Luensmann, Public Works Director
Brandon Peterson, Assistant Public Works Director
Maribel Garcia, Deputy City Clerk

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:** Ms. Green reported that General Fund expenditures exceeded revenues by approximately \$1.1 million because the ad valorem taxes would not be posted until January when funds are received. The Debt Service Fund reflected revenues exceeding expenditures by \$1,000,036 because debt service interest payments do not occur until February. Capital Projects reflected revenues exceeding expenditures in the amount of \$135,435 because GO Bonds approved by Council in October 2023 would need to be posted to the budget through a Budget Amendment. She briefly reviewed Utilities, Stormwater, the Golf Course budget status including Venue Tax Revenues. She noted that Council had the investment report.
2. **Utility Deposits:** Ms. Green presented a Water Utility Deposits Review including the deposit range from 2004 to date. She explained that the current utility deposit breaks down to \$50 deposit for Water, \$50 deposit for Sewer, \$20 deposit for Garbage, and \$15 non-refundable administrative fee. The total current deposit is \$135. She noted that the City's deposit fee is significantly less than other cities, and that deposit fees are important due to many people not paying their final bill. The deposit fee covers administrative fees which encompass costs associated with opening and closing accounts and changing utilities accounts.

Council discussed deposits and their refundability. They heard deposit fees of other cities. They reached a general consensus that they would not want to increase the deposit fee past \$135, but they understand a non-refundable \$15 administrative fee added to the \$120 deposit.

3. **PW ARPA Projects:** Mr. Luensmann reported that all generators were received the day before the meeting except for one. All were installed except the golf course. The golf course generator

project should be completed and tested by the end of February. Additionally, all generators would be connected to the generator monitoring system. Total generators installed were reported.

Councilmember Vaughan received clarification that the only facilities not on generator coverage were parks. All facilities such as water/sewer and operational facilities such as City Hall were covered.

5. CITIZENS TO BE HEARD:

- Bernie Rubal, 635 Balboa, complained of a pothole that he discovered on a walk. He reported that the pothole was deep and that Public Works crews were able to fix it quickly. However, he expressed concern that the ARPA Pipe Bursting project on the agenda was not specific as to why or how the sewer lines included in the project were prioritized. He noted that the project follows the general Aviation District Area. He asked Councilmember who sit on the EDC to ask for fair cost sharing, stating that other areas of the City also show high need.

6. ANNOUNCEMENTS:

a. CITY MANAGER'S ANNOUNCEMENTS:

Mrs. Turner reported that Flashlight Night would be February 9th. Golf Course Happy Hours would commence again on Thursdays from 5-8pm. Snowfest would be February 17th. Children under the age of two would be able to enter the event for free. She noted that Incode, the City's financial system, would be down on February 15th for maintenance; people will not be able to make payments to Court and Utilities during this time.

b. MAYOR'S ANNOUNCEMENTS:

Mayor Williams noted that Dr. Rocha Garcia was unanimously picked for the Bexar County Appraisal District Board. He also reported that he was able to promote the JBSA Air Show on April 6th and 7th.

c. COUNCILMEMBERS' ANNOUNCEMENTS:

Councilmember Najarian expressed excitement for the NE Partnership Meeting coming up and announced that he would be running in the May 2024 election. He felt honored to have served the City regardless of whether he would be reelected.

Councilmember Fitzpatrick felt proud that the City had a business-friendly reputation. She shared her experience with businesses showing gratitude toward the City and EDC.

Councilmember Buck echoed comments made by Councilmember Fitzpatrick regarding the appreciation businesses show toward the City. He also felt proud seeing projects passed by Council and EDC come to fruition. He shared that he would not be able to attend Snowfest as he would be out of town.

Mayor Pro Tem Goolsby expressed appreciation for City Staff with specific regard to the Development Services department. He stated that the City had a long had a negative reputation in the building department, but that this reputation had improved tremendously with developers now stated the City's department is one of their favorites to work with since the building inspector is incredibly knowledgeable and the rest of Staff extremely helpful. He commended the department

for the improvement.

Councilmember Bulman received consensus to discuss a widespread deer issue in Universal City. It was noted that the Texas Parks and Wildlife Commission could present on this topic.

7. CONSENT AGENDA:

Councilmember Bulman requested that Item d) under the Consent Agenda be voted on separately.

Councilmember Najarian moved to approve the following Consent Agenda items:

- a) Consider the minutes of the Tuesday, January 2nd, 2024 Regular Meeting.
- 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, providing for non-severability; and establishing an effective date.
- c) Resolution No. 966-2024 (Mall-Litto): A resolution authorizing a project, which will facilitate the promotion and development of new or expanded commercial development, and which was approved by Board of Directors of the Universal City Economic Development Corporation on 11 January 2024; and, providing an effective date.
- d) Resolution No. 967-2024: A resolution of the City of Universal City authorizing the purchase of real property located at 110-118 E. Byrd, Universal City, Texas, by the Universal City Economic Development Corporation, for projects to promote new or expanded business development.

Mayor Pro Tem Goolsby seconded the motion.

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

Motion to approve carried.

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

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

Councilmember Buck seconded the motion.

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

Motion to approve carried.

8. ACTION ITEMS:

B. Interlocal Cooperative Agreement for the Tri-County Fraud Task Force.

Mrs. Turner presented background for the Task Force, its initiatives, and stated that the Task Force had asked to disband, having met its purpose. With new methods of fraud reaching beyond robo-calls, the Task Force had become obsolete.

Councilmember Najarian moved to authorize the Mayor and Mrs. Turner to take action necessary to submit a 90-day notice of cancellation for the agreement. Councilmember Fitzpatrick seconded the motion.

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

Motion to approve carried.

- C. KB Home Lone Star, Inc. Developer Petition for Final Acceptance of public improvements of the KB Kitty Hawk Phase 6 Subdivision to include the water system, sanitary sewer system, and drainage and streets systems.**

Mrs. Turner explained the amendments and changes in the policy. She reminded Council that this item and the next item were brought to them in preliminary stages, and this would be the final stage of approval. Staff recommended approval since proper reviews had been completed. She explained the repeal of everything not included in this policy.

Mayor Pro Tem Goolsby received clarification that third party testing was completed at a different stage of the project, leaving no need for third party testing now.

Councilmember Bulman moved to approve the petition for final acceptance of public improvements to KB Kitty Hawk Phase 6. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

- D. KB Home Lone Star, Inc. Developer Petition for Final Acceptance of public improvements of the KB Kitty Hawk Phase 6 Subdivision to include the water system, sanitary sewer system, and drainage and streets systems.**

Mayor Pro Tem Goolsby moved to approve the petition for final acceptance of public improvements to KB Kitty Hawk Phase 6. Councilmember Bulman seconded the motion.

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

Motion to approve carried.

Purchase Policy: TABS E-G

- E. Resolution 895-D-2024: A resolution to repeal Resolution 895-D-2021 Employee Purchase Card Policy for the City of Universal City; establishing legislative findings; and setting an effective date.**

Mrs. Turner noted that certain policies had to be repealed to consolidate the policies into the Purchase Policy. This resolution as well as the next item were recommended for approval to that end.

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

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

Motion to approve carried.

- F. Resolution 895-E-2024: A resolution to repeal Resolution 895-E-2021 Employee Fuel Card Policy for the City of Universal City; establishing legislative findings; and setting an effective date.**

Mayor Pro Tem Goolsby moved to approve Resolution 895-E-2024. Councilmember Fitzpatrick seconded the motion.

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

Motion to approve carried.

- G. Ordinance 544-B-2024: An ordinance approving, adopting, and renewing the Purchase Policy of the City of Universal City.**

Mrs. Turner explained that this ordinance would consolidate all policies regarding purchasing into this Purchase Policy. Given that this would be an ordinance, it would update the City's Code of Ordinances and be available for all Staff and the public to view.

Councilmember Buck received confirmation that the purchase card and fuel card policies repealed with the last two resolutions were inserted verbatim into the Purchase Policy under this ordinance.

Councilmember Vaughan recommended an amendment to the motion to require the City Manager to come to Council 9 months prior to garbage collection contract expiration for guidance. He understood that State law allowed cities to forgo the Request for Proposal (RFP) process.

Councilmember Buck and Mrs. Turner discussed the current process of presenting a contract before Council. Mrs. Turner noted that Staff has always deferred to Council discretion on whether to go out for an RFP or not before putting contracts together.

Councilmember Najarian explained the last Waste Management contract and why an RFP was not requested. He explained that the options for an RFP had always been available and chosen before when deemed beneficial by Council.

Councilmember Bulman clarified the request for amendment was only for Staff to be required to present the option for an RFP, not for Staff to be required to put out an RFP; the ultimate decision to go out for an RFP would be at the discretion of Council.

Mrs. Turner noted that this was the current process, though not written through policy. She opined that any City Manager would seek Council guidance in whether to proceed with an RFP before fully negotiating a contract. She explained the City's method of keeping up with contract expirations to assure Councilmembers that they would be notified in a timely manner.

Mrs. Turner reviewed purchasing co-ops. She explained why co-ops were included in one section of the Purchase Policy but not another.

Councilmember Najarian stated he would not amend his motion. Mayor Pro Tem Goolsby agreed.

Councilmember Najarian moved to approve Ordinance 544-B-2024. Mayor Pro Tem Goolsby seconded the motion.

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

Motion to approve carried.

H. Resolution 961-A-2024: A resolution amending the Fiscal Year 2023/24 Budget of the City of Universal City, Texas.

Ms. Green stated the items included in the budget amendment included the GO Bond approval from October that she mentioned during her Staff Report, and a storm drainage project that was included in the FY 2023 budget but would carry over to FY 2024 as it was not done.

Councilmember Vaughan moved to approve Resolution No. 961-A-2024. Councilmember Bulman seconded the motion.

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

Motion to approve carried.

I. Bid Acceptance of the UC ARPA Sewer Pipe Bursting Projects.

Mrs. Turner explained how ARPA monies were received and how they were budgeted. She reported that the ARPA sewer line went through the open bid process and came back over budget. He determined which sewer lines would be covered with remaining ARPA funds.

Mr. Luensmann noted the map which showed locations of the sewer lines to be included in the project. He stated Staff recommended approval of the low base bid of \$1,393,620 to be awarded to King Solution Services with a deductive change order for sewer line segments A and H in the amount of \$379,460 to ensure the project stays within budget. He reported that the areas targeted were the oldest sections of the sewer line. These pipes are asbestos-cement pipes which are worse than the clay pipes which also need replacement. He noted that this project was not the first pipe bursting project for the City.

Councilmember Vaughan and Mr. Luensmann clarified location of the lines and whether they fed into San Antonio River Authority (SARA) or Cibolo Creek Municipal Authority (CCMA).

At the suggestion of Councilmember Vaugh to use Utilities Revenues to fund lines A and H, Mr. Luensmann wished to hold off on funding them with this method since he was waiting for a grant from Bexar County to be approved. These grant funds may be able to cover the cost of the

missed lines.

Councilmember Buck preferred to complete sewer lines A and H finding the money in the budget rather than waiting given the convenience of contractors already working on the lines.

Mrs. Turner noted that the project would have to be funded by the Sewer Fund since the Utilities Fund is an enterprise fund; this places restrictions on the Utilities Fund.

Mr. Luensmann added that this project could roll over to other budget years. He was cautious to spend sewer funds given the magnitude of upcoming projects.

Councilmember Buck deferred to Staff recommendation.

Mrs. Turner stated Staff would explore funding possibilities and report on the project in May.

Mayor Pro Tem Goolsby moved to award bid acceptance as recommended to King Solutions in the amount of \$1,393,620. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

J. Bid Acceptance of the Red Horse Parking Lot 1 Improvements.

Mr. Luensmann stated there were thirteen bidders. He explained the location of the parking lot and the four phases of the Red Horse Park project. This would be the third phase with the fourth phase being in FY 2025 with added improvements across the ditch.

Councilmember Fitzpatrick received assurance that Industrial Construction Co. was reputable.

Councilmember Vaughan moved to award bid acceptance to Industrial Construction Co. in the amount of the low base bid of \$130,471.65. Councilmember Bulman seconded the motion.

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

Motion to approve carried.

K. Bid Acceptance from Hydro Resources – Mid Continent, Inc. for the Water Well Drilling of UC Edwards Water Well #12.

Mr. Luensmann explained that initially, Well #5 had shut down due to steel casing deteriorated. Well #5, while it had been a secluded site with plenty of space when it was created, was now tightly surrounded and lacked the space required for drilling. Consequently, the bid process for Well #5 resulted in one exceedingly high bid which was rejected. Locations for a new well site resulted in the site for the new Well #12 was chosen. Mr. Luensmann explained reverse drilling which would pull debris out and was highly recommended by engineers. The project would require two months of non-stop work.

Mrs. Turner warned that the work would be very loud and constant day and night. However, this work is essential to getting water service to the area. The drilling cannot stop once it has started due to the method of drilling.

Mr. Luensmann emphasized that this project was critical to water service. He explained that the project would be started in March to attempt to be finished before summer heat. He clarified that the cost was to drill the hole, but the project to install the well's motors would be separate and in the FY 2025 budget.

Councilmember Bulman moved to award bid acceptance to Hydro Resources for \$.
Councilmember Buck seconded the motion.

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

Motion to approve carried.

- L. Resolution 968-2024: A resolution of the City Council of the City of Universal City, Texas calling a General Election to be held on May 4, 2024, to elect City officers; and approving and authorizing contract documents and procedures related thereto.**

Ms. Turner explained that Guadalupe and Bexar County would be contracted to hold the City's election. Guadalupe County could be expected to be available for May elections now that they have a vote center system that allows residents to vote at any Guadalupe County polling station. Mrs. Turner noted that the Council meeting scheduled directly after the election on May 7th would be too soon to canvass the vote. There would need to be a May 14th Special Meeting to conduct canvassing.

Councilmember Najarian moved to approve Resolution No. 968-2024. Councilmember Fitzpatrick seconded the motion.

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

Motion to approve carried.

- 9. ADJOURNMENT:** Mayor Williams adjourned the meeting at 7:45 P.M.

APPROVED:

John Williams, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk