

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, 21 February 2023

1. **CALL TO ORDER:** Mayor John Williams at 6:31 P.M.
2. **QUORUM CHECK:** Kristin Mueller, City Clerk

Present:

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

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
Christina Blumenthal, Library Director
Maribel Garcia, Deputy City Clerk

Mayor Williams noted a quorum was present.

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

Councilmember Buck gave the invocation. The Pledge of Allegiance to both the United States and Texas flags were led by Mayor Williams.

4. **VOTE TO CONSIDER THE EXCUSE OF ABSENT MAYOR/COUNCILMEMBERS:**

No action was necessary; all councilmembers were present.

5. **AWARDS/PROCLAMATION/INTRODUCTION OF GUESTS:** None.

6. **MINUTES OF THE PREVIOUS COUNCIL MEETING:**

Mayor Pro Tem Neville moved to approve the minutes of the Tuesday, February 07, 2023 City Council Regular Meeting.

Councilmember Buck seconded the motion.

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

Motion to approve carried.

7. **CITIZENS TO BE HEARD:**

- Ashton Bulman, 12807 El Dorado, expressed her disappointment regarding discussion of the venue tax from the prior meeting. She argues that discussion should have been about how much money to continue giving the golf course, not whether the golf course should be closed.
- Laura Stanford, 7719 Broken Arrow, stated her candidacy for the Judson Independent School District Board. She stated that she has lived in the district for 30 years, and that education is a passion of hers. She shared her website: stanford4judson.com.

- Richard Edwards, 205 Trudy, shared his candidacy for City Council. He addressed the suggested change of General Elections from May to November as a solution to voting in Guadalupe County. He inquires whether councilmembers had investigated solutions with Guadalupe and Bexar County, state representatives and senators, and the Texas Secretary of State's Office. He argues that it is the councilmembers' duty to investigate solutions and not rely on the Office of the City Manager. He added that he agreed with Ms. Bulman about discussion of the venue tax.
- Bernard Rubal, 635 Balboa Drive, also shared his candidacy for City Council and his inspirations for running. He stated that he was motivated by the stagnation of the Council in failing to move the City forward. He wants to change the City for the better.

8. BUSINESS:

B. Discuss and Consider Resolution 889-F-2023: A resolution establishing and adopting a Library Programming Policy for the Municipal Library; establishing legislative findings; and setting an effective date.

Mrs. Turner explained that this policy is meant to provide guidance to library staff with program development. She said the policy comes with an application for programming to give staff and members of the community a clear understanding of proposed programs.

Councilmember Goolsby requested clarification on what happens if someone applies, and staff does not agree with the content.

Mrs. Turner answered that the library will evaluate content so that the program aligns with the library's goal of being a repository of information. This application is a way to gather more information about the content of the program.

Councilmember Goolsby expressed concern about application rejections for superficial reasons.

Mrs. Turner assured him that this application process is mainly to get people to think through the means of organizing programs. She stated that the library and City want to encourage people with great program ideas to organize the programs themselves. This application also allows the library to sort through requests to host personal events, which is not an appropriate use. She added that most programs are conducted and organized by library staff.

Councilmember Buck noted that libraries have been getting more attention in recent years with both sides of the political spectrum wanting to deny programs claiming impropriety. He asked whether the reputation of a presenter is considered during the application process. He expressed concern over program approval based on popularity rather than qualifications.

Ms. Blumenthal answered that the library considers the credentials of a presenter, not their popularity. However, they will look at the reputation of a performer in the scope of qualification assessment. She shared that the library is part of the American Library Association and follows its mission goals and values of anti-discrimination.

Councilmember Buck asked about the part of the application referring to fees applied to the library and expressed confusion about how someone would apply as a program and still charge the library for said program.

Ms. Blumenthal clarified that vendors apply stating that they would like to provide services, classes, or performances, and list their charges. She used past foam performers as an example.

Councilmember Goolsby moved to approve Resolution 889-F-2023. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

C. Discuss and Consider Resolution 889-E-2023: A resolution amending the Unattended Children Policy for the Municipal Library; establishing legislative findings; providing an amendment; and setting an effective date.

Mrs. Turner explained that the library occasionally has unattended children and when they are left in the library, it is left up to library staff and volunteers to supervise these children. She noted that the previous definition required children up to age four to have supervision while this item raises the age to ten years old. She explained that all this policy did was require supervision especially considering there can be struggles finding guardians at closing time.

Councilmember Vaughan requested that a definition be amended to fix a gap in age limits.

Mrs. Turner clarified that the use of “over” and “under” does not leave a gap.

Councilmember Vaughan expressed concern about the age limit, stating that he felt uncomfortable sending away a child, age fifteen, if they did not have a parent accessible to them, as the policy requires. He also asked what questions a fifteen-year-old may have to answer to be able to attend the library.

Ms. Blumenthal clarified that this policy is mainly to be able to handle the “what if” scenarios and is mainly useful for unaccompanied young children and tweens.

Councilmember Vaughan requested an amendment to the Resolution to amending the age to fourteen years or older allowed to be unaccompanied while under fourteen requires supervision.

Councilmember Najarian requested clarification on the definition of “unaccompanied.”

Mrs. Turner clarified that the policy is to amend the definition of an “unaccompanied” child, clarifying that anyone over the age of ten should not be unaccompanied.

Ms. Santee further clarified that the definition of “unaccompanied” is over the age of ten and unable to contact a parent or guardian; this does not mean that a ten-year-old child cannot walk into the library, only that they must be able to contact someone to pick them up. She stated that Councilmember Vaughan’s amendment would be to raise the age of “unaccompanied” to fourteen rather than ten.

Councilmember Vaughan clarified that he meant to take away the “unaccompanied” definition all together and stated that a child under fourteen years old should not be “unsupervised.”

Mrs. Turner explained that a definition for “unaccompanied” is necessary when a scenario in which a child is left at the library by themselves with no way to contact a parent or guardian presents itself. In this scenario, the library needs a policy for how to handle the child.

Councilmember Shelby asked whether raising the age to ten years old is loosening guidelines by allowing children under the age of ten to be able to attend the library without a parent as long as they have access to their parent or guardian. He asked what the policy is trying to accomplish.

Mrs. Turner responded that it is trying to not have children be the liability of library staff.

Councilmember Shelby asked if the policy empowered library staff at closing time to place unaccompanied children in the protective care of law enforcement if parents are unreachable.

Mrs. Turner answered yes, and furthermore, that the policy allows staff to deal with the dilemma of unaccompanied children misbehaving.

Councilmember Shelby stated that the policy empowers library staff to address issues as they arise, and added that he has no problem with the age limit as is.

Councilmember Buck was concerned that a child over the age of ten who does not have a cell phone would be in violation of the policy. He asserted the library is not in the business of kicking people out and controlling what every child is doing in the library. He expressed concern over what constitutes a child being in violation of the policy and therefore having to be kicked out.

Mrs. Turner clarified that the policy would not be enforced if a child is behaving, seeing as this would not cause an unaccompanied child to be brought to the attention of the staff.

Councilmember Buck recommended that the policy be workshopped and clarified before it is passed seeing as so many councilmembers have questions on it.

Ms. Blumenthal stated the policy is not outside the norm for library policies and cited Schertz and Converse library policies. She added that the policy is there for the staff to fall back on.

Ms. Santee asked whether there needs to be clarification of when a child can be alone.

Councilmember Buck answered yes and expressed concern over putting a hypothetical child in the library causing no disruption in violation of the policy.

Ms. Santee gave the example of where a child in violation of the policy goes in and causes no disruption to invoke the policy, but then has a medical emergency. She clarified that policy takes away legal liability from library staff over that child, therefore protecting staff and the City.

Councilmember Buck reiterated his concern over definitions and the need for clarity before passage.

Councilmember Goolsby stated his thought that fifth grade, or around ten years old, is a fair age for the policy. He thanked Staff for clarifying definitions.

Councilmember Shelby gave the example of speed limits and stated they are enforced when noticed. Even then, police officers sometimes write warnings rather than tickets. By law, every time a person speeds, they should get a ticket as they are in violation of the speed limit. However, this is not the case. He sees this policy to give the library an enforcement mechanism when things may get dangerous or disruptive.

Mayor Pro Tem Neville stated that the guidelines seem to be about supervision and not whether a child is allowed in the library.

Councilmember Shelby moved to approve Resolution 889-E-2023. Councilmember Goolsby seconded the motion.

Vote: Yeas: Shelby, Goolsby, Neville, Najarian
Nays: Buck, Vaughan

Motion to approve carried.

- D. Discuss and Consider Resolution 945-2023: A resolution authorizing the filing of a grant application with the Bexar County Community Development Block Grant (CDBG) Program Year 2023 for an Infrastructure Construction Grant; authorizing the City Manager to act on behalf of the City in all matters related to the application; and pledging that if a grant is received, the City will comply with the grant requirements of the Community Development Block Grant.**

Mrs. Turner emphasized that the resolution authorizes the City to apply for the grant and is only enforced once the grant is received.

Mr. Luensmann stated that half of Ivy Lane received road improvements using a current CDBG. This subsequent grant application would be applied to the other half. He added that they like to focus grants for low-income areas and that the application is an annual application.

Mayor Williams clarified that this authorizes new applications.

Councilmember Vaughan asked how much of a match the City would have to provide.

Mr. Luensmann stated that the match is usually 80/20 though the match varies per year. He added that as long as the City shows some sort of match, they are usually good to go.

Councilmember Vaughan inquired whether there was a cost estimate.

Mr. Luensmann said there was not an estimate yet, but it should be lower than previous years seeing as there are already sidewalks installed on that side.

Councilmember Buck asked what the CDBG requirements are.

Mr. Luensmann listed requirements and stated that a lot of the requirements are paperwork, including this item before Council. He commended members of his staff who have been doing grant applications effectively for a long time.

Councilmember Shelby moved to approve Resolution 945-2023. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

- E. Discuss and Consider Resolution 946-2023: A resolution authorizing the City Manager to execute a Post-Annexation Provision of Services Agreement with SA Wrenhop, LLC, (Landowner), providing that upon annexation the City will provide standard City services to a tract of land totaling approximately 2.487 acres of land situated in Torribia Herrera Survey No. 68, Abstract No. 153, Guadalupe County, Texas, within the City's extraterritorial jurisdiction.**

Mrs. Turner gave a history of the plot of land to be developed. She explained that the land is part of the extraterritorial land in Guadalupe County that is under an annexation agreement that allows the City to annex land as long as it has been developed. Due to the development process by SA Wrenhop, LLC to go into C3-Commercial zoning, they would like to start the annexation process seeing as the process is a long one in the state legally requiring very specific steps.

Understanding that the owner of the property located at 3600 E. FM 1518 N. has requested a voluntary annexation of said property, and after considering the Written Agreement for Services identifying those standard services the City shall be obligated to provide to the subject property upon annexation, Councilmember Buck moved to approve the following: 1) Resolution 946-2023 – a Resolution of the City of Universal City authorizing the City Manager to execute a Post-Annexation Provision of Services Agreement with SA Wrenhop, LLC (landowner), providing that upon annexation the City will provide standard City services to a tract of land totaling approximately 2.487 acres of land situated in Torribia Herrera Survey No. 68 Abstract No. 153, Guadalupe County, Texas, within the City's Extraterritorial Jurisdiction; 2) City staff to initiate annexation proceedings for the subject property located at 3600 E. FM 1518 N. Councilmember Vaughan seconded the motion.

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

Motion to approve carried.

F.N.T. Public Hearing: PC 566 SU 013 – A request for a Specific Use Permit for an Administrative and Business Offices use, and Financial Services use in a C3-Commercial Services District on property located at 2101 Pat Booker Road, Suite 104 (CB 5047 [Universal Medical Plaza] BLK 1 LOT 1).

Mr. Cassata explained that the application is for Suite 104 of the property – the only suite unoccupied. He added that the zoning is currently C3-Commercial Use and explained the Specific Use request. He stated that because of the C3 zoning, a Specific Use Permit is required. He reiterated from prior meetings that a Specific Use permit is tied to the specific tenant. He noted that the Planning and Zoning Commission reviewed and passed recommendation of this item on February 6th, 2023. Nineteen notices were sent out with no responses being received.

Mayor Williams opened the Public Hearing at 7:33 p.m.

There being no speakers, Mayor Williams closed the Public Hearing at 7:34 p.m.

F. Discuss and Consider Ordinance 655-I-2023 (PC 566 SU 013): An ordinance approving a Specific Use Permit for an Administrative and Business Offices use, and Financial Services use in a C3-Commercial Services District on property located at 2101 Pat Booker Road, Suite 104, Universal City, Texas (CB 5047 [Universal Medical Plaza] BLK 1 LOT 1); providing for non-severability; and establishing an effective date. (1st Reading).

Councilmember Shelby shared his memory of when the property was first developed hoping that it would be a retail space. Seeing as it does not seem that the property will ever be retail due to positioning, he inquired why applicants must go through the Specific Use Permit process.

Mr. Cassata explained that the market conditions do not call for a retail space there, but that in

the future, the City would like to be able to adapt to the changing nature of retail, with specific regard for e-commerce.

Mrs. Turner reminded Council that the Specific Use Permit process allows for review later down the line with different users of the space.

Councilmember Buck asked whether First Command, the applicant, was expanding a preexisting business. His assumption was confirmed by Mr. Cassata.

Mayor Williams noted that First Command has been great in the City and serving military members.

Councilmember Goolsby moved to approve Ordinance 655-I-2023. Councilmember Shelby seconded the motion.

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

Motion to approve carried.

G.C.S. Closed Session: pursuant to Tex. Gov't Code Sec. 551.072 regarding the purchase or 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 located at 520 Pat Booker Road.

Mayor Williams began the Closed Session at 7:39 p.m.

Mayor Williams convened into Closed Session with City Council, City Manager Kim Turner, Economic Development Director Kristin Mueller, Development Services Director Michael Cassata, and City Attorney Megan Santee.

Mayor Williams reconvened the Council Meeting into open session at 7:57 p.m. No action was taken during Closed Session.

G. Consider and take appropriate action on Resolution No. 947-2023: A resolution of the Universal City Economic Development Corporation authorizing the purchase of Real Property located at 520 Pat Booker Road, Universal City, Texas; and providing for signatory authority.

Councilmember Shelby moved to approve Resolution 947-2023. Councilmember Najarian seconded the motion.

**Vote: Yeas: Shelby, Najarian, Neville, Buck, Goolsby
Nays: Vaughan**

Motion to approve carried.

Mayor Williams shared that the property used to be an ATM and was obtained as part of the Aviation District development project.

9. CITY MANAGER COMMENTS:

Mrs. Turner thanked Mr. Luensmann, Ms. Regina Carmona, and Ms. Mueller for their work at

Snowfest this year. She shared that there were 5600 attendees not including attendees under two years old. She expressed her appreciation for the volunteers, staff, and councilmembers who attended.

10. COUNCILMEMBER COMMENTS:

Councilmember Buck thanked Staff and congratulated Mr. Luensmann, Ms. Carmona and Ms. Mueller specifically on the success of Snowfest.

Councilmember Goolsby shared he was unable to make it to Snowfest but that it sounded great.

Councilmember Shelby commended staff on the organization of Snowfest and noted that there were no complaints about wait times. He thanked everyone who participated for giving their Saturday to the event.

Councilmember Vaughan requested an action item be added to next meeting's agenda for more discussion on the venue tax. He would like a ballot measure action item for options to convert the venue tax into a base tax or a street maintenance tax.

Councilmember Buck agreed.

Councilmember Goolsby agreed that there should be more discussion but preferred more information before voting on an action item. He asked for clarification on what is needed to get a ballot measure on the May election or if it was too late.

Mrs. Turner clarified that it is too late to put this ballot measure on the May election.

Mayor Williams suggested that the next agenda include a discussion item only.

Consensus was given by Council.

Mayor Williams said though the golf course uses most of the tax revenue, the EDC uses a portion of that revenue too.

Councilmember Najarian stated that Snowfest flowed a lot better this year. He thanked and commended the volunteers.

Mayor Pro Tem Neville stated that he was unable to attend but that the videos he received made the event look great.

11. MAYORAL COMMENTS:

Mayor Williams thanked staff, volunteers, sponsors, and vendors for their participation in Snowfest, noting that he heard no complaints. He said that he had a great time and did not hear one complaint. He thanked everyone who put in so many hours for the event. He thanked everyone for attending this Council meeting and said that the venue tax would have a discussion item no later than the second meeting in March.

12. ADJOURNMENT: Mayor Williams adjourned the meeting at 8:10 P.M.

Attest:

John Williams, Mayor

Kristin Mueller, City Clerk