

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, 02 April 2024

1. **CALL ORDER:** Mayor John Williams at 6:33 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 Steven Buck (virtually)
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
Johnny Siemens, Police Chief
Maribel Garcia, Deputy City Clerk

Absent:

Mayor Pro Tem Goolsby

Mayor Williams explained that Mayor Pro Tem Goolsby was absent due to work responsibilities. Councilmember Buck attended virtually, also due to work responsibilities.

Councilmember Najarian moved to excuse the absence of Mayor Pro Tem Goolsby. Councilmember Vaughan seconded the motion.

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

Motion to approve carried.

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

Councilmember Fitzpatrick 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: i. Comprehensive Plan Update – Content Consideration**

Mr. Cassata reiterated a basic explanation of a comprehensive plan and listed inclusions, costs, size of the plan, and comparison to similar cities. He laid out a timeline for moving forward with a comprehensive plan. He stated the Request for Proposal (RFP) would be requested for publication April 15, 2024. He gave a summary of EDC and Planning and Zoning Commission feedback for the RFP including wanting a focus on image, identity, and branding. He asked for Councilmember feedback to include in the RFP.

Councilmember Bulman emphasized the need for community outreach and citizen input in the

comprehensive plan; she noted methods of community outreach to be utilized. She received clarification on how streets maintenance and development would be reviewed in the plan – the plan would set policy for how to create detailed streets maintenance plans and may set standards for streets but would not create those itself. Councilmember Bulman agreed with including image, branding, and identity, but felt the other optional inclusions were unnecessary.

Councilmember Najarian felt public transit could be reviewed from the perspective of an aging population but did not feel it was at the forefront of public wants. He was interested in senior living housing policy. He stated a recreational senior center was long overdue. He wondered how the Aviation District could be included in image and branding review, which Mr. Cassata explained.

Mrs. Turner responded to Councilmember Najarian’s comments regarding public transit and senior living. Transit may not be necessary at this stage of development. Building standards and market driven factors were noted in the development of senior living. The Parks Master Plan includes senior center considerations.

Councilmember Najarian concurred and clarified his interest in senior focused public transit.

Councilmember Buck requested more specific studies be included in the comprehensive plan regarding streets and other utilities infrastructure considering the newly passed streets bond.

Mrs. Turner and Mr. Cassata noted the added time and expense if these items were included in the plan. They clarified that the comprehensive plan aims to set policy to provide Staff direction when making the more specific plans such as a streets maintenance plan or other infrastructure plans.

Councilmember Buck clarified his wants were in line with what Staff proposed that the RFP include. He emphasized need for community engagement.

Mrs. Turner reminded Council that strong community engagement was already required for the comprehensive plan creation process.

Councilmember Vaughan opined it would be better to hire consultants for community outreach, gain community input for topics to explore, then hire consultants for those specific topics based on the community input. He felt this would be less expensive and more effective. If the RFP process for a whole comprehensive plan was to continue, he requested itemized proposals to be able to piecemeal the plan and decide which portions of the plan are worth it in consideration of cost.

Councilmember Fitzpatrick was excited for the comprehensive plan and felt the plan was an important document for City development and governance. She emphasized the importance of citizen and business involvement. She felt branding was an important inclusion in the plan.

Mayor Williams reiterated the importance of citizen input.

5. CITIZENS TO BE HEARD:

- David Karras, 3001 Muscat Way, commended Linda Iglehart in Development Services for her work. He asked Council to consider permit requirements and costs for single-story, non-inhabitable accessory structures 200 square feet or smaller. He had alternatives to current requirements and felt it was important to reevaluate requirements based on changing conditions. He agreed with the importance of community engagement and asked Council to make extra effort to include Orchard

Park residents who feel separated from the community due to their location in Universal City.

- Bernie Rubal, 635 Balboa, clarified that he is not against the golf course but how the golf course is managed. He stated approximately 40% of the comprehensive plan could be addressed by the economic development department. He opined the hazard mitigation plan should be created by Staff. He commented on the landlocked nature of development in the City and said most citizens would not want the housing proposed in the plan. However, citizens would prioritize streets and infrastructure maintenance, and he said the plan needs to focus on citizen needs. He asked Council to create policy to fund critical needs by reallocating the venue tax and evaluating the benefits of the economic development corporation in consideration of using tax revenue for community needs. He requested postponement of the comprehensive plan until after items addressable by the economic development department were addressed.

6. ANNOUNCEMENTS:

a. CITY MANAGER'S ANNOUNCEMENTS:

Mrs. Turner noted Police Department participation in the special Olympics, the Library's Summer Adventure Series, the opening of the Northview Splashpad, and the Fire Department pancake breakfast on May 4th. Waste Management would do Brush Pickup starting April 22nd and Public Works would have spring clean-up days April 11th – 14th and 18th – 21st.

b. MAYOR'S ANNOUNCEMENTS:

Mayor Williams listed the following "Best of SA" winners from Universal City and their placements:

- Home Builder: Sitterle Homes #2
- Brewery: Gather Brewing Company #2
- Family Friendly Restaurants: Gather Brewing Company #3
- Pet Friendly Restaurants: Gather Brewing Company #3
- Sandwich Shop: Four Kings #3
- School District: Judson ISD #1
- Community Leader: Cheryl Maxwell and Lori Putt – Universal City Community Members #3
- Heating & A/C Service: Jon Wayne Service Company #1
- Oil Change: Take 5 Oil Change #1

Mayor Williams then moved on to present a proclamation declaring April as the Month of the Military Child and April 2nd as Purple Up! For Military Kids Day in Universal City. He presented the proclamation to Maria Dykes, retired Air Force, and her two daughters. He thanked Ms. Marcia Caballero for her work coordinating the proclamation and purple attire. He later noted the JBSA Air Show would be that weekend and hosted at Randolph AFB. He cautioned everyone of traffic and noise associated with the air show.

c. COUNCILMEMBERS' ANNOUNCEMENTS:

Councilmember Fitzpatrick commended Thrifty Hippy owners for their philanthropic efforts recently with a local homeless man. They connected him with the UCPD mental health unit and Haven for Hope. She asked that the UCPD mental health unit present before Council as they did before the Universal City Citizen's Police Academy (UCCPA) during their class.

Councilmember Buck thanked everyone who participated in the Easter Egg Hunt at Grace Church.

Councilmember Najarian noted the UCCPA training. He agreed with Councilmember Fitzpatrick's request for a UCPD mental health unit presentation. He said the Easter Egg Hunt hosted by the City was a success and opined that the heavy traffic due to the Air Show would be great for businesses.

Councilmember Bulman thanked military families for their sacrifices. She thanked the towing companies who reached out regarding the lengthy tow truck ordinance. She lauded the Library.

Councilmember Vaughan thanked City Staff for posting financial information on the website in working toward transparency. He agreed with Mr. Karras and proposed discussion regarding accessory structures. He gained Council consensus to place the item on the next agenda.

7. CONSENT AGENDA:

With Councilmember Najarian requesting a separate vote on item 2 of the Consent Agenda, Mayor Pro Tem Goolsby moved to approve the following Consent Agenda items:

- 1) Consider the minutes of the Tuesday, 20 February 2024 Regular Meeting.
- 2) Ordinance No. 655-M-2024 (PC 597 SU 018): An ordinance approving a Specific Use Permit to Daniels & Daniels Real Estate for an Administrative and Business Offices use in a C3-Commercial Services District on property located at 2117 Pat Booker Road, Universal City, Texas (CB 5047F BLK 1 LOT 39); providing for non-severability; and establishing an effective date.
- 3) Ordinance No. 655-N-2024 (PC 599 SU 020): An ordinance approving a Specific Use Permit to Acorn Legacy, Inc. for an Administrative and Business Offices use in a C3-Commercial Services District on property located at 2117 Pat Booker Road, Universal City, Texas (CB 5047F BLK 1 LOT 39); providing for non-severability; and establishing an effective date.
- 4) Ordinance No. 655-O-2024 (PC 600 SU 021): An ordinance approving a Specific Use Permit to Farmers Insurance for an Administrative and Business Offices use in a C3-Commercial Services District on property located at 2117 Pat Booker Road, Universal City, Texas (CB 5047F BLK 1 LOT 39); providing for non-severability; and establishing an effective date.
- 5) Ordinance No. 655-P-2024 (PC 598 SU 019): An ordinance approving a Specific Use Permit to KMS Delivery, Inc. for a Commercial Off-Street Parking use in a C2-Retail District on property located at 890 Coronado Boulevard, Universal City, Texas (CB 5047P BLK 1 LOT 7 CORONADO VILLAGE UT-8A); providing for non-severability; and establishing an effective date.
- 6) Ordinance No. 655-Q-2024 (PC 601 SU 022): An ordinance approving a Specific Use Permit to Millenium Engineers Group, Inc. for a Professional Office Use in a C2-Retail District on property located at 1202 Pat Booker Road, Universal City, Texas (CB 5053 P-24A & 6 INCH STRIP OFF NW SIDE OF P-25 ABS 745); providing for non-severability; and establishing an effective date.

Councilmember Vaughan seconded the motion.

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

Motion to approve carried.

8. ACTION ITEMS:

- B. Ordinance No. 307-B-2024: An ordinance amending the requirements for Vehicle Wrecker/Tow Services; superseding Ordinance 307-A-1989; amending Chapter 3-3, Article XI: Vehicle Wrecker Services in its entirety; providing for severability; setting an effective date; and amending the Universal City Code of Ordinances accordingly.**

Mrs. Turner noted changes made to the ordinance based on requests and comments by Councilmembers Bulman and Buck and further review of the ordinance with Chief Siemens.

Councilmember Bulman shared the following requests for changes that she gathered from a plethora of tow companies' feedback and asked that the original proposals be justified:

1. Deleting the requirement for a City permit for tow trucks to operate within City limits.
2. Deleting certain requirements beyond State law such as painted lettering on the rear of the vehicle indicating company information and requirements for the size of lettering.
3. Deleting color requirements for flashing lights on the vehicle.
4. Removing the requirement for vehicle storage facilities to be located within ten miles of city limits.

Mrs. Turner said she appreciated Councilmembers' consideration for business feedback but, given that the City will go out for an RFP, she cautioned against any indication of favor for a tow company going forward. She recommended not engaging in future conversation with companies that may be responsive to the RFP.

Councilmember Bulman felt the RFP and ordinance should be treated as separate, with some City preferences being included in only the RFP. She felt the requirement for a 10-mile radius for the vehicle storage facility was exclusionary.

Mrs. Turner explained that the ordinance is the basis for the RFP and therefore cannot be treated as separate.

Mrs. Turner and Chief Siemens explained the reasoning behind the 10-mile radius requirement being cost of sending officers out to lots for reports as well as cost to citizens if there is not a limit on the distance from the City to the impound lot. The point of the 10-mile radius was to have some sort of limit, but this number could be increased slightly and meet the same goal.

Councilmember Vaughan echoed Councilmember Bulman's thought that the RFP could be more stringent than the ordinance as the ordinance governs all tow companies operating in City limits, not just the City-contracted ones. He worried the City may not receive bids due to the restrictive ordinance. He opined certain requirements could be negotiated through the contracting process outside of the ordinance. He asked for an analysis of radius requirements in relation to number of businesses included.

Councilmember Buck stated he considered the ordinance from both the perspective of the RFP and private businesses that contract towing services for their own use. He felt the City had an obligation to public interest even when a towing situation did not involve police. He asked for clarification on requirements applied to all businesses operating in city limits versus only City-contracted ones.

Chief Siemens and Mrs. Turner clarified that the City does not have legislative authority over who private businesses contract for tow services. However, the City can place requirements on who the City contracts for towing services. The 10-mile radius would only apply to City-contracted towing to not inconvenience residents if the City calls for towing services. Chief Siemens noted this ordinance is much less restrictive in comparison to some nearby cities.

In response to Ms. Santee's comment that the permit process for tow companies would allow the City to know who operates within City limits, Councilmember Buck asked if distance of

impound lots could be limited through the permit approval process.

Ms. Santee said she had not seen these limitations being used and would caution against restrictions without legitimate governmental interest. Also, it would not be practical for tow companies to have impound lots far away, but to prohibit it may not be possible or wise.

Councilmember Buck asked that the ordinance be delayed to allow time to research the affect of the ordinance on local towing companies and whether precedent exists for towing lot restrictions made by a City with parameters such as distance, county, or region.

Staff commented that it is extremely uncommon for far-away companies to either contract or provide towing services that take vehicles that far.

Councilmember Fitzpatrick gained clarification that the lettering size requirements could be adjusted to State standards. She appreciated the consideration for residents of impound lot distance but did not have a problem with adjusting the distance slightly.

Councilmember Najarian agreed with the change to State requirements for lettering size. Responding to Councilmember Buck, he said it may be a slippery slope to regulate private business in relation to who they contract. He was interested in exploring the difference in amount of companies eligible for the RFP with an increase in radial distance.

Staff agreed to investigate discussed items.

Chief Siemens answered Councilmember Bulman's questions regarding the security video retention and limiting the radial distance requirement to a company's primary lot.

Councilmember Buck moved to postpone the item to the following meeting pending discussed investigations. Councilmember Vaughan seconded the motion.

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

Motion to approve carried.

C. Approval of Pay Application #1 invoice for the Ivy Lane Street Improvements-Construction.

Mrs. Turner explained that this was a routine application submitted every year to apply for grant funding. She noted past approved grants and projects for which they were used.

Councilmember Vaughan moved to approve the pay application. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

D. Resolution 902-2024: A resolution of the City Council of Universal City, Texas to appoint [either Dr. Chichi Junda Woo of the San Antonio Metropolitan Health District or Dr. Lillian

Ringsdorf of Region 8 Department of State Health Services] as the Official Health Authority for the City of Universal City and setting an effective date.

Councilmember Najarian commended Staff for finding a great alternative to Dr. Woo.

Council briefly summarized past discussion of this item and an alternative to Dr. Woo.

Councilmember Najarian moved to appoint Dr. Lillian Ringsdorf of Region 8 Department of State Health Services as the Official Health Authority of Universal City and approve Resolution 902-2024 accordingly. Councilmember Bulman seconded the motion.

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

Motion to approve carried.

E. City Council Message Board Service Agreement and Contract with XenForo.

Mrs. Turner reviewed steps taken to procure the contract with XenForo. Considerations in review of different service providers included compatibility with the City's existing website, cloud hosting, Open Meetings Act (OMA) compliance, and archiving. She thanked Ms. Garcia for her work on the item. Mrs. Turner noted cities' suggestions for Council and asked them to determine whether they would like policies and rules of engagement.

Councilmember Vaughan stated the Texas Municipal League said that anything can be discussed on the message board so long as the board is posted according to State law and that no official action is taken. He opined that Council should move forward with a \$648 one-year "Starter" subscription with the option to deny renewal if the board is not used.

Councilmember Bulman supported this and said the board could have been a good platform to share the emails she received regarding the tow truck ordinance. She opined that, though the board may be extra work, she felt those who wished to use it should be able to.

Councilmember Najarian shared that he would be willing to put in the work to use the board but wanted the discussion to be productive. He was concerned about the possibility of violating the Open Meetings Act with dangers of a walking quorum. He opined that it should have regulations to avoid Open Meetings Act violations as this board would be self-regulated. While he did not want to block the item, he did not feel enthusiasm.

Councilmember Buck echoed Councilmember Bulman's comments about the usefulness of sharing information prior to meetings. He gained clarification regarding walking quorum.

Ms. Santee said discussion on the message board is not a walking quorum since it is in a public forum and recorded. However, she cautioned against using the board in replacement for discussion during public meetings. She noted Staff would not access information on the board.

Mrs. Turner also cautioned Council against wording that could be misconstrued and about forming or implying consensus on the board as this can be construed as action.

Mayor Williams expressed concern regarding Open Meetings Act violations that could occur with the board but was open to trying it. He asked Council to be careful when using the board.

Councilmember Najarian reiterated the need for caution with wording to not be misconstrued as casting a vote or forming a consensus.

Councilmember Fitzpatrick expressed concern regarding being misconstrued, the time commitment required, and the lack of nuances of expression when messaging compared to live discussion. She also cautioned against posting emails received by individual Councilmembers and asked that permission be granted of the sender prior to posting. Regarding the board as a means to address the length of meetings, she noted that agenda reformatting had worked to make meetings shorter. She emphasized her preference for live discussion.

Councilmember Vaughan moved to approve a one year “Starter” contract with XenForo to establish a City Council Message Board in compliance with the Texas Open Meetings Act. Councilmember Bulman seconded the motion.

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

Motion to approve carried.

N. T. 1. Executive Session:

- 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 the 43 acres of vacant, undeveloped property owned by the City of Universal City (33.3 acres) located at Loop 1604 and 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 8:25 P.M.

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

Mayor Williams and the City Council reconvened into Open Session at 9:13 P.M. No action was taken during the Closed Session.

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

APPROVED:

ATTEST:

John Williams, Mayor

Maribel Garcia, Deputy City Clerk