

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, 18 April 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

Staff Present:

Kim Turner, City Manager
Megan Santee, City Attorney
Kristin Mueller, City Clerk
Michael Cassata, Development Services Director
Randy Luensmann, Public Works Director
Maribel Garcia, Deputy City Clerk
Stephen Aniol, Kimley Horn
Carlos Arce, Perdue, Brandon, Fielder, Collins & Mott LLP.
Dan Romo, Perdue, Brandon, Fielder, Collins & Mott, LLP.
Chris Chaffee, Cude Engineers

Mayor Williams noted a quorum was present.

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

Kristin Mueller, City Clerk 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:**

Mayor Williams requested a moment of silence for the violence that happened at a Sweet 16 party and prayed that the violence stops.

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

Councilmember Buck moved to approve the minutes of the Tuesday, April 04, 2023 City Council Regular Meeting. Mayor Pro Tem Neville seconded the motion.

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

Motion to approve carried.

7. **CITIZENS TO BE HEARD:**

- Richard Edwards, 209 Trudy, shared that Texas Local Politics, a local podcast, sat down with five candidates for Council recently and a question that was asked was what permits they would get rid of. He said each candidate, including himself, answered the fence repair permit. He asked Council to have an action item to repeal this permit.

- Ed Pickrel, 9011 Phoenix, stated he lived on the 18th hole of the golf course. He expressed support for the golf course development. He stated the golf course is operating with a surplus. He believed the items attorneys discussed in the April 11th meeting were a gold mine of information that ought to be reviewed.
- Bernard Rubal, 635 Balboa Drive, repeated his request for consideration of speeding issues, and added school zones and limited sight areas to his list of priorities. He requested a crosswalk in front of Red Horse Park. He addressed the Venue Tax, stating that there is a prohibition of using ad valorem tax for venue projects. He argued the City had been using ad valorem tax since 2005 through interfund transfers to the golf course. He asked how the City plans to manage the golf course and if they had pursued different business plan options. He listed the debt the golf course has incurred.

8. BUSINESS:

B. Take action to approve a contingent fee contract with Perdue Brandon Fielder Collins & Mott, LLP, said contract being for the collection of delinquent utility accounts owed to the City and notice of said contract is posted with the agenda in accordance with Section 2254 of the Government Code.

Mrs. Turner explained during COVID-19, some overdue utilities accounts were not collected. Now that the City can collect on the debt, they must contract out to do this due to lack of capacity from the City to act as a debt collection agency. Perdue, Brandon, Fielder, Collins & Mott, LLP. – hereafter “Perdue” – has done this in the past for the City’s warrants department and has experience doing this for other cities as well. She corrected her prior statement that debt can only be collected up to four years prior according to statute and said Perdue has advised the City that there are exceptions that allow them to go back further.

Mr. Arce stated their firm had met with Staff to discuss proceedings. The contract would begin as two-year initial term and be renewed in one-year terms after. Their firm would take 15% commission on the collections. There would be a required 30-day notice to terminate. The proper disclosures were posted for this arrangement.

Mr. Romo explained the difference in their work with Municipal Court and utilities. He further explained the process of collecting debt.

Councilmember Goolsby received clarification that this contract has a two-year term.

Councilmember Najarian commented Perdue has done great work for the City with their warrant collection services.

Mayor Pro Tem Neville asked about Perdue’s experience.

Mr. Romo stated they provide utilities collection services for twenty other cities.

Councilmember Najarian, after finding the City Council considered all matters listed in Section 2254.1036(a)(1) of the Government Code, as they relate to contingent fee contract with Perdue Brandon Fielder Collins & Mott, LLP. in an open meeting, and that the Council found the following to be true: 1) there is a substantial need for the legal services specified in said contract; 2) these legal services cannot be adequately performed by the attorneys and supporting personnel of the City; and 3) these legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly

fees, without regard to the outcome of the matter, because of the nature of the matter for which these services will be obtained or because the City does not have funds to pay the estimated amounts required under a contract providing only for the payment of hourly fees, moved to approve the formation of the contract by and between the City and Perdue Brandon Fielder Collins & Mott, LLP. for the professional legal services regarding the collection of delinquent utility accounts. Councilmember Shelby seconded the motion.

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

Motion to approve carried.

Mayor Williams moved Tab D before Tab C.

D. Discuss and Consider Resolution 947-2023: A resolution 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.

Ms. Mueller explained this project had been before Council before in May 2022 with the original scope. She said the project was in its first phase of the thoroughfare that would provide connection between Kitty Hawk, 1604 access road, Byrd Rd., and Universal City Blvd. She explained the scope of the project had to be amended due to new developments on the project. She said the City is negotiating to acquire some right of way from St. Matthew's Church and would have to relocate part of Walmart's parking lot due to loss of spaces as the result of negotiations with Walmart. Public Works would continue to fund their portion of this project, while the EDC would cover tasks 3-5 without supplemental expenses. This item also requested the approval of supplemental expenses to avoid having to bring the item back to Council in the future. She stated the new total of the EDC funding for the project would be \$472,625 including the supplemental differences.

Mr. Aniol echoed Ms. Mueller's summary. He stated it is difficult to know the accurate cost before certain things are laid out which is why they are before Council for this item.

Councilmember Vaughan asked for clarification on the St. Matthew's right of way.

Mr. Aniol clarified St. Matthew's and the City are trying to maintain the size of the lot adjacent to the church while also maintaining accessibility.

Councilmember Vaughan asked if the lighted entrance would move.

Ms. Mueller clarified St. Matthew's currently has two entryways. They are discussing the right of way entrance which would only be modified.

Mayor Pro Tem Neville asked whether the electronic sign would have to be moved.

Ms. Mueller answered no and added that an easement would be provided to keep the sign in its current location.

Councilmember Shelby moved to approve Resolution 947-2023. Councilmember Goolsby moved to second the motion.

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

Motion to approve carried.

- C. Discuss and Consider Resolution 948: A resolution authorizing an amendment to the adopted City of Universal City Economic Development Corporation Fiscal Year Ending 2023 Operating Budget in accordance with Texas Local Government Code 102.010 Changes in Budget for Municipal Purposes; authorizing the City Administrator to take all necessary steps to implement the provisions of this Resolution; incorporating recitals; providing for severability; and setting an effective date.**

Ms. Mueller explained EDC revenue had increased and expanded the budget. Currently, the EDC has budgeted for \$1.5 million, while have \$1.7 million is available to them. The budget amendment would cover the extra engineering expenses from the last item, as well as amending the part-time marketing position to a full-time position, which was approved in the last EDC meeting.

Mayor Pro Tem Neville clarified the EDC budget does not impact the City budget, as the EDC is funded by a half-cent sales tax. He said the EDC is necessary for the City.

Councilmember Shelby moved to approve Resolution 948. Councilmember Goolsby seconded the motion.

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

Motion to approve carried.

- N.T.1. Public Hearing: P.C. 569 (ZC 237) - Annexation of 3600 E FM 1518 N and Ordinance No. 639-B-2023 – A request for Annexation for an approximately 2.487-acre tract (Orchard Park #1 Block 2 Lot 1A HOA Commercial Lot 2.487 AC) generally located East of FM 1518 and South of Mondavi Crest, extending the boundaries of the City to include the land, and zoning the land R1-Large Lot Residential; to be known as the SA Wrenhop 2023 Annexation; binding the land to all of the Acts, Ordinances, Resolutions, and Regulations of the City.**

Mr. Cassata clarified the property referenced is Orchard Park. He gave specifications of the property as well as development requirements. He said the applicant was Blake Yantis. Due to the property being in the Extraterritorial Jurisdiction (ETJ), once the land becomes developed, they have the obligation to annex the property. He explained the process of converting the property from the ETJ to a Planned Unit Development (PUD). He explained that once the land is annexed, it would automatically be zoned R1-Large Lot Residential. The City would need to change the property zoning from Aviation Commercial to Commercial Services and from Large Lot Residential to PUD-2023. He stated Staff began working on this development with Blake Yantis in January 2022. He stated 54 legal notices were sent to nearby properties and only one response was received. The respondent was in attendance. He stated the item passed in Planning and Zoning. He also clarified the development would not have access to FM 1518, only to Mondavi Crest, and that the floodplain is being avoided by elevating the site.

Mayor Williams opened the Public Hearing at 7:10 P.M.

Richard Edwards, 209 Trudy, asked whether there would be access to FM 1518, referring to the map Mr. Cassata presented.

Mr. Cassata clarified that the perceived exit Mr. Edwards was referring to was a Fire and Emergency Medical Services turnaround only.

Mary Gilson, who lives on FM 1518 across the street, stated she owned seventeen acres of land along the creek which floods heavily at the lowest point. Though she had been annexed to the City of Selma, she wanted to express concern of how this development may affect flooding on her property as well as traffic in the area. She asked the City whether they had other developments planned affecting her including giving access to FM 1518 to the PUD in the future.

Chris Chaffee with Cude Engineers, stated he ran a model showing the effects to surrounding properties and found there to be no impacts. He also said the CLOMR process through FEMA was approved by the City and register the pre- and post-conditions of the water elevation does not change to the surrounding land. He stated the only impact changed is on the development.

At 7:17 P.M. Mayor Williams had to step out of the meeting. Mayor Pro Tem Neville presided in his place.

Given there were no other speakers, Mayor Pro Tem Neville closed the Public Hearing at 7:18 P.M.

- E. Discuss and Consider Ordinance No. 639-B-2023: An Ordinance annexing, for full purposes, a tract of land totaling approximately 2.487 acres of land situated in the Torribia Herrera Survey No. 68, Abstract No. 153, in Guadalupe County, Texas, of the Real Property Records of Guadalupe County, generally located East of FM 1518 and South of Mondavi Crest; extending the boundaries of the City to include the land; and to be zoned R1-Large Lot Residential; to be known as the SA Wrenhop 2023 Annexation; binding the land to all of the Acts, Ordinances, Resolutions, and Regulations of the City; approving a service plan; providing for severability; and providing an effective date.**

Councilmember Goolsby expressed concern that the traffic impact analysis had been conducted in 2019.

Mr. Cassata responded the analysis was still valid and nothing should have changed. The City is not required to submit any other documentation for the analysis even with it being conducted in 2019.

Mayor Williams returned to the meeting and took charge at 7:20 P.M.

Councilmember Shelby asked whether the studies had been conducted by a third party.

Mr. Chaffee answered yes.

Mrs. Turner stated the Staff in several departments along with the developers and engineers had all looked at the studies. She conveyed the studies were well supported.

Councilmember Shelby asked whether there would be back access or allies for the retail shops.

Mr. Cassata stated no alleys or back doors were planned.

Councilmember Shelby inquired as to what types of retail would be there.

Mr. Cassata stated Exhibit D provided all potential uses, but there should be no late hour establishments.

Councilmember Najarian asked how much the development would be elevated to combat flooding.

Mr. Chaffee stated there would be a retaining wall of about 8-15 feet tall. He also said the land would be raised about 8-10 feet.

Councilmember Najarian asked if it was smart to allow for so many permitted uses. He was concerned about a possible liquor store so close to a daycare.

Mr. Cassata stated the City would be limiting itself if it did not allow for so many uses. He shared that Staff had allowed for a variety and tried to predict future uses. He also addressed his concern stating there is no law prohibiting a liquor store in a certain distance from a daycare.

Councilmember Najarian asked if the City could potentially have to approve this use.

Councilmember Shelby followed with his concern about a gas station and car wash use.

Mr. Cassata stated it was better to permit the use than limit the property, though they could change designations for permitted uses to specific use permit requirements.

Councilmember Shelby asked how this could be changed.

Mr. Cassata stated it could be changed in the motion to approve under the appropriate item.

Councilmember Buck moved to approve Ordinance No. 639-B-2023 to annex the property. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

N.T. 2. Public Hearing: P.C. 563 (ZC 234) – A request for an amendment to the Future Land Use Plan for an approximately 2.487-acre tract located at 3600 E FM 1518 N (Orchard Park #1 Block 2 Lot 1A HOA Commercial Lot 2.487 AC) from AC-Aviation Commercial to CS-Commercial Services, per Zoning Ordinance 581.

Mayor Williams opened the Public Hearing at 7:29 P.M.

Given that there were no speakers, Mayor Williams closed the Public Hearing at 7:30 P.M.

F. Discuss and Consider Ordinance No. 632-PC-563-2023: An Ordinance amending the Future Land Use Plan to change land use designation of property located at 3600 E FM 1518 N, Universal City, Texas (Orchard Park #1 Block 2 Lot 1A HOA Commercial Lot 2.487 AC) from AC-Aviation Commercial to CS-Commercial Services; providing for severability; and establishing an effective date.

Given that there was no discussion for this item, Mayor Williams called for a motion.

Councilmember Shelby moved to approve Ordinance No. 632-PC-563-2023. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

- N.T. 3. Public Hearing: P.C. 564 (ZC 235) and Ordinance No. 581-Y-PUD-2023-102 – A request for a Zone Change from R1-Large Lot Residential to PUD 2023-102 District for an approximately 2.487-acre tract located at 3600 E FM 1518 N (Orchard Park #1 Block 2 Lot 1A HOA Commercial Lot 2.487 AC), per Zoning Ordinance 581.**

Mayor Williams opened the Public Hearing at 7:31 P.M.

Given that there were no speakers, Mayor Williams closed the Public Hearing at 7:31:10 P.M.

- N.T. 4. Public Hearing: P.C. 565 (ZC 236) – A request for approval of PUD Preliminary and Final Plans for an approximately 2.487-acre tract located at 3600 E FM 1518 N (Orchard Park #1 Block 2 Lot 1A HOA Commercial Lot 2.487 AC), per Zoning Ordinance 581.**

Mayor Williams opened the Public Hearing at 7:32 P.M.

Given that there were no speakers, Mayor Williams closed the Public Hearing at 7:32:10 P.M.

- G. Discuss and Consider Ordinance No. 581-Y-PUD-2023-102 (3600 E FM 1518 N): An Ordinance amending the Zoning Map of the City of Universal City, Texas for an approximately 2.487-acre property, located East of FM 1518 and South of Mondavi Crest; rezoning said property from R1-Large Lot Residential to PUD 2023-102 District, generally for commercial services and retail; adopting the PUD Final Plan related to PUD 2023-102; providing for severability; providing for the publication of the caption of this Ordinance; and establishing an effective date.**

Councilmember Vaughan asked whether changing the permitted uses would cause trouble for the engineer.

Mr. Chaffee stated he was not concerned about it, and it was just listed to not be limited.

Councilmember Shelby clarified he did not want to limit it but would like to give Council the chance to see the item for a Specific Use Permit before it is approved outright. He wanted to give Council the flexibility to deny the development of a car wash or gas station given that it seemed substantially different to what was presented as potential retail uses.

Councilmember Shelby moved to approve Ordinance No. 581-Y-PUD-2023-102 with the amendment of changing the Gas Station Permitted Use to a Specific Use. Councilmember Najarian seconded the motion with the amendment.

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

Motion to approve carried.

9. CITY MANAGER COMMENTS:

Mrs. Turner stated Staff is working on preparing the budget. She said the first budget workshop would be July 12th at 5:00 P.M. She also shared that Early Voting starts Monday, April 24th, 2023, with Election Day being May 6th, 2023. She encouraged people to come to the Pancake Breakfast being hosted the same day by the Fire Department. She gave updates on the food truck park in the Aviation District, progress on Cimarron and other parks, and Library summer programs. She also said the Bubble Foam event hosted by the Library would be June 10th, 2023. She informed everyone of upcoming bids and stated that this Council meeting was the first to be live streamed.

10. COUNCILMEMBER COMMENTS:

Councilmember Buck gave history that on April 18th, 1961, the Council approved their first Plat of a unit. He said in April 1962 that the Census reported the City of Universal City had a population of 2,985, and in April 1963, the City gave its first water bill. He credited Michael Hoffman with hoffmanhistory.com for his history lessons. He shared he does these history lessons to make himself a better councilmember.

Mayor Pro Tem Neville shared that April 18, 1942, was the first time the US conducted an air operation on Japan in World War II.

Councilmember Najarian asked Mrs. Gilson if she received adequate answers and thanked everyone for attending the meeting.

Ms. Gilson asked the City to consider a traffic light considering the development in the area and increase in commercial establishments. She also wanted to know more about whether the City could add another access point to the PUD at a later date that would access FM 1518. She requested the City investigate adding fencing in front of the development for noise reduction and addressing speeding on a sharp curve off her property for the sake of safety concerns. She reiterated fears that traffic would worsen with the commercial development.

Councilmember Vaughan commended the City Facebook page for more updates and publishing agendas. He asked Council for consensus to have a discussion on banning fence repair permits. Consensus to have this discussion was given.

11. MAYORAL COMMENTS:

Mayor Williams commended Mr. Luensmann and staff for the Clean-Up and Brush Pick-Up. He stated many cities do not provide these services. He added that Fiesta started Thursday, April 20th.

12. ADJOURNMENT: Mayor Williams adjourned the meeting at 7:48 P.M.

APPROVED:

Attest:

John Williams, Mayor

Kristin Mueller, City Clerk