

**MINUTES**  
**CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS**  
Regular Meeting, Tuesday, 06 August 2024

1. **CALL ORDER:** Mayor Tom Maxwell 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 Tom Maxwell  
Mayor Pro Tem Christina Fitzpatrick  
Councilmember Ashton Bulman  
Councilmember Bear Goolsby  
Councilmember Lori Putt  
Councilmember Bernard Rubal  
Councilmember Phil Vaughan

**Staff Present:**

Kim Turner, City Manager  
Clarissa Rodriguez, City Attorney  
Michael Cassata, Development Services Director  
Randy Luensmann, Public Works Director  
Johnny Siemens, Police Chief  
Steve Mihalski, Assistant Police Chief  
Christina Blumenthal, Library Director  
Todd Perna, Fire Chief  
Sal Garcia, OHGC Golf Operations Director  
Jeremy Laak, OHGC Grounds Superintendent  
Katie Rein, OHGC Food & Beverage Director  
Christine Green, Finance Director  
Mateo Garcia, Finance Manager  
Maribel Garcia, Deputy City Clerk

Ms. Garcia confirmed a quorum was present.

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

Councilmember Bulman gave the invocation. Mayor Maxwell 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:** Ms. Blumenthal reported on the success of the library's summer programs; attendance increased by 654 from the prior year.

5. **CITIZENS TO BE HEARD:**

- Mike Hayes, 310 Kitty Hawk, promoted his business. He owned the event center on Kitty Hawk and converted a small part of the building into an adult lounge. He encouraged use of the space for the community.
- Ken Mitts, 13410 Adonis, commented on the minutes of the City Council meeting on July 9, 2024 regarding the golf course and the lack of an official business plan. He questioned further investment in the golf course. He appreciated the work conducted by golf course staff, especially Katie Rein, but felt it was time to account for golf course revenues and expenditures to gain a more accurate image of the state of the golf course. He felt that after 20 years of attempting to make the golf course profitable, it was time to put the investment of the golf course to the residents by ballot measure.

- Kim Igleheart, 736 Garden Meadow, supported the library and the variety of community events. She expressed concern regarding the meeting room policy, feeling that it was unnecessary to revisit as it had been updated two years ago. She called into question the restriction on events held by political candidates, noting the change from the prior policy. She indicated that she felt this was part of positive civic engagement and that it was unjust to not allow candidates the opportunity to use the space while, in her interpretation of the policy, incumbent candidates could use it.

## **7. ANNOUNCEMENTS:**

### **a. CITY MANAGER'S ANNOUNCEMENTS:**

Mrs. Turner reminded Council that they would be taking photos before the August 20<sup>th</sup> meeting. She informed them of updates to the Gateway Magazine and the City website. Chester's Hamburgers would be celebrating their 40<sup>th</sup> anniversary at the 410 location on August 20<sup>th</sup>. Staff would make sure a flower arrangement was sent since Council would not be able to attend. She also gave an overview of the new mass-notification system, Civic Ready, which would replace Blackboard Connect.

### **b. MAYORS' ANNOUNCEMENTS:**

Mayor Maxwell noted that a previously mentioned Council collaboration workshop would be scheduled for September 6<sup>th</sup>, 2024 from 8 a.m. to 4 p.m. The workshop would be a collaboration workshop to be effective in conducting the people's business. He also reported the award of a \$100,000 grant to the Water Department for needle replacements. He also commended the Communications Department for their changes to the content of the Gateway Magazine, making it more personal and concise.

### **c. COUNCILMEMBERS' ANNOUNCEMENTS:**

Councilmember Putt noted the library's great events. She also commended Mr. Hayes for the Kitty Hawk event center.

Mayor Pro Tem Fitzpatrick thanked the City for assisting with the UCCPAAA Casino Night and reported its success. She also commended the library for their Bridgerton Tea events aimed toward young girls.

Councilmember Rubal reiterated his proposed four-tiered prioritization structure for the City's budget, though he noted the lack of support from Council. He reported that, after meeting with Staff, he felt encourage with the progress of the Finance department and the five-year plan for budgeting. He commended Ms. Green.

## **7. CONSENT AGENDA:**

Councilmember Putt moved to approve the following Consent Agenda items:

- 1) Consider the minutes of the Tuesday, 09 July 2024 Special Meeting – Budget Work Session – as amended.
- 2) Ordinance 625-A-2024: New Non-Retroactive Repeating COLA option.

Councilmember Fitzpatrick seconded the motion.

**Vote: Yeas: Putt, Fitzpatrick, Bulman, Goolsby, Putt, Rubal, Vaughan**

Nays: None

Motion to approve carried.

**8. ACTION ITEMS:**

**N. T. 1: Executive Session:**

- a) Pursuant to Texas Gov't Code Sec. 551.071, Consultation with Attorney, to discuss and deliberate pending litigation titled *C. Branford, Individually and as Next Friend of E.C., A Minor v. City of Universal City and Playcore, Inc.*, in the 45th Judicial District Court, Bexar County Texas.
- 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 Maxwell began the Closed Session at 6:55 P.M.**

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

**Mayor Maxwell and the City Council reconvened into Open Session at 7:20 P.M. No action was taken during the Closed Session.**

**Library Policy Resolutions**

- B. Resolution 889-J-2024: A resolution deleting in its entirety the 2012 Interlibrary Loan Policy; adopting a 2024 Interlibrary Loan Policy for the Municipal Library of the City of Universal City; establishing legislative findings; providing repeal and adoption; and setting an effective date.**

Mrs. Turner explained that the policy had not been updated in ten years. This update would bring the Library into uniformity with the library with which it exchanges books.

Councilmember Vaughan moved to approve Resolution 889-J-2024. Councilmember Goolsby seconded the motion.

**Vote: Yeas: Vaughan, Goolsby, Putt, Fitzpatrick, Bulman, Rubal**

**Nays: None**

**Motion to approve carried.**

- C. Resolution 889-K-2024: A resolution amending the Library Meeting Room Policy for the Municipal Library of the City of Universal City; establishing legislative findings; providing deletion and adoption; and setting an effective date.**

Mrs. Turner explained that the Library Advisory Commission had reviewed the policy and moved to recommend it to Council. The policy makes updates for the sake of clarity with the public in reserving the room.

Councilmember Vaughan moved to postpone the item until the City presents the policy accompanied with a more comprehensive Public Meeting Space Policy. Councilmember Bulman

seconded the motion.

Councilmember Vaughan explained that he felt the Library Meeting Room Policy put too many restrictions on a public meeting space as compared to the prior policy. He said this would not be an issue if other City spaces were open for free public use. Therefore, he proposed a Public Meeting Space Policy that incorporated other City spaces such as the Cimarron Clubhouse, for selective free days for public reservations. He reviewed potential logistics of the reservation policy.

Councilmember Rubal was reassured that a member of Library staff would always be available to discuss reserving the Library meeting room, as the Library Meeting Room Policy requires.

Mrs. Turner clarified for Council that the Library meeting room was only available for reservations when not in use by the Library of Library programs – this would only be after business hours. The only reservation that preempts Library programs would be Bexar County Elections. She reminded Council that the Library meeting room was built, first and foremost, for Library activities.

Councilmember Bulman agreed with Councilmember Vaughan in that she felt the Library Meeting Room Policy was much more restrictive than before and took away a service from residents. She asked that it be clarified whether the meeting room was for the Library or for the public. She emphasized that, if the Library Meeting Room Policy were to move forward, there should be other City facilities open for free public use to replace the service provided by the Library meeting room.

Mrs. Turner and Councilmember Bulman discussed the uses of the Library meeting room compared to spaces such as the Cimarron Clubhouse – the meeting room was used for educational non-partisan and non-political purposes whereas the Cimarron Clubhouse could be used for personal events by paid rental. Mrs. Turner emphasized that the City has the obligation to be non-partisan and non-political, explaining the restrictions of the Library Meeting Room Policy.

Ms. Blumenthal further explained the definitions of political events by the Texas State Library Archives Commission and the American Library Association. She noted that the policy was in line with both organizations' standards and mirrors Schertz's policy.

It was noted that while Schertz has other meeting spaces, these are available for paid rental rather than free public use.

Mayor Pro Tem Fitzpatrick felt that while providing a public meeting space was nice to have, it was not the City's responsibility to provide this space for free. She asserted that the City provided public meeting spaces, even at a cost, and that other local businesses provided them as well.

Councilmember Vaughan further explained his concern with the policy to include the ability of the Library to preempt existing reservations.

Mrs. Turner clarified that this only happens due to elections, and that those who reserve the space around elections times are made aware of the possibility of preemption due to elections.

Councilmember Vaughan restated his motion at the Mayor's request.

**Vote: Yeas: Vaughan, Bulman, Rubal  
Nays: Fitzpatrick, Goolsby, Putt  
Mayor Maxwell voted Yea, breaking the tie.**

**Motion to approve carried.**

**D. FY 2024-2025 Budget Presentation.**

Ms. Green began her presentation noting that the majority of the budget was made up of the Utility Fund and General Fund, both including Capital Improvements Funds. She gave an overview of budget highlights: 1) a 5% cost of living for existing staff, 2) a new department for City Council, 3) EDC payroll expenditures transferred from Administration to the EDC budget, 4) new positions added or transferred including a full-time diesel mechanic to offset diesel maintenance costs, a part-time Senior Activities Coordinator under the Parks budget, and a transfer of the GIS Analyst payroll from Stormwater to Development Services. She noted that 74% of anticipated revenues for the General Fund were from ad valorem, sales tax, and other tax revenues, in the order of contribution. Total revenue and expenditures for the General Fund were balanced, both totaling \$19,928,122. Of General Fund departments, Public Safety including Fire and Police made up 44% of the budget, and General Services and Parks and Recreation made up 21% of the budget. The remaining twelve departments in the General Fund only made up 35% of the budget. She reviewed the departments and presented substantial changes from FY 2024. These changes are listed below with the exclusion of changes already noted:

- The Administration budget was significantly reduced by accounting appropriately for non-departmental contract services and by transferring Council expenses to their department.
- Finance decreased significantly from the FY 2024 budget by decreasing audit costs and opting out of a software update that would not be beneficial considering the cost.
- General Services saw an 18% increase from FY 2024, primarily due to engineering costs and streets/signal maintenance.
- Parks and Recreation saw increases from budgeting for grant matches which allows grant application preparedness to bring in more funding.
- Police saw a decrease due to the retirement of tenured Staff and the reduction of overtime by implementing a 12-hour work schedule.
- Fire saw a small increase due to mandated overtime budgeting, needed roof repairs, and required safety equipment replacement.
- Vehicle Maintenance had an increase in cost of goods for maintenance materials.
- The Animal Shelter saw differences from necessary installation of security cameras, AC unit replacement, and vehicle purchase.

Enterprise fund changes were presented. The Utility Fund added a part-time utility clerk and saw increased expenditures for capital purchases. Golf Course revenues were reported at a total of \$1,508,909 and expenditures at \$1,442,633, resulting in a balanced budget. Of revenues, the Venue Tax made up 26% with course and grounds fees bringing in 39%. Ms. Green explained that, of Venue Tax revenue totaling \$1,831,000, \$1,175,000 would go to the golf course and \$650,000 would go to the General Fund for parks purposes. Of the \$1,175,000 in Venue Tax revenue allocated to the golf course, 48% would fund capital improvements, 24% would fund golf course operations, and 28% would be allocated as an overhead transfer for administrative services. Capital improvement projects included parking lot resurfacing and expansion, resurfacing of the deck and wrap-around, exterior painting and maintenance which had not been conducted in eleven years, and kitchen lounge updates. Ms. Green reviewed debt service

funds for the Utility Fund and General Fund. The General Fund would utilize some excess fund balance. Capital Improvements for the General Fund were listed, and it was noted that a list of streets included in this was included in the item coversheet. Capital improvements were also reviewed for the Stormwater and Utility Fund. Special Revenue funds were listed; it was explained that these funds have restricted uses. Ms. Green reviewed the ARPA fund and noted allocation of money to fund a fire truck and to fund payroll for Mental Health Officers. The Venue Tax was briefly reviewed again. In conclusion, she emphasized that all items presented were needs of the City to perform their jobs. She reiterated her request that, if Council were to support a tax rate that is lower than the No New Revenue Rate and therefore reducing the budget, that Staff be allowed to make decisions on what to cut.

Councilmember Bulman and Mr. Luensmann discussed streets and drainage projects. It was explained that drainage must be installed before conducting street maintenance.

Council discussed the twelve-hour work shift change in the Police Department. Prior overtime was due to staffing shortages and overtime as a pull-factor for hiring was minimal. Police Staff were supportive of the shift change.

Councilmember Rubal commended Police for their response times.

#### **N. T. 2: FY 2024 Tax Rate Presentation.**

Mrs. Turner commended Mrs. Greens work conducting review of the tax calculations provided by Bexar County.

Mr. Garcia presented the No New Revenue (NNR), Voter Approval, and De Minimis tax rates provided the Bexar County Assessors and reviewed for accuracy by City Staff. All three rates were broken down into their Maintenance & Operations rate and their Debt Service rate. The 2023 Tax Rate was noted for comparison. Staff recommended the NNR rate. This would amount to an annual change of \$1.88 per \$100,000 in taxable value of a home. For the average home in Universal City, the change would be \$5.46 in ad valorem taxes. If Council decided to lower the proposed NNR tax rate by one cent, City revenue would decrease by \$200,000. This one cent decrease in the proposed tax rate would amount to saving a homeowner approximately \$10 per \$100,000 taxable property value annually.

Mrs. Turner simplified for Council that the average home in Universal City, totaling \$290,000 in taxable value, would save \$29 annually if Council adopted a rate one cent below the NNR rate. The budget was proposed using the NNR rate.

Councilmember Vaughan felt confident that the numbers presented were accurate. He discussed the difference in tax rates with a one cent change representing 1% of the General Fund budget. He noted that the bond attorneys presented the ability of the Venue Tax to be transferred to the Parks budget. He advocated for this to give money back to the taxpayers and stated the fund balance of the golf course could be used to supplement shortfalls. He felt that the taxpayer savings presented was only insubstantial if the tax burden wasn't already high. He compared the City's tax rate to surrounding cities with lower rates. He asserted that this would not only attract more residents to Universal City, but also businesses who must pay higher tax rates without homeowner deductions.

Mrs. Turner noted that approximately \$1 million in Venue Tax revenue would be transferred to

the General Fund already, and that prior years saw no transfers. She also emphasized that Universal City is not a City which can rely on sales tax to lower the ad valorem rate like the cities Councilmember Vaughan compared. The City would have to rely more heavily on ad valorem taxes while businesses developed to supplement with sales tax revenue.

Mrs. Green echoed statements made by Mrs. Turner and gave the example that Live Oak earns approximately \$3 million more in sales tax than Universal City. Venue Tax revenue could not make up that difference. Furthermore, utilizing the Venue Tax for the Parks budget may be detrimental to acquire grants for projects, thus limiting revenue opportunities.

Councilmember Rubal indicated that the savings from a one cent tax decrease would be significant in the long term. He asserted his position that the Venue Tax should be reallocated to the General Fund permanently by way of ballot measure put to the voters. He argued that there were better uses for the sales tax revenue from the Venue Tax and that it was the City's responsibility to make the golf course self-sustaining without the Venue Tax. He emphasized that he was not trying to close the golf course but only trying to ensure it was well-managed.

Mrs. Green reminded Council to be cautious of using the golf course fund balance due to the Fund Balance Policy they passed and to be mindful that a catastrophe could wipe out the balance.

Mayor Pro Tem Fitzpatrick felt that the budget presented was full of necessities. She advocated for consideration of the tax rate with the current budget and revenues due to the fact a ballot measure would not be viable until November, and passage of that measure was not guaranteed. Furthermore, she indicated her disagreement with use of the fund balance. She believed the budget was proactive, but that consideration of a Venue Tax reallocation was premature due to needing a ballot measure to do so.

Councilmember Vaughan believed the City had adequate sales tax but that it was held back by the forced allocation of half of it to the Venue Tax and EDC tax. He did not agree that the use of golf course fund balance would for this year would take it below its Fund Balance Policy. Furthermore, he asserted this would allow the City to not make budget cuts. He also offered the option of not using the Venue Tax for anything and reserving it for future allocation, after presentation of needs, either to the golf course or other projects.

Mrs. Green stated that the Comptroller's Office did not recommend leaving the Venue Tax to accrue interest and recommended using it for the purpose it was passed, namely the golf course or parks.

Mrs. Turner reminded Council that Staff was looking for guidance regarding how to proceed with the tax rate, including direction to decrease it resulting in budget adjustments.

Councilmember Putt said residents expect high-quality services from the City and the difference of \$200,000 would affect that. She supported the NNR rate.

**Mayor Maxwell briefly recessed the meeting at 8:28 p.m. He reconvened into Open Session at 8:33 p.m.**

Council further discussed the repercussions of a \$200,000 tax revenue reduction. It was clarified that, while the Venue Tax could be allocated to parks, the one cent tax rate reduction would still

be postponing capital projects at the golf course.

Councilmember Rubal asserted that there were non-essential departments that had budget increases that could be reduced. He used the Library as an example.

Councilmembers Bulman, Rubal, and Vaughan expressed support for a tax rate of \$0.509382.

Mayor Maxwell, Mayor Pro Tem Fitzpatrick, and Councilmembers Goolsby and Putt supported the proposed NNR rate.

**E. Resolution 926-B-2024: A resolution amending the Property Assessed Clean Energy (PACE) Program Report to accommodate newly eligible properties.**

Mrs. Turner gave a brief overview of the PACE program which could benefit businesses.

Jack Belt, the Program Liaison with Texas PACE Authority, presenting on behalf of AACOG and the Texas PACE authority, gave an overview of the PACE program. No time, personnel, or funds were required of the City to enable the PACE program. The program aims to decrease utility costs while increasing net operating income. It also aims to update technology in buildings which relieves strains on the electrical grid, water resources, and air quality. Eligible properties include commercial, non-profit, industrial, agricultural, and 5+ unit multi-family establishments. Economic benefits of program outcomes included attracting new businesses, creating new jobs, increasing activity, making multi-family housing more affordable, and creating higher tax rolls. He explained the PACE program process and listed qualifying improvement projects. He briefly presented "PACE in a Box" which was a toolkit of recommendations and document templates for programs.

Councilmember Goolsby moved to approve Resolution 926-B-2024. Councilmember Bulman seconded the motion.

**Vote: Yeas: Goolsby, Bulman, Fitzpatrick, Putt, Rubal, Vaughan  
Nays: None**

**Motion to approve carried.**

**F. Interlocal Agreement with Harris County Department of Education (DBA Choice Partners) and the City of Universal City.**

Mrs. Turner explained that this would be a purchasing co-op that included pre-qualified contractors.

Councilmember Goolsby moved to approve preliminary acceptance of Phase 2 of the Cibolo Crossing subdivision. Councilmember Bulman seconded the motion.

**Vote: Yeas: Goolsby, Putt, Fitzpatrick, Bulman, Rubal, Vaughan  
Nays: None**

**Motion to approve carried.**

**G. Bid Acceptance of the CDBG Hillview Drive Street Improvements.**

Mrs. Turner briefly explained the item including requested award to D&D Contractors.

Councilmember Vaughan, Councilmember Bulman, and Mr. Luensmann the performance history of D&D Contractors, as well as the process for choosing which contractor to award the bid contract. All contractors who submitted bids for this project were companies the City had worked with before and would have been chosen if they had lowest bid.

Councilmember Goolsby moved to award the low base bid in the amount of \$710,056.17 to D&D Contractors for the Hillview Drive Street Improvements. Councilmember Putt seconded the motion.

**Vote: Yeas: Goolsby, Putt, Fitzpatrick, Bulman, Rubal, Vaughan  
Nays: None**

**Motion to approve carried.**

#### **H. Board and Commission Appointment – BOA.**

Mrs. Turner explained that a BOA vacancy was missed during transition and review prior to Board and Commission appointments. This item would fill the vacancy.

Mayor Maxwell recommended Mary Flack and noted that she was chosen as a backup for BOA if Council decided to go a different direction during regular appointments.

Councilmember Vaughan moved to approve the appointment of Ms. Flack to the Board of Adjustment. Councilmember Bulman seconded the motion.

**Vote: Yeas: Vaughan, Bulman, Fitzpatrick, Goolsby, Putt, Rubal  
Nays: None**

**Motion to approve carried.**

**9. ADJOURNMENT:** Mayor Maxwell adjourned the meeting at 9:02 P.M.

**APPROVED:**

---

Tom Maxwell, Mayor

**ATTEST:**

---

Maribel Garcia, Deputy City Clerk