

**MINUTES**  
**CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS**  
Regular Meeting, Tuesday, 05 September 2023

**1. CALL ORDER:** Mayor John Williams at 6:31 P.M.

**2. QUORUM CHECK:** Kristin Mueller, 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  
Christine Green, Finance Director  
Michael Cassata, Development Services Director  
Randy Luensmann, Public Works Director  
Todd Perna, Fire Chief  
Johnny Siemens, Police Chief  
Justin Garcia, Fire Marshal/Assistant Fire Chief  
Maribel Garcia, Deputy City Clerk  
Robert Sam, Marketing Assistant

Mayor Williams noted a quorum was present.

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

Mrs. Turner 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.

Mayor Williams took a moment to eulogize Ms. Carmeline Squires, listing her notable accomplishments in relation to the City, including but not limited to being the first and only woman elected mayor in Universal City, being chosen for Woman of the Year in the San Antonio area in 1991, and having accomplished lots in her time volunteering with the City. He opined that she left a wonderful legacy and shared a bit more of her history with the City.

Mayor Pro Tem Goolsby read the Universal City Proclamation establishing the first full week of September as National Payroll Week, which Mayor Williams endorsed.

**6. CONSENT:**

Councilmember Bulman requested Item e) Consider Ordinance No. 632-PC-578-FLUP-2023 be pulled from the Consent Agenda to be considered separately.

Councilmember Najarian moved to approve the following Consent Agenda items:

- a) Consider the minutes of the Tuesday, August 15, 2023 Regular Meeting.
- b) Consider Ordinance 149-M-31-9-2023 (Water Fees): An ordinance of the City of Universal City, Texas, amending Ordinance 149 Fee Schedules; amending Ordinance 149-M-31-9-2022 and

repealing all ordinances or parts of ordinances in conflict; and amending the Universal City Code of Ordinances accordingly (2nd Reading).

- c) Consider Ordinance 149-M-32-09-2023 (Sewer Fees): An ordinance of the City of Universal City, Texas, amending Ordinance 149 Fee Schedules; amending Ordinance 149-M-32-09-2022; repealing all ordinances or parts of ordinances in conflict; and amending the Universal City Code of Ordinances accordingly (2<sup>nd</sup> Reading).
- d) Consider Ordinance No. 570-D-2023 (Stormwater Fees): An ordinance of the City of Universal City, Texas, amending Ordinance 570-C-2022 to establish new Municipal Storm Water Utility Fees; and amending the Universal City, Texas, Code of Ordinances (2<sup>nd</sup> Reading).

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:

- e) Consider Ordinance No. 632-PC-578-FLUP-2023: An ordinance amending the Future Land Use Plan to change Land Use designation of property located at 2280 Pat Booker Road, Universal City, Texas [CB5047 P-30 & P-113 ABS 777] from CS-Commercial Services to GC-General Commercial and HDR- High Density Residential; providing for severability; and establishing an effective date (2nd Reading).

Councilmember Buck seconded the motion.

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

**Motion to approve carried.**

## **7. CITIZENS TO BE HEARD:**

- Kim Igleheart, 736 Garden Meadow, expressed her frustration with the limitations in tax rate options presented to Council. She opined tax rate proceedings should have been as flexible as they were the prior year, and that Mrs. Turner's unpreparedness was a means of passing the highest tax rate. She asked Council to consider the \$0.505 rate that was proposed in the prior meeting.
- Jean Elam, 8533 Athenian, asked Council not to pass a tax rate that would produce an excess in the City's proposed budget. She asked them to instead pass a rate that would only produce enough revenue to cover the current budget. She expressed her support for banning permit requirements and fees for fence repairs. She said that all surveying is done when an owner purchases their home, and maintenance is part of being a homeowner. She shared her concern over seniors taking on the added cost of permits with their fixed incomes.
- Rick Moench, 110 Laurel Lane, shared that he is retired on fixed income. He said inflation caused all costs to rise, which he understands, but that a rate above \$0.505 would be unacceptable given that it covers the City's budget with still a bit of excess.
- Denise Thomas, 314 Colonial Bluff, addressed the Copano Ridge grass height complaint for the lot adjacent to the subdivision. She shared grievances, including pests, nuisance, and damage caused by the lot's untended grass. She argued the issue of the grass ordinance was not purely aesthetic as

there were biological hazards, fire danger, and blockage of walking routes for those who would like to walk through. She stated that the Copano Ridge HOA is open to elevating this to the State level.

- Paul F. Riehart, 153 Clear Oak UC, sympathized with the effects of inflation on everyone, including the City. However, he requested that Council adopt a lower rate to help residents with expenses.
- Bernard Rubal, 635 Balboa, expressed his concern that only 25% of originally proposed street repairs were included in the Series 2023 bond package proposal. He asked Council to take more urgent action regarding streets. He addressed a leak that has yet to be routed to a source and used this as an example of the need for better document management systems in the City. Additionally, he cited issues of providing financial documentation relating to the golf course and the proposed interfund loan. He emphasized the importance of good records management systems.
- Jason Delgado, Tri County Chamber, stated he was a member of the Tri County Chamber of Commerce, and he informed Council of upcoming events:
  - o September 12<sup>th</sup> – Hilton Garden Inn Luncheon
  - o October 19<sup>th</sup> – Glow Golf Tournament at Olympia Hills Golf Course
  - o November 15<sup>th</sup> – Elected Official Training.
- Thomas Herdon, 311 Madrid Dr., opined it would be irresponsible for Council to raise taxes resulting in a surplus while residents financially struggle. He noted the effect of inflation on the cost of living. He stated the tax increase was unnecessary and that this would not be favorable to average citizens.
- Annie Gunn, 166 Clear Oak, said that her and other residents would not like the tax rate to increase.
- Renate Banda, 162 Clear Oak, said as a fixed income widow, she did not want a tax rate increase.
- Jair Erickson, 329 Colonial Bluff, addressed the Copano Ridge lot grievance. He expressed concern over high winds and fire hazards.
- Gary Gunn, 166 Clear Oak, objected to the tax rate increase. He shared that his household is retired on fixed income and said all families have had to reduce spending; he asked that the City do the same. He shared his understanding that there may need to be some increases but asked Council to keep them minimal to lessen the burden on residents.
- Charles Ford, 313 Rustic Springs, shared that he lives next to the field causing grievances for Copano Ridge. He said he submitted three FixIt forms with no response from Code Compliance. He indicated there were pest issues affecting his property that were the result of the lot.
- Patricia Donahue, 326 Balboa, expressed concern about the tax increase in relation to businesses. She feared the increase would lead to new businesses choosing other cities to establish themselves, or existing businesses leaving due to high tax rates. She shared Councilmember Bulman’s frustration with the seemingly negating wants of the City to be attractive to businesses and simultaneously raising taxes. She asked Council to not only consider residents, but businesses, too.

## **8. BUSINESS:**

- B. Consider Ordinance 581-Y-PUD-2023-105 with the addition of architectural elevations: An ordinance of the City Council of City of Universal City, Texas amending the Zoning Map of the City of Universal City, Texas for an approximately 12-acre property, located at 2280 Pat**

**Booker Road; rezoning said property from C3-Commercial Services to PUD 2023-104 District, generally for multi-family residential and convenience storage; adopting the PUD Final Plan related to PUD 2023-104 District; providing for severability; providing for the publication of the caption of this ordinance; and establishing an effective date (2nd Reading).**

Mr. Cassata reminded Council this item was a second reading on an ordinance passed with conditions. The following presentation was to fulfill a condition to present elevations and architecture.

Thomas Hill, CLX Ventures, presented examples of architectural designs made by their firm. He displayed elevations, stating that the storage facility will slope down to a three-story space, going along with the natural landscape. He showed architectural renderings of the storage facility to echo the apartments and Randolph architecture. A diagram demonstrating distance between the multi-family residential and self-storage buildings was displayed. He stated CLX Ventures would plant additional trees between the facilities and homes behind the property to create an additional buffer. Finally, he presented a potential timeline of development for the property, stating that leasing for the apartments should begin at the end of 2024 or early 2025.

David Strauss, CLX Ventures, added that residents on the other side of the buffer have large trees and 8-foot fences, which should keep the visual impact of the development to a minimum.

Councilmember Najarian moved to approve Ordinance 581-Y-PUD-2023-105 on second reading. Councilmember Buck seconded the motion.

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

**Motion to approve carried.**

**N.T. 1. Public Hearing: P.C. 585 (ZC 247) for Calvary Chapel – A request for an amendment to the Future Land Use Plan from R-Retail to NS-Neighborhood Services for an approximately 5-acre tract located at 1922 Pat Booker Road/2103 Universal City Boulevard [CB 5047AA BLK 1 LOT 21 (UNIVERSAL SQUARE SUBD)], per Zoning Ordinance 581.**

Mr. Cassata summarized the application for the FLUP and PUD, stating Calvary Chapel would like to relocate from Triangle Shopping Center to Universal Square Shopping Center. He listed the proposed uses (a school, bible college, full-service kitchen/café and dining area, multi-purpose gym, administrative offices, worship space and medical facility). He stated 17 legal notices were issued with no objection. Staff met with the applicant who had responded to all Staff comments.

Matt Blanton, a pastor at Calvary Chapel representing them through the PUD process, presented a summary of their proposal. He explained the PUD would allow them to consolidate all of their services under one roof; no other zoning allows this. Calvary had outgrown its current space, and the old Alorica space in Universal Square seemed to be a better fit. He said that suitable vacant facilities do not exist in the City and buying land to develop on their own was not currently an option for them. He shared their desire to remain in Universal City. He opined that vacating the more prominent retail space at Triangle Shopping Center to occupy the less prominent space at Universal Square would be a better option for everyone. He reminded Council that the Alorica space had been vacant for a while. He said the landlord of Universal Square agreed with its proposed use and necessary modifications. He clarified the boundaries of

the PUD. He assured Council there would be minimal external modifications, the school bus would be parked behind the building out of the prominent common viewshed, and they would sign all waivers necessary to avoid impacting surrounding businesses. He shared parking analysis that demonstrated sufficient parking, and a diagram of pickup and drop off routes for the school if needed. He presented a possible timeline for development completion. He shared the added benefit to Universal City of having their congregation move to a larger space seeing as approximately 90% or more of attendants live outside the City. He stated this would be a tax revenue opportunity. He said increased attendance would bring local retail exposure and entice businesses to move into the shopping center. He noted they benefit the community by providing free and necessary services.

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

Thomas Herdon, 311 Madrid, shared his support for their move to the Alorica space for both retail and vacancy reasons.

There being no public comment, **Mayor Williams closed the Public Hearing at 7:32 P.M.**

- C. Discuss and Consider Ordinance No. 632-PC-585-FLUP-2023: An ordinance amending the Future Land Use Plan to change Land Use designation of property located at 1922 Pat Booker Road/2103 Universal City Boulevard, Universal City, Texas [CB 5047AA BLK 1 LOT 21 (UNIVERSAL SQUARE SUBD)] from R-Retail to NS-Neighborhood Services; providing for severability; and establishing an effective date. (1st Reading).**

Councilmember Buck confirmed that Staff had revisited concerns regarding waiver legality and effects on surrounding businesses; neither would pose problems for the development or businesses. He shared his support for the FLUP and PUD.

Councilmember Najarian asked whether the multi-use facility would have increased space from their current space.

Mr. Blanton said the focus had been to increase space in the worship and school facilities first.

Councilmember Najarian shared his support for the Calvary development.

Councilmember Fitzpatrick asked if Calvary would be interested in buying the space if there was the opportunity to.

Mr. Blanton answered that the landlord is open to selling the space, but that this was financially not an option for Calvary at the time. There was also not a lease-to-own option.

Councilmember Fitzpatrick questioned how the free kitchen would work.

Mr. Blanton clarified that it was not a soup kitchen but a full restaurant free of charge. He stated this was mainly an outreach opportunity for the church and that the kitchen would not be open daily.

Councilmember Fitzpatrick questioned how Calvary will attract restaurants next door if they have a free kitchen.

Mr. Blanton shared the example in their current space of the increased business received by Shanghai restaurant due to their proximity.

Councilmember Vaughan moved to approve Ordinance No. 632-PC-585-FLUP-2023 referring to the motions and conditions included in the agenda packet. Councilmember Bulman seconded the motion.

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

**Motion to approve carried.**

- N. T. 2. Public Hearing: P.C. 586 (ZC 248) for Calvary Chapel – A request for a Zone Change from C2-Retail to PUD 2023-106 for an approximately 5-acre tract located at 1922 Pat Booker Road/2103 Universal City Boulevard [CB 5047AA BLK 1 LOT 21 (UNIVERSAL SQUARE SUBD)], per Zoning Ordinance 581.**

**Mayor Williams opened the Public Hearing at 7:40 P.M.**

There being no public comment, **Mayor Williams closed the Public Hearing at 7:40:30 P.M.**

- N. T. 3. Public Hearing: P.C. 587 (ZC 249) for Calvary Chapel – A request for approval of PUD Preliminary and Final Plans (PUD 2023-106) for an approximately 5-acre tract located at 1922 Pat Booker Road/2103 Universal City Boulevard [CB 5047AA BLK 1 LOT 21 (UNIVERSAL SQUARE SUBD)], per Zoning Ordinance 581.**

**Mayor Williams opened the Public Hearing at 7:41 P.M.**

There being no public comment, **Mayor Williams closed the Public Hearing at 7:41:40 P.M.**

- D. Discuss and Consider Ordinance No. 581-Y-PUD-2023-104: An ordinance of the City Council of City of Universal City, Texas amending the Zoning Map of the City of Universal City, Texas for an approximately 5-acre property, located at 1922 Pat Booker Road/2103 Universal City Boulevard, Universal City, Texas; rezoning said property from C2-Retail to PUD 2023-106 District, generally for religious assembly, schooling, medical services, and other church-related activities; adopting the PUD Final Plan related to PUD 2023-106; providing for severability; providing for the publication of the caption of this ordinance; and establishing an effective date (1st Reading).**

Councilmember Najarian moved to approve Ordinance No. 581-PUD-2023-104, referring to motion language for both approval of the Zone Change and the PUD in the same motion. Mayor Pro Tem Goolsby seconded the motion.

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

**Motion to approve carried.**

- E. Presentation of FY 2023 3<sup>rd</sup> Quarter Financial Reports.**

Ms. Green gave the 3<sup>rd</sup> Quarter Financial Reports. She stated these reports were as of June 30<sup>th</sup>, 2023, marking 75% of the Fiscal Year (FY). She gave the following status reports:

- General Fund: revenues exceeding expenditures by \$2,669,660.
  - o Attributed to unanticipated interest revenue, park grants, and Ad Valorem revenue not yet transferred to Debt Service for June collections.
- Ad Valorem revenue: \$8,049,547 year-to-date (YTD) or 80% of the budget
- Debt Service Fund: revenues exceeding expenditures by \$1,765,723.
  - o Attributed to Staff corrections to Sales Tax Revenue error identified in the 2<sup>nd</sup> quarter and corrected in this quarter.
- Capital Projects Fund: revenues exceeding expenditures by \$4,541,072.
  - o Attributed to error identified with bond revenue incorrectly posted to this fund; this will be corrected in 4<sup>th</sup> quarter reports which should balance this account.
- Utility Fund: revenues exceeding expenditures by \$3,948,732.
  - o Water Revenue = \$4,173,013 YTD or 94% of the budget
  - o Sewer Revenue = \$3,514,045 YTD or 77% of the budget
- Stormwater Fund: expenditures exceeding revenues by \$134,743.
  - o Revenue = \$604,724 YTD or 74% of the budget
- Golf Course Fund: revenues exceeding expenditures by \$1,602,834.
  - o Venue Tax Revenue = \$1,291,923 YTD or 86% of the budget
  - o Staff working on unfinished bank reconciliations. (All other accounts of the City had their reconciliations completed).
- Investment Report
  - o Noted that the report includes beginning and ending balances as well as interest.
  - o Accounts listed as operating and savings accounts are fluid with significant frequent activity noted by Staff if the change is material.
  - o Series 2022 Waterworks and Sewer System Revenue bonds proceeds of \$4.5 million were deposited to the General Obligations (GO) Bonds account, an error that was corrected in July 2023.

Councilmember Vaughan confirmed the General Fund was operating at a surplus of \$2.6 million, Water and Sewer Funds were collectively operating at a surplus, and the Golf Course Fund had a surplus of \$1.6 million.

Ms. Green confirmed these statements with the caveat that several crucial transfers had not yet been made which would significantly change the balance of these funds.

Councilmember Vaughan asked if the Parks Department had exhausted their budget already.

Ms. Green explained that her predecessor had made an error by omitting an increase in the FY 2023 budget required after decreasing the FY 2022 Parks budget through an amendment. She said had the item been correctly adjusted for FY 2023, the Parks Department would be on target at 75% of their budget. This could be corrected through a budget amendment brought to and passed by Council, or it could be left and reconciled at the end of the year.

Councilmember Vaughan and Ms. Green discussed whether the Parks Department had spent money over the approved budget.

Ms. Green said there should be a budget amendment to correct the line item to the intended amount.

Councilmember Vaughan questioned if the Parks Department had spent unapproved monies.

Ms. Green clarified the Parks Department had gone over the approved FY 2023 budget.

Councilmember Buck and Ms. Green clarified that revenues exceeding expenditures and clarified meant a surplus of revenues. They discussed reasons for the surpluses including bond payments still due, budgeted positions not being filled, and bank reconciliations.

Ms. Green noted that many time-consuming adjustments and corrections had to be made for the audit and to be ready for budget season. She said this report is a few months behind for these reasons, and she shared her intent to present monthly reports for better transparency.

Councilmember Vaughan moved to approve the 3<sup>rd</sup> Quarter Financial Reports given by Ms. Green. Mayor Pro Tem Goolsby seconded the motion.

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

**Motion to approve carried.**

**Mayor Williams recessed the meeting at 7:55 P.M. He reconvened the meeting at 8:05 P.M.**

**N. T. 4. Public Hearing for the FY 2023-2024 Budget (2<sup>nd</sup> Hearing).**

Ms. Green presented a few specifics regarding the FY 2023-2024 budget. She stated the General Fund houses 14 departments and budgeted revenue is \$19,285,581 of which 74% comes from Tax Revenues and Franchise Fees. She highlighted items including 3% Cost of Living Adjustments for Staff, 2.5% regular step increases and new positions added. She explained the portion of total expenditures each department is budgeted for. She briefly reviewed the General Fund Debt Service account and Capital Improvement account noting that Capital Improvement account has a zero balance. She then reviewed the Enterprise Fund and listed departments under this fund (Utility, Stormwater, and Golf Course). She gave an overview of each. She explained Special Revenue Funds including restricted funds. She briefly reviewed each fund, noting if they would have a surplus, and where these surpluses came from. She explained transfers and when status reports would be given.

**Mayor Williams opened the Public Hearing at 8:14 P.M.**

Bernard Rubal, 635 Balboa, voiced his grievances with the budget including: 1) the need for differentiation in earned revenue and revenue from Venue Taxes in the Golf Course Fund, 2) confusion over numbers, the way they were presented, and how/where different items were posted including new positions, 3) more confusion regarding balances in the 3<sup>rd</sup> Quarter Financial Reports, 4) the fact some budget items were only included in the agenda packet and not in Council presentations, 5) confusion regarding the organizational chart. He asked Council to gain clarification on earned revenue/tax revenue and put the golf course on the ballot before investing in more capital improvements there. He stated more money would be spent on golf course improvements than was initially spent on that venue project. He hoped all these issues would be clarified in the Council meeting during the budget process.

There being no further comment, **Mayor Williams closed the Public Hearing at 8:19 P.M.**



**F. Discuss and Consider Approval of the FY 2023-2024 Budget.**

Councilmember Vaughan proposed the following amendments to the budget:

1. Reducing the Ad Valorem tax in the General Fund by approximately \$200,000
2. Reducing the transfer to the Capital Replacement Fund by approximately \$200,000

Councilmember Vaughan believed Council should compromise on the tax rate citing their want to be business friendly, to alleviate the tax burden on the residents, and to be competitive with neighboring cities. He said the City amended the budget using the \$0.517499 rate which allowed them to include the City Hall roof repairs needed. His proposed amendment would include the roof repairs with a difference in the amount transferred to the Capital Replacement Fund.

Councilmember Bulman emphasized that 9 people reached out to her via email, 9 more people spoke to her in person and 10 Citizens to be Heard came to speak in person at this meeting regarding the tax rate. She felt this was sufficient reason to oppose a budget with the \$0.517499 tax rate.

At the request of Councilmember Buck, Ms. Green explained that the impact of moving forward with Councilmember Vaughan's amendment would reduce tax revenue by about \$212,000. This money would have been transferred to the Capital Replacement Fund to fund new fire trucks agreed upon in a prior meeting. She explained the process of saving for the fire truck replacements so that the City would be able to pay for the trucks up front instead of financing.

Councilmember Buck confirmed that at the July 18<sup>th</sup>, 2023 Council meeting, it was established that saving money from an interfund transfer between the golf course and the General Fund to invest at 7% interest now would be more fiscally responsible than putting 50% down on the trucks and financing the rest or financing the whole payment. He asked what the City had done since that conversation to work toward that goal.

Ms. Green said the \$1.9 million from the golf course would be deposited into a separate fund along with the \$390,000 if Council approve it to then gain interest. After doing this, if Council approves the City to save about \$300,000 every year, the fire trucks would not have to be financed.

At Councilmember Buck's request, Councilmember Vaughan explained his proposal saying the \$1.9 million that the golf course owes the General Fund is already there as of the 2022 Audit as an I-Owe-You (IOU). The only difference would be the General Fund would have cash after the golf course pays it off. He said if the \$1.9 million was spent from the General Fund, the fund balance would fall below the Fund Balance Policy requirement of 12 months reserve. He stated the golf course payment to the General Fund would change the fund balance of the General Fund and financing the fire trucks would require transferring funds from the fund balance to the savings or investment account, taking the fund balance below required reserves. He asserted saving \$300,000 a year would not be enough to fund the fire trucks seeing as the total needed is \$3.1 million in approximately 3 years.

Ms. Green clarified that the \$1.9 million would be placed in the Capital Replacement Fund and would not affect the fund balance of the General Fund. After being asked for clarification, she explained the fund balance is calculated by subtracting current liabilities from current assets.

Councilmember Vaughan questioned if the IOU from the golf course was an asset in the General

Fund used to calculate the fund balance, opining that the IOU would be recorded as an asset in the General Fund, therefore affecting the fund balance.

Ms. Green stated the IOU would not be used in calculations of the fund balance and that they were discussing two separate things.

Councilmember Vaughan and Ms. Green continued to discuss whether the \$1.9 million would affect the fund balance and if spending the money would take the fund balance below the required 12 months. Councilmember Vaughan saw no way the \$1.9 million could be expensed without affecting the fund balance. He asserted that, there being no intention to decrease the fund balance below 12 months, the City would not have the money to pay for the fire trucks and would have to finance them regardless.

Councilmember Buck asked Ms. Green to clarify the City's savings method to pay for the trucks.

Ms. Green stated the City subtracted \$1.9 million from \$3.1 million (the total cost of the trucks) then divided this by four leaving the City with an investment of approximately \$300,000 a year. She clarified for Councilmember Buck that this payment would be due upon receipt of the trucks in approximately 3.5-4 years.

Councilmember Buck asked if the City would be short when one truck arrives before the other.

Mrs. Turner stated that these calculations are based on the amounts alone and do not include the interest earned from savings and investment. With interest, the City would have saved more than enough money when the first one arrives.

Councilmember Fitzpatrick asked Ms. Green to further clarify how a decrease of about \$200,000 in revenue would affect the City.

Ms. Green and Mrs. Turner indicated it would mainly affect the financing of the fire trucks; if not saved for now, the City would have to figure out how to fund the trucks later.

Ms. Green noted the impact of taxes on the residents; residents 65+ years of age would not pay more than they already do.

Councilmember Fitzpatrick received clarification that the item proposed is to approve the budget not the tax rate. It was noted that it is difficult to approve a budget without a tax rate due to the Ad Valorem revenue being critical for city budgeting.

Councilmember Bulman expressed her frustration that over 20 citizens reached out to Council to plea for a lower tax rate and Council is deliberating over the minor decrease of \$212,000.

Mayor Pro Tem Goolsby asked for clarification on the senior tax freeze and asked whether inflation also affected the City.

Ms. Green explained the senior tax freeze – seniors over 65 would not pay an amount higher than the amount of taxes they paid at 65 years old. They may pay less but not more than their payment when the senior tax freeze took place, regardless of whether their property had increased in value. She said that the City was also affected by inflation.

Mayor Pro Tem Goolsby noted that increases in the budget could also be attributed to increased public safety staff.

Ms. Green pointed out that 45% of the budget funded public safety. All other departments equate to 37% and the remaining budget pays for unavoidable non-departmental expenses. She reiterated the \$212,000 could be taken from the Capital Replacement Fund but this would result in having to find those funds elsewhere.

Mayor Pro Tem Goolsby indicated his support for keeping the budget as presented to save money for the trucks according to the City's proposed plan.

Ms. Green opined that it would be best to avoid debt and the savings plan makes this avoidable. She further said it is the City's job to consider the greater good. She asked Council to consider the possible substantial increases to the tax rate due to future needs and clarified the limitations in adjusting the debt service rate. The debt service rate cannot be adjusted higher than necessary to pay the City's debt.

Councilmember Najarian confirmed the \$212,000 would be used to fund the fire trucks. He received further clarification on the senior tax freeze, and noted that though residents may pay more taxes, the rate itself is decreasing from \$0.54000 to \$0.517499.

Councilmember Vaughan asked Council to consider the rate increases passed for sewer, water, and stormwater fees, and the Waste Management rates that would increase as well.

Councilmember Bulman opined that some items in the budget could have been cut back. She asserted that if residents had to cut back on their spending, the City should as well.

Ms. Green commented that the City did make cuts and that line-item review amendments could still be added. She reiterated the \$212,000 decrease could be from the Capital Improvements Fund but asked that Council consider how that money would be recuperated in the future to fund the fire trucks. She shared that, though salaries may seem inflated, layman staff in Universal City still make less compared to surrounding cities.

Councilmember Bulman reiterated her comment that a minor decrease in the budget like this should not stop them from lowering the tax rate. She emphasized the residents' comments.

Councilmember Fitzpatrick reminded Council they voted as a group to add \$400,000 to the budget in expenses during budget workshopping. She disagreed with putting off saving for the fire trucks.

Councilmember Vaughan noted that the \$400,000 additions were included in the budget with the de minimis rate surplus that then expanded to adding roof repairs.

Mayor Williams received confirmation from Ms. Green that if the budget was amended or a different tax rate was adopted, things would be able to be recalculated and the City could still function within a new tax rate. He reiterated his comment from the prior meeting that the \$0.517499 seemed to be the compromise position.

Councilmember Vaughan reiterated his motion to approve the budget with the following amendments:

1. Reducing the Ad Valorem tax in the General Fund by \$212,000
  2. Reducing the transfer to the Capital Replacement Fund by \$212,000
- Councilmember Bulman seconded the motion.

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

**Motion to approve failed.**

Councilmember Buck moved to approve the budget as presented. Councilmember Fitzpatrick seconded the motion.

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

**Motion to approve carried.**

**N.T. 5. Public Hearing on the Proposed 2023 Tax Rate to Support the FY 2023-2024 Budget (2<sup>nd</sup> Hearing).**

**Mayor Williams opened the Public Hearing at 8:50 P.M.**

Bernard Rubal, 635 Balboa, opined that the City needed a comprehensive plan that addresses needs and not wants. He asked Council to consider the amount of money lost on the development of the Aviation District when returns will not be seen for 20-30 years and asked Council to consider the position they put the City in when not placing the Venue Tax on the ballot for voters to decide to put the money back in the General Fund.

Kim Igleheart, 736 Garden Meadow, reiterated her belief that providing surpluses leads to more unnecessary spending. She expressed her frustration regarding how late the public hearing was held, stating that the reason there were not as many people to speak on the tax rate was due to the time the hearing was held. She opined that placing items of high interest at the end of agendas forcing people to wait until the end, as Mayor Williams reportedly did purposefully, was inconsiderate of other people's lives and situations.

Thomas Herdon, 311 Madrid, stated that there was no guarantee the saved money for the fire trucks would be used for the fire trucks unless it is specifically marked for that use. He asked Council to restrict the fund to only be used for fire trucks.

There being no public comment, **Mayor Williams closed the Public Hearing at 8:55 P.M.**

**G. Discuss and Consider Resolution 909-D-2023: A resolution ratifying the Property Tax Revenue increase of \$367,220 reflected in the Fiscal Year 2023-2024 Budget.**

Mayor Williams noted the change in the resolution from \$367,220 to \$437,350 to then read as "A resolution ratifying the Property Tax Revenue increase of \$437,350 reflected in the Fiscal Year 2023-2024 Budget."

Councilmember Buck gained clarification that the fire trucks had already been ordered.

Chief Perna explained the wait time of 3-4 years is due to supply chain issues and high demand. He noted everyone has had to wait 3-4 years for fire trucks.

Chief Perna and Mrs. Turner explained the City locked into a set price for the trucks by ordering them now, which allowed them to use this method of saving for the truck with a known price.

Councilmember Buck explained his no vote on the tax rate during the last meeting. He stated he supports the budget and everything that is funded within it. However, he believed a tax rate that only meets City needs would be more suitable. In his attempt to get as close to the budget's need as he could, he proposed the \$0.505 rate.

Councilmember Vaughan shared his opinion that financing the trucks and acquiring debt for 10 years to pay the fire trucks would not be evil or a bad thing.

Mayor Pro Tem Goolsby moved to approve Resolution 909-D-2023. Councilmember Najarian seconded the motion.

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

**Mayor William broke the tie by voting Yea.**

**Motion to approve carried.**

**H. Discuss and Consider Ordinance 656-D-2023: An ordinance setting the Ad Valorem Tax Rate for 2023 at \$0.517499 per \$100 of Appraised Value; and appointing a Tax Assessor/Collector (1st Reading).**

Mayor Pro Tem Goolsby moved that the Maintenance and Operations tax rate be approved at \$0.430945 and the debt service rate be approved at \$0.086554. He further moved that the total property tax rate be increased by the adoption of a tax rate of \$0.517499, which is effectively 4.5% increase in the tax rate. By doing this, he moved to approve Ordinance 656-D-2023. Councilmember Fitzpatrick seconded the motion.

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

**Mayor Williams broke the tie by voting Yea.**

**Motion to approve carried.**

**Mayor Williams requested that there be a motion for items L, M, and N considering the time.**

After brief discussion, Councilmember Najarian moved to table Tabs L, M, and N of the Agenda for a later date. Councilmember Bulman seconded the motion.

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

**Motion to approve carried.**

## I. Firebreak/Fuel Break Requirement Consideration

Councilmember Bulman, having brought this issue to Council to address a grievance shared by Copano Ridge HOA (hereafter the "HOA"), shared that the HOA had attempted to solve this issue for over a year. She stated the HOA had contacted Mr. Cassata about the unkempt lot. He later involved the owner of the nuisance property in question. This happened from September to November 2022. In November 2022, Staff brought an ordinance to City Council amending the firebreak requirements. The prior Ordinance had seemingly stated that the property owner in question would have had to maintain a 100-foot buffer; the new ordinance reduced this buffer to 25 feet. She felt that Council had been misled since Staff did not mention the HOA initially calling this issue to their attention. She opined that all of this conveyed a preference towards the developer from the City. She proposed an amendment to the Ordinance stating the Fire Marshal can change the amount of property mowed from 100 feet to a decreased amount if they discuss the change with all affected parties before making the change.

Mr. Cassata gave a presentation regarding fuel breaks. He asked Council to consider whether the change is for aesthetic purposes or safety. He gave the definition of a fuel or fire break. He cited two ordinances affecting the standards for fire breaks, the first being Ordinance 370-P-2022 amending the International Property Maintenance Code (IPMC) to require mowing up to 100 feet from street and/or residences on vacant 2-acre+ properties, and the second being Ordinance 370-Q-2022 amending this same section to grant discretion to the Fire Marshal on a case-by-case basis for vacant 2-acre+ properties. He shared that the Fire Marshal is given this authority due to their expertise. He implored Council to consider the amount of 2-acre+ properties that would be affected with a change in this ordinance. He displayed images of affected properties, including Copano Ridge, Northeast Lakeview College, land behind QT gas station, and near the Metrocom, and explained the fuel break standards. He noted the property near Copano Ridge did not have 6-foot-tall grass as was reported. Fuel break standards included consideration of the amount of organic fire fuel in proximity to other establishments to rank the fuel break. He noted potential issues with making the code change including whether 2-acres+ was arbitrary. He stated residents at Cibolo Crossing may complain due to vacant lots there. He displayed a map of what the cited nuisance property near Copano Ridge would look like if Code was reverted to 100 feet. A portion of the property would still remain unmown.

Councilmember Bulman clarified she did not want the ordinance reverted. Instead, she wanted it changed to require the Fire Marshal to notify affected surrounding residents before allowing a variance in the 100 feet. She conceded that yes, at first the issue was reported due to aesthetic concerns and concerns regarding property value. However, she stated pest issues had always been involved. She said properties such as the college or QT would not have the same consequence under her proposition as they do not have affected surrounding parties that the Fire Marshal would have to contact before using discretion.

Mr. Cassata explained that when the issue was initially brought to the attention of Staff, the HOA were out of compliance with the plat since they had not mown the area pertaining to them; their plat requires them to mow 25 feet from their fence line into the adjacent field. He explained that the HOA was also out of compliance with other land needing to be mowed. The HOA gave Staff the impression that they wanted the developer to solely handle this property. Council was aware of this issue because Ms. Thomas had emailed Council about it.

Mrs. Turner informed Council that Mr. Joe Calvert, the landowner, was present for questions.

Mr. Cassata added Staff had attempted to broker a deal between Mr. Calvert and HOA as he was amenable to working with them. He reported that the HOA did not follow through, though this is not what was reported to Councilmember Bulman.

Mr. Calvert clarified he is not a developer for that land as he only means to hold the land until a developer expresses interest. He stated he had never asked the City to change any Code. He was happy to follow Code and had been amenable in the past to working with the HOA to split the cost of mowing. He reported he met with Ms. Thomas, the president of the HOA, on October 7, 2023 on the land to discuss solutions. He asked her to give him a quote from their landscapers for the cost to mow the land, since he was willing to split the cost in some way with the HOA. He stated that Ms. Thomas never contacted him after this.

After Councilmember Bulman mentioned comments Ms. Thomas made about their interaction, Mr. Calvert stated Ms. Thomas wanted him to pay for all of it. He and Councilmember Bulman discussed specifics of the misunderstanding.

Mrs. Turner noted this issue is a private property owner dispute. She stated that both property owners are currently in compliance with Code, and she indicated her opinion that a private property owner dispute is not necessarily City business considering Staff had done their due diligence in brokering an agreement.

Councilmember Bulman stated her reason for continuing to discuss this item is that she believed the ordinance was passed without transparency and communication with affected residents.

Councilmember Vaughan questioned why the ordinance was changed regardless of if the property owner did not request a change.

Mr. Cassata shared that this issue being brought to Staff attention gave them an opportunity to review the science behind the Code requirements. The 100 feet required by ordinance seemed like an arbitrary amount and was. In reviewing Code, Staff realized the ordinance went with the most extreme scenario rather than allowing the discretion of an expert in making an informed decision of the length of a safe fuel break. The Fire Marshal and Fire Chief had been consulted in amending this ordinance. Staff had also evaluated difficulty of enforcement and overall practicality of the ordinance. He reported that Code Compliance is often caught in between neighbor disputes, which they attempt to mediate. All information was given to Ms. Thomas when her issue was reported.

Councilmember Vaughan expressed his concern with comparing the recommendations of the International Wildland-Urban Interface Code and the IPMC. He wished to motion for a set standard or for the Fire Marshal to be required to notify potentially affected neighbors. He felt this was more reasonable for affected residents.

Mr. Cassata responded that setting standards everyone meets would also be arbitrary in this case.

Councilmember Vaughan asserted that for nuisance and pest issues a different amount of feet may be required to maintain residential areas pest free.

Mrs. Turner shared her thought that a 25–30-foot buffer would provide sufficient space to avoid pest concerns. She stated pests mainly need food and water, both of which they are not

receiving from this land. There may be land elsewhere causing this issue for Copano Ridge.

Councilmember Najarian shared his own experience with firefighting. He stated 25 feet for a firebreak is a large amount of space. He understood the difference between pest problems and fire safety but reminded Council the item discussed firebreak issues. He asked Chief Perna to comment on 100 feet versus 25 feet.

Chief Perna stated for this land, there was no need to go up to 100 feet. He reiterated the ordinance most likely got 100 feet from the most extreme fire load requirements. A 100-foot break is only used for extreme fire loads where there are many trees and dense brush. If the ordinance required a 100-foot fire/fuel break across the board, it would create a larger issue for enforcement and resources spent on enforcement. Furthermore, a 100-foot break would require not only grass to be cut, but trees, shrubs, and other greenery as well. He said that if the Fire Marshal was required to notify potentially affected neighbors, they would never come to an agreement. It would be difficult to explain that 100-feet is not needed in an area when they want the 100 feet for aesthetic purposes and not fuel break concerns.

Councilmember Najarian shared his support for the current state of the ordinance. He sympathized with residents but regarding fuel breaks, he felt there was no action needed. He also agreed with Mrs. Turner that this is not a City issue but a private property owner dispute.

Councilmember Fitzpatrick echoed concerns voiced by Councilmember Najarian with changing the Code. She felt the fire code was adequate and that this was more of a private issue amongst neighbors where miscommunication played a big role. She disagreed with changing an ordinance that would affect 40 property owners to address one specific property issue.

Councilmember Bulman and Mrs. Turner agreed that Staff would offer their space to reignite communication between Ms. Thomas and Mr. Calvert.

**Mayor Williams asked Council to consider tabling items L, M, and N from the agenda considering the time was now 9:45 P.M.**

Councilmember Najarian moved to table the following agenda items:

- L. Discuss and Consider Ordinance No. 568-G-2023: An ordinance repealing in its entirety Ordinance 568-F-2022, a curfew for minors under seventeen years of age and repealing any enforcement procedure or criminal penalties related thereto; repealing Article V: Curfew for Minors, Section 2-7-60 through Section 2-7-63 of the Universal City Code of Ordinances accordingly; and setting an effective date (1<sup>st</sup> Reading).
- M. Discuss City Council Message Board.
- N. Discuss and Consider Resolution 956-B-2023: A resolution of the City Council of the City of Universal City creating and establishing Rules of Procedure; and providing for severability and an effective date.

Councilmember Bulman seconded the motion.

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

**Motion to approve carried.**

**J. Fence Requirements Update.**



Mr. Cassata reported that this item would be presented before the Planning and Zoning Commission for their consideration, as Code requires for amendments of this nature, on September 11, 2023.

- K. Discuss and Consider Ordinance 525-W-2023: An ordinance of the City Council of the City of Universal City, Texas, revising 525-U-2021, Schedule A (Base Rates) as provided in Section 2-3-9 Modification of Rates; providing for severability; and providing for an effective date (1st Reading).**

Mrs. Turner shared that this was a procedural ordinance to update the rates within the Code of Ordinances to be accurate with current rates.

Councilmember Buck moved to approve Ordinance 525-W-2023. Councilmember Fitzpatrick seconded the motion.

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

**Motion to approve carried.**

- N.T. 6. Closed Session pursuant to Tex. 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 property located at 650 Kitty Hawk Road.**

**Mayor Williams began the Closed Session at 9:52 P.M.**

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

With no further comment, **Mayor Williams closed the Public Hearing at 10:05 P.M.**

- N.T. 7. Consider Letter of Intent for real property located at 650 Kitty Hawk Road; and authorize the City Manager to sign said documents.**

Councilmember Najarian moved to approve the Letter of Intent for real property located at 650 Kitty Hawk Road and authorize the City Manager to sign said documents. Councilmember Fitzpatrick seconded the motion.

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

**Motion to approve carried.**

## **9. CITY MANAGER COMMENTS:**

Mrs. Turner asked Council to send their redlines and edits for the Council Rules and Procedures Resolution from the August 01, 2023, meeting.

**10. COUNCILMEMBER COMMENTS:**

Councilmember Fitzpatrick asked if the City was doing something for 9/11.

Mrs. Turner stated there would be a 9/11 memorial ceremony with a presentation of a plaque honoring former Councilmember Volle.

Councilmember Fitzpatrick addressed an email sent by Ken E. Mitts to all of Council asking that his comments be presented during the Council meeting during Citizens to be Heard.

Mayor Williams received Council consensus to discuss submission of virtual Citizens to be Heard comments and procedures regarding these submissions.

Councilmember Najarian stated he would not be able to attend the September 19<sup>th</sup> meeting because he would be on his honeymoon. He planned to Zoom in for this meeting.

Councilmember Bulman thanked everyone who attended the meeting and voiced their concerns on the budget and tax rate. She emphasized her appreciation to these citizens.

Mayor Pro Tem Goolsby received Council consensus to adopt the Aviation District Masterplan on a future agenda considering it had come to his attention that the plan had never been ratified.

Mrs. Turner stated that this item got caught up in the chaos of the COVID-19 pandemic.

**11. MAYORAL COMMENTS:**

Mayor Williams commented on the tough decisions that were necessary to make during the tax rate and budget adoption processes. He stated he and the rest of Council had the best interests of the City at heart but cautioned that not everyone could be appeased. He shared that he would be attending a Military Affairs Committee luncheon at Randolph Air Force Base to discuss new opportunities and current issues with a variety of military personnel.

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

**APPROVED:**

**Attest:**

\_\_\_\_\_  
John Williams, Mayor

\_\_\_\_\_  
Kristin Mueller, City Clerk