

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, 17 September 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
Councilmember Ashton Bulman (Virtually)
Councilmember Bear Goolsby
Councilmember Lori Putt
Councilmember Bernard Rubal
Councilmember Phil Vaughan

Absent:

Christina Fitzpatrick, Mayor Pro Tem

Staff Present:

Kim Turner, City Manager
Cynthia Trevino, City Attorney
Michael Cassata, Development Services Director
Randy Luensmann, Public Works Director
Christine Green, Finance Director
Maribel Garcia, Deputy City Clerk
Todd Perna, Fire Chief
Justin Garcia, Asst. Fire Chief/Fire Marshal
Fire Department Staff

Ms. Garcia confirmed a quorum was present.

Mayor Maxwell explained the absence of Mayor Pro Tem Fitzpatrick.

Councilmember Goolsby moved to excuse her absence. Councilmember Vaughan seconded the motion.

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

Motion to approve carried.

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

Mayor Maxwell asked resident Billy Hill to give 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:** None.

5. **CITIZENS TO BE HEARD:**

- Nancy Brewington, 1001 Pat Booker Rd., thanked the community for their support for her business, especially through the pandemic. She had been in the holistic wellness business for ten years in Universal City. She notified everyone that she would host a citywide three-month wellness challenge beginning in January.
- Billy Hill, 9023 Phoenix, commended Council for their compromise on the tax rate. He said it showed a commitment to residents and a willingness to work together. He felt that Council exemplified their commitment to doing what was best for residents, business owners, and other City stakeholders.

6. PUBLIC HEARINGS:

- a. **P.C. 611 (ZC 260) – A request for a Zoning Map amendment at 840 North Boulevard from C2-Retail District to C1-Neighborhood Services District, per Zoning Ordinance 581.**

Mr. Cassata clarified the location, gave a summary of the history of the property as a daycare, and explained the Zoning requirements that required this prior non-conforming property to apply for a Zoning Map Amendment. Daycares are not allowed in their current zoning and non-conforming use lapsed after 120 days vacant. The property is adjacent to another C1 district as well as a Residential District. Mr. Cassata reported that of twenty legal notices sent, no responses were received.

Mayor Maxwell opened the Public Hearing at 6:43 p.m. There being no public comment, **Mayor Maxwell closed the Public Hearing at 6:43:30 p.m.**

Councilmember Goolsby and Mr. Cassata discussed the amount of time this process takes for businesses to complete. They discussed streamlining the process through the Comprehensive Plan.

Councilmember Rubal was reassured regarding fire safety and potential loss of retail space; the building would comply with all safety requirements and this property was not an ideal retail space. Furthermore, the property had always been a daycare.

- b. **P.C. 610 (SU 025) – A request for a Specific Use Permit at 121 W. Wright Boulevard to allow a Professional Office use in a C2-Retail District, per Zoning Ordinance 581.**

Mr. Cassata clarified the location of the property in the Aviation District and gave a summary of the history of the property. It was designed for two tenants. However, the applicant for the SUP would like to use the whole property. C2-Retail Districts require a SUP for Professional Offices Use, which the Planning & Zoning Commission unanimously recommended for approval.

Mayor Maxwell opened the Public Hearing at 6:49 p.m. There being no public comment, **Mayor Maxwell closed the Public Hearing at 6:50 p.m.**

Councilmember Goolsby and Mr. Cassata reiterated their discussion regarding the streamlining of Zoning process for businesses.

Councilmember Putt commented on the diligence of the Planning & Zoning Commission in review of these cases.

Councilmember Rubal was reassured by the applicant from Modern Geosciences who was present that the engineering firm would not keep any derived waste at their site, would keep all samples off site, and would only hold general sampling equipment such as small hand augers at the building. No heavy equipment would be stored onsite.

7. ANNOUNCEMENTS:

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

Mrs. Turner reminded everyone to sign up for Civic Ready, that Court would be conducting a case reduction program for the month of September, and that Heroes Day at the Pumpkin Patch would be held Saturday, October 5th starting at 10 a.m. She reported that Fall Clean-up would be held at

Public Works from October 17th through October 20th and October 24th through October 27th from 8 a.m. to 5 p.m. Waste Management would conduct brush pickup starting October 28th. She updated Council on the Kitty Hawk thoroughfare project and reminded Council that there would be a presentation by Olympia Hills on ongoing projects. She notified Council that UCTV, the City's public access channel, would be launched soon and gave them a brief description of the type of content to be posted on the channel.

c. MAYOR'S ANNOUNCEMENTS:

Mayor Maxwell had Councilmember Putt read the Fire Prevention Week proclamation, declaring Fire Prevention Week to be October 6-12 in Universal City. Their campaign this year regarding smoke alarms identified ways in which to make residences safer through property maintenance of smoke alarms. Mayor Maxwell presented the signed proclamation to Chief Perna and Assistant Chief/Fire Marshal Justin Garcia, who had six other firefighters there for the presentation.

b. COUNCILMEMBERS' ANNOUNCEMENTS:

Councilmember Putt commended the Fire Department for their work in the community. She reminded the public of upcoming Pumpkin Patch events and highlighted the Patch's contributions to local non-profit organizations.

Councilmember Rubal presented statistics that highlighted speeding on W. Byrd Blvd. After reminding Council of an item previously presented to them regarding traffic abatement using radar signs, he asked for consideration to place a discussion item at a future Council meeting for the consideration of placement of electronic traffic abatement signage on W. Byrd due to demonstrated need.

Council discussed and received clarification regarding the speed radar trailer under the Police Department compared to the electronic speed radar signs under Public Works. After Staff comment that Public Works and Police would have to weigh in on the placement of the radar, Mayor Maxwell agreed to put this discussion item on a future agenda.

Councilmember Rubal continued his presentation to bring attention to alleyway maintenance in the City. He compared before and after images of alleyways in the City. He inquired about funding in the FY 2025 budget for alleyway maintenance. He asserted that it was the City's responsibility to maintain the alleys he presented. He asked to place on a future agenda an item for discussion of the City's scheduled alleyway maintenance program and requested that Staff present City standards for maintaining rights-of-way. He explained that he wanted to place this item on the agenda for process improvements to understand schedules and potential costs for improving alleys and rights-of-way.

Councilmember Goolsby agreed to the agenda item if there was no Council discussion and only a presentation by Staff on maintenance standards.

Mayor Maxwell noted that much of the alleyway maintenance belongs to residents. He agreed to create a future agenda item for a presentation by Staff to identify responsibilities of alleyway cleanup, Code Compliance enforcement, and required maintenance.

Councilmember Rubal continued his presentation and addressed the golf course and venue tax. He asked to place on the agenda a Staff Report with a clear definition of a Municipal Enterprise Fund and accepted operational goals for Enterprise Funds. He felt this was important before moving

forward with a business plan for the golf course.

Mayor Maxwell expressed confusion at the motion, explaining that Municipal Enterprise Funds were defined in the budget.

Councilmember Rubal moved on to request that moving the Venue Tax to the General Fund be considered on a future agenda item.

Mayor Maxwell stated this should have been addressed in the budget process.

The other Councilmembers expressed their wishes to let the business plan and Comprehensive Plan processes play out before considering other action regarding the golf course.

Councilmember Rubal further requested to place on the agenda a request for Staff to report the history of the \$80,000 per year billboard revenue and why the billboard revenue does not go to the General Fund, and whether there is an appropriate path for this to be accomplished.

Mayor Maxwell reiterated his statement that this should be discussed during the budget process.

Councilmember Vaughan commended the golf course for their ribbon cutting for the new greens. He hoped tee times would be booked.

c. MAYOR'S ANNOUNCEMENTS:

Mayor Maxwell reported the success of the golf course's new greens ribbon cutting and activity since reopening. He noted the new greens were advertised on ESPN. He also reported that this week was Hispanic Heritage Week and shared his experience at an HEB event for this celebration.

8. CONSENT AGENDA:

Councilmember Goolsby moved to approve the following Consent Agenda items, with the minutes of September 03, 2024 as amended:

- 1) Consider the minutes of the Tuesday, 20 August 2024 Regular Meeting.
- 2) Consider the minutes of the Tuesday, 03 September 2024 Regular Meeting.

Councilmember Putt seconded the motion.

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

Motion to approve carried.

9. ACTION ITEMS:

B. Ordinance 656-E-2024: An ordinance setting the Ad Valorem Tax Rate for 2024 at \$0.514382 per \$100 of Appraised Value; and appointing a Tax Assessor/Collector (2nd Reading).

Councilmember Goolsby moved to approve Ordinance 646-E-2024 on second reading. Councilmember Vaughan seconded the motion.

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

Motion to approve carried.

- C. Ordinance No. 581-PC-602 (ZC 260)-2024: An ordinance of the City of Universal City approving a Zoning Map Amendment for an approximately 0.4880-acre tract located at 840 North Boulevard (CB 5053D BLK LOT 4 EXC S IRR 4.2 FT) from C2-Retail District to C1-Neighborhood Services District.**

Councilmember Putt moved to approve Resolution 909-D-2024, a request to approve PC 611 (ZC 260) and to grant a zoning map amendment from C2-Retail District to C1-Neighborhood Services District for said property, after conducting a public hearing on the request for a zoning map amendment for the property at 840 North Boulevard and receiving the Planning & Zoning Commission's recommendation. Councilmember Goolsby seconded the motion.

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

Motion to approve carried.

- D. Ordinance No. 655-R-2024 (PC 610 SU 025): An ordinance approving a Specific Use Permit to Modern Geosciences for a Professional Office Use in a C2-Retail District on property located at 121 W. Wright Boulevard, Universal City, Texas (CB 5768 BLK 14 LOT 23 THRU 26); providing for non-severability; and establishing an effective date.**

Councilmember Goolsby stated that after conducting a public hearing on the request for a Specific Use Permit for the property at 121 W. Wright Boulevard and receiving the Planning & Zoning Commission's recommendation, the City Council had considered the request and he moved to approve PC 610 (SU 025) and to grant a specific use permit to allow a Professional Office use to Modern Geosciences, an environmental services and engineering firm. Councilmember Vaughan seconded the motion.

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

Motion to approve carried.

- E. Resolution 961-B-2024: A resolution amending the Fiscal Year 2023/2024 Budget of the City of Universal City, Texas.**

Mrs. Turner explained that the City Charter requires the City to have a balanced budget and can balance the budget by adopting an amendment. Since the budget is passed by resolution, an amendment must also be passed by resolution.

Councilmember Vaughan moved to approve Resolution 961-B-2024. Councilmember Putt seconded the motion.

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

Motion to approve carried.

F. Resolution No. 974-2024: A resolution by the City Council of the City of Universal City, Texas supporting State legislation to establish a dedicated funding mechanism for the Disabled Veterans Homestead Exemption (DVHS) Program and other matters in connection therewith.

Mrs. Turner explained that the resolution did not request a change to the exemption provided to disabled veterans. Rather, it asks the State to use a portion of their \$26 billion surplus in their budget to fund a pledge they made to reimburse cities whose ad valorem tax revenue was disproportionately affected by the DVHS exemption. She noted the shortcomings of reimbursement in past years. Mrs. Turner clarified that not all cities would qualify as the city limits must border a military base. She noted the affect this exemption has on the tax rate.

Councilmember Vaughan moved to approve Resolution No. 974-2024. Councilmember Goolsby seconded the motion.

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

Motion to approve carried.

G. Texas Municipal League (TML) Intergovernmental Risk Pool Board of Trustees Election.

Mayor Maxwell reminded Council of his distribution of the ballots and his request for feedback. He reported that feedback had been mostly in favor of incumbents. He presented this item with that feedback in mind.

Councilmember Rubal requested that future votes of this nature be conducted during meetings where all Councilmembers' ballots can be tallied to decide how to cast the vote as an entity.

Councilmember Putt moved to approve the ballots as presented. Councilmember Goolsby seconded the motion.

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

Motion to approve carried.

H. Moving or cancelling future Regular City Council Meetings – October 1 for National Night Out and November 5 for National Election Day.

Mrs. Turner explained that National Night Out was October 1. Councilmembers usually liked to either throw their own block parties or attend block parties in their neighborhoods. City Council had the option to move their October 1 meeting to Wednesday, October 2. They had the same option for the November 5 meeting which could be moved to Wednesday, November 6. The November 5 meeting would have to be moved as the City Council Chamber would be used as an Election Day polling station for the National Elections held that day.

After Council considered upcoming agenda items and City business to be considered, they determined the meetings should be moved instead of cancelled. If there was a meeting with insufficient items, it would be cancelled by the Mayor and Councilmembers would be notified.

Councilmember Goolsby moved to reschedule the October 1, 2024 City Council Regular Meeting to Wednesday, October 2, 2024 at the same time and location. Furthermore, he moved to reschedule the November 5, 2024 City Council Regular Meeting to Wednesday, November 6, 2024 at the same time and location. Councilmember Putt seconded the motion.

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

Motion to approve carried.

9. ADJOURNMENT: Mayor Maxwell adjourned the meeting at 7:43 P.M.

APPROVED:

Tom Maxwell, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk