

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, 19 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 Phil Vaughan

Virtually Present:

Councilmember Paul Najarian

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
Justin Garcia, Fire Marshal/Assistant Fire Chief
Maribel Garcia, Deputy City Clerk
Robert Sam, Marketing Assistant
Victor Quiroga, Specialized Public Finance Inc.

Mayor Williams noted a quorum was present.

3. INVOCATION and PLEDGE OF ALLEGIANCE:

Mayor Williams gave the invocation and led the Pledge of Allegiance to both the United States and Texas flags.

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.

A Proclamation declaring World Teacher's Day as October 5th, 2023 throughout the City was read by Mayor Pro Tem Goolsby. The Proclamation asked that appreciation for teachers be expressed by displaying a light blue ribbon outside homes and business on the week of October 5th.

A Proclamation declaring October 8-14, 2023 as Fire Prevention Week throughout the City was read by Councilmember Buck.

Chief Perna accepted the signed Proclamation and noted the Universal City Fire Department (UCFD) takes national Fire Prevention Week initiatives and extends them through the month to emphasize the importance of fire prevention.

6. CONSENT:

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

Mayor Pro Tem Goolsby moved to approve the following Consent Agenda items:

- a) Consider the minutes of the Tuesday, 05 September 2023 Regular Meeting.
- b) 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. (2nd Reading).
- c) 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 (2nd Reading).
- ~~e) 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 (2nd Reading).~~
- e) Consider Ordinance 525-W-2023 (Waste Management Rates): 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 (2nd Reading).

Councilmember Buck seconded the motion.

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

Motion to approve carried.

- d) 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 (2nd Reading).

Councilmember Vaughan proposed a \$0.505 per \$100 of Appraised Value Ad Valorem rate. He shared how this rate would allow for a balanced budget according to the investment report presented in the prior meeting by using surplus interest revenue that was not included in the budget to fulfill the difference in needed revenue after changing the rate to \$0.505 per \$100 of Appraised Value.

Councilmember Buck urged Council to move forward with the proposed \$0.517499 per \$100 of Appraised Value Ad Valorem rate due to the lack of time to fulfill tax rate process legal requirements. He warned that the Bexar County Tax Assessor's office requires the tax rate be submitted by September 29th or otherwise revert to the prior year's tax rate, or \$0.54 per \$100 of appraised value. Councilmember Vaughan's tax rate would require a second reading since changing the tax rate would substantially change the intent of the Ordinance. Staff and Ms. Santee confirmed this.

Mayor Williams reminded Council the tax rate had passed several votes and the current budget is based on the \$0.517499 per \$100 of Appraised Value rate to meet the needs of the residents.

Mayor Pro Tem Goolsby moved to approve the following Consent Agenda items:

- e) 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 (2nd Reading).

Councilmember Fitzpatrick seconded the motion.

Vote: Yeas: Goolsby, Fitzpatrick, Buck, Najarian

Nays: Bulman, Vaughan

Motion to approve carried.

7. CITIZENS TO BE HEARD:

- Bernie Rubal, 635 Balboa Dr., expressed his frustration with the budget and tax rate processes due to time limitations. He asked Council to start the processes earlier. He commented on advertising revenue at the golf course and advertising rights on City-owned property. He spoke on a Community Impact article about the financial state of the golf course. He moved on to express concerns about the sewer survey, citing issues in the Coronado area and older parts of Universal City.
- Lori Putt, 114 Foxglove, advertised the Pumpkin Patch which opens on October 6, 2023. October 7th weekend is Heroes Weekend. She thanked the UCFD for their help. She then expressed concern regarding conduct within Council Chambers for meetings. She asked that the Council Code of Conduct be revisited.
- Nicholas Bulman, 12807 El Dorado, expressed frustration that the \$0.517499 per \$100 of Appraised Value was passed.
- John Heberling, 8434 Ulysses, shared his admiration for Council and Staff and lauded their work. He thanked Council for doing their best and listening to citizens, and thanked Staff for their collaboration.
- Billy Hill, 9023 Phoenix Ave., shared his support for Council in conducting business together as a democracy. He wanted Council and the City to continue to conduct business in a civil manner and echoed concerns shared by Ms. Putt.

8. BUSINESS:

B. Discuss and Consider Ordinance 669: An ordinance authorizing the City's General Obligation Bonds, Series 2023, in the approximate amount of \$6,000,000 for purposes authorized at the City's Bond Election, and other matters in connection therewith (1st Reading).

Mr. Quiroga presented a brief overview of actions completed at Council direction regarding the GO Bond Series 2023, and further presented factors taken into consideration when putting the bond together. He reported that The Baker Group from Oklahoma won the bid at the lowest interest rate out of six applicants; their interest rate would be 4.073% with an average annual payment of \$450,221. This annual payment was quoted under budget and it was indicated that the City received a market rate for the interest rate. Mr. Quiroga presented the bond term sheet and gave Council the recommendation that Council award the bond to The Baker Group.

Councilmember Vaughan and Councilmember Bulman received assurance that the street packages for the bond would be presented for approval before Council.

Councilmember Buck received more information and assurance from Mr. Quiroga regarding The Baker Group.

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

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

Motion to approve carried.

Mayor Williams recessed the Council Meeting at 7:20 P.M. to allot time to sign bond documents. He reconvened the Meeting at 7:30 P.M.

N.T. 1. Public Hearing: P.C. 582 (ZC 244) – A request for an amendment to the Future Land Use Plan from GC-General Commercial to HDR-High Density Residential for an approximately 3.03-acre tract located at the northeast corner of Athenian and Centerbrook at 1001 Athenian Road, (CB 5047K BLK 6 LOT 1 & CB5047 P-135 (1.2899 AC) ABS 777 (FORMERLY P-8H)), per Zoning Ordinance 581.

Mr. Cassata summarized the application for the FLUP and PUD, clarifying the location of the property and that the applicant was Terramark Urban Homes requesting a residential PUD. He gave an overview of the requested changes and noted that a plat was not included in the packet but would be presented before the Planning and Zoning Commission (P&Z) later. He presented history of the project and assured Council that all necessary processes had been completed, including approval from P&Z. He said there would be twenty-seven single-family homes, bringing this development to nine units per acre. There would be 141 parking spaces total, with a two-car garage and two driveway spaces for each home. The driveway would be able to accommodate a large truck such as a Ford F150. He discussed the drive aisle and height of each home. There would be a detention pond to mitigate stormwater, a consolidated unit box for mail, an enclosure unit for community-shared recycling, a personal trash bin enclosure per home, and sidewalks adhering to regulation. Twenty-nine legal notices were issued with one response in opposition; the commercial facility across the street expressed concern regarding traffic and increased crime.

Mr. Price added details to Mr. Cassata's presentation, saying all homes would be two-story units with three bedrooms and three bathrooms. He reported on sufficient parking, space for emergency vehicles, and utilities access. He shared designs, including maps of a preliminary plat design, utilities work that had been completed, and others.

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

John Heberling, 8434 Ulysses, supported the development of this land. He expressed concern regarding space for emergency vehicles.

There being no public comment, **Mayor Williams closed the Public Hearing at 7:42 P.M.**

C. Discuss and Consider Ordinance No. 632-PC-582-FLUP-2023: An ordinance amending the Future Land Use Plan to change Land Use designation of property located at 1001 Athenian Road, Universal City, Texas (CB 5047K BLK 6 LOT 1 & CB5047 P-135 (1.2899 AC) ABS 777 (FORMERLY P-8H)) from GC-General Commercial to HDR-High Density Residential; providing for severability; and establishing an effective date. (1st Reading).

Councilmember Vaughan received confirmation from Chief Perna that garage distance had been assessed and was sufficient. He was further assured that the property was fully assessed and

approved by the UCFD.

Mayor Pro Tem Goolsby and Mr. Price reviewed building materials, tree conservation, and parking access for trucks. He was assured by Mr. Cassata that sidewalks would be ADA compliant.

Councilmember Bulman and Councilmember Fitzpatrick confirmed the homes would be sold and would be market value. Mr. Price assured them that the houses would have unique designs with a possibility for a variety of floor plans.

Councilmember Buck was assured that there would be an HOA with a possibility of joining an adjacent HOA.

Mr. Price stated the timeline for Councilmember Najarian.

Councilmember Najarian moved to approve Ordinance No. 632-PC-582-FLUP-2023 referring to the motions and conditions included in the agenda packet. Mayor Pro Tem Goolsby seconded the motion.

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

Motion to approve carried.

- N. T. 2. Public Hearing: P.C. 583 (ZC 245) – A request for a Zone Change from C2-Retail to PUD 2023-105 for an approximately 3.03-acre tract located at the northeast corner of Athenian and Centerbrook at 1001 Athenian Road (CB 5047K BLK 6 LOT 1 & CB5047 P-135 (1.2899 AC) ABS 777 (FORMERLY P-8H)), per Zoning Ordinance 581.**

Mayor Williams opened the Public Hearing at 7:52 P.M.

John Heberling, 8434 Ulysses, asked the difference between a garden home and a patio home.

There being no public comment, **Mayor Williams closed the Public Hearing at 7:53 P.M.**

Mr. Price, at Councilmember Najarian's request, clarified the difference for Mr. Heberling.

- N. T. 3. Public Hearing: P.C. 584 (ZC 246) – A request for approval of PUD Preliminary and Final Plans (PUD 2023-105) for an approximately 3.03-acre tract located at the northeast corner of Athenian and Centerbrook at 1001 Athenian Road (CB 5047K BLK 6 LOT 1 & CB5047 P-135 (1.2899 AC) ABS 777 (FORMERLY P-8H)), per Zoning Ordinance 581.**

Mayor Williams opened the Public Hearing at 7:54 P.M.

There being no public comment, **Mayor Williams closed the Public Hearing at 7:54:20 P.M.**

- D. Discuss and Consider Ordinance No. 581-Y-PUD-2023-106: An ordinance of the City Council of the City of Universal City, Texas amending the Zoning Map of the City of Universal City, Texas for an approximately 3.03-acre property, located at 1001 Athenian Road, Universal City, Texas; rezoning said property from C2-Retail District to PUD 2023-105 District, generally for**

high-density residential and related uses; adopting the PUD Final Plan related to PUD 2023-105; providing for severability; providing for the publication of the caption of this ordinance; and establishing an effective date (1st Reading).

Councilmember Buck moved to approve Ordinance No. 581-PUD-2023-106, referring to motions and conditions included in the agenda packet for approval of the Zone Change and the PUD in the same motion. Councilmember Fitzpatrick seconded the motion.

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

Motion to approve carried.

E. Discuss and Consider Resolution No. 957-2023: A resolution designating the Universal City Fire Department as a Secondary Law Enforcement Agency; authorizing the Fire Department to obtain a Texas Commission on Law Enforcement (TCOLE) Identification Number; establishing legislative findings; providing for severability; and setting an effective date.

Mrs. Turner explained that the UCFD had increased their number of members certified to carry a firearm. Furthermore, these members often act in a secondary law enforcement capacity with investigations and other tasks that would require them to be certified to carry a firearm. Given that the UCFD TCOLE certifications had been carried under the Universal City Police Department (UCPD), she asked Council to consider authorizing the UCFD to register their own TCOLE number given that their duties as a law enforcement agency are so different from the UCPD.

Councilmember Bulman gained confirmation from Chief Perna that there is cost associated with getting a UCFD member TCOLE certified. For one member to go through the Police Academy, it costs \$3500. However, Chief Perna noted that most TCOLE certified members were hired with their TCOLE certification. Councilmember Bulman asked whether the UCFD gaining a TCOLE number would be beneficial given that members have already held their TCOLE certifications under the UCPD.

Chief Perna clarified that the UCPD and Chief Siemens allowing the UCFD to hold TCOLE certifications under their agency had been a courtesy. However, this creates a chain-of-command dilemma considering UCFD members do not report to Chief Siemens. Most fire departments throughout the State who conduct arson investigations hold their own TCOLE number to avoid this administrative dilemma.

Mrs. Turner added that when the UCPD agreed to allow UCFD members to have their TCOLE memberships under the UCPD, it was when there was only one TCOLE certified member. This number has since grown.

Councilmember Bulman expressed concern regarding additional costs and need for both UCPD and UCFD to be TCOLE certified.

Chief Perna indicated that UCFD and State-required training for firefighters would also be used as the required trainings to maintain a TCOLE certification; there would be no additional cost. He assured Councilmember Bulman that the UCFD and the UCPD had always worked together and would continue to do so. The UCFD TCOLE number would only allow more clarity in reporting and administration.

Councilmember Buck received clarification regarding UCFD TCOLE certified peace officers gaining training from the Police Academy. He also gained clarification that this TCOLE number initiative was not intended to expand the amount of TCOLE certified officers in the UCFD; it was only to provide clarity in administration. Other logistics regarding TCOLE certified UCFD officers were discussed.

Councilmember Vaughan expressed concern regarding clashing between the UCFD and UCPD as law enforcement agencies.

Chief Perna assured him that the UCFD would only function as a secondary law enforcement agency, keeping the UCPD as the primary law enforcement agency. He clarified that TCOLE recommends that if fire departments conduct arson investigations, they should be assigned their own TCOLE number.

Mayor Pro Tem Goolsby moved to approve Resolution 957-2023. Councilmember Fitzpatrick seconded the motion.

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

Motion to approve carried.

N. T. 4. Public Hearing: P.C. 589 (ZC 250) – A request for a text amendment to Chapter 4-5 – Zoning Sections 4-5-70 & 4-5-71 to modify the Fence Requirements to provide clarification on intent, permitting and inspection requirements, as well as definitions, per Zoning Ordinance 581.

Mrs. Turner notified Council that their requested changes to the Zoning Ordinance regarding fence permits and regulations had passed as presented before P&Z.

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

John Heberling, 8434 Ulysses, reported the confusion held by multiple neighbors regarding “major maintenance.” Neighbors wondered why there was a cutoff for “minor maintenance” at seventeen pickets, and why they would need to pay for City approval to maintain their fence.

There being no further comment, **Mayor Williams closed the Public Hearing at 8:16 P.M.**

F. Discuss and Consider Ordinance 581-Y-2023: An ordinance amending a certain section of Ordinance 581, Chapter 4-5 Zoning related to fences, providing severability, and setting an effective date (1st Reading).

Mayor Pro Tem Goolsby summarized Council proceedings that concluded in fence regulation changes presented in the Ordinance.

Councilmember Buck explained his belief that the City has an obligation to the greater good of the residents. To ensure that safety and drainage standards are maintained for the greater good, “major maintenance” and new installations of fences would require City involvement. He noted that he did not agree with charging for “major maintenance” permits and inspection, but he was open to conceding this point.

Councilmember Bulman and Councilmember Vaughan both commented that though this would be a minor improvement to prior Ordinance requirements, they would compromise for the minor improvement to move forward.

Mayor Pro Tem Goolsby moved to approve Ordinance 581-Y-2023. Councilmember Fitzpatrick seconded the motion.

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

Motion to approve carried.

- G. Discuss and Consider Ordinance 361-AF-2023: An ordinance amending Ordinance 361-X-2019 and Article IV. – Fees and Charges for Licenses, Permits, Inspections, Certificates, Services, Appeals and Other Official Action, Sec. 1-4-40. – Schedules, of the Code of Ordinances, revising certain sections and paragraphs accordingly, providing severability, and setting an effective date (1st Reading).**

Mrs. Turner stated this Ordinance amended the fee schedule to reflect requested fence permit changes.

Councilmember Buck moved to approve Ordinance 361-AF-2023. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

- N.T. 5. 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 810 Kitty Hawk Road.**

Mayor Williams began the Closed Session at 8:23 P.M.

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

Mayor Williams and the City Council reconvened into Open Session at 8:45 P.M. No action was taken during the Closed Session.

- H. Consider Resolution 958-2023: A resolution of the City of Universal City authorizing the purchase of real property situated in Lot 2 of St. Matthews Subdivision, County Block 5053, Universal City, Texas, from the Episcopal Church Corporation in West Texas, for public purposes; authorizing signatories; and addressing related matters.**

Mayor Pro Tem Goolsby moved to approve a Resolution 958-2023 authorizing the City Manager

to sign necessary documents. Councilmember Bulman seconded the motion.

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

Motion to approve carried.

I. Discuss and Consider City Council Meeting Cancellation/Alternative Dates for the first Regular Meetings of October and November 2023.

Mayor Williams explained that the first meeting in October would land on National Night Out while the first meeting in November would be on National Election Day.

Mrs. Turner said that schedule items on the October 3rd meeting agenda could be moved to the October 19th meeting agenda with Council consent.

Council discussed the potential for having an emergency meeting to replace the first meeting in October if needed.

Councilmember Vaughan moved to cancel the October 3rd, 2023 Regular Meeting and move the November 7th, 2023 Regular Meeting to November 8th, 2023. Councilmember Bulman seconded the motion.

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

Motion to approve carried.

9. CITY MANAGER COMMENTS:

Mrs. Turner reported on Library, Golf Course, and EDC events in the City, all included in the City calendar or otherwise on the City website. She shared that Court would have a warrant reduction program held during night court dates and the City would host a volunteer appreciation event in November.

10. COUNCILMEMBER COMMENTS:

Councilmember Najarian shared his appreciation for Council's and Staff's time.

Councilmember Buck thanked Ms. Green for her work on the budget and tax rate.

Councilmember Bulman addressed comments made during Citizens to be Heard. She clarified that "Guide Your Council" and gatherings she hosts outside of Council meetings for citizen input, are open to everyone, as is her email. She expressed her belief that all people should be heard regardless of their tone.

Councilmember Fitzpatrick proposed revisiting the Code of Conduct as an agenda item given that several citizens had reached out to her requesting this.

Consensus was reached for the Code of Conduct resolution to be revisited during the same meeting as the Rules of Procedure resolution.

Councilmember Vaughan requested a Staff report on the sewer survey at a later meeting.

11. MAYORAL COMMENTS:

Mayor Williams reported that he would represent the City at the North Chamber of Commerce and he had the opportunity to speak at a Hangar Group meeting at the VFW.

12. ADJOURNMENT: Mayor Williams adjourned the meeting at 9:03 P.M.

APPROVED:

John Williams, Mayor