

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Wednesday, 15 October 2024

1. **CALL ORDER:** Mayor Tom Maxwell at 6:30 P.M.

2. **QUORUM CHECK and VOTE TO CONSIDER THE EXCUSE OF ABSENT MEMBERS (if applicable):**

Maribel Garcia, Deputy City Clerk

Present:

Mayor Tom Maxwell
Mayor Pro Tem, Christina Fitzpatrick
Councilmember Ashton Bulman (Virtually)
Councilmember Bear Goolsby
Councilmember Lori Putt
Councilmember Bernard Rubal
Councilmember Phil Vaughan

Staff Present:

Kim Turner, City Manager
Natalie Thamm, City Attorney
Michael Cassata, Dev. Svc/Economic Development Director
Randy Luensmann, Public Works Director
Sal Garcia, Golf Operations Director (OHGC)
Katie Rein, Food and Beverage Director (OHGC)
Maribel Garcia, Deputy City Clerk

Ms. Garcia confirmed a quorum was present.

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

Councilmember Goolsby gave the invocation. Mayor Maxwell led the Pledge of Allegiance to the United States and Texas flags.

4. **STAFF REPORTS AND OTHER DISCUSSION ITEMS:**

a. **STAFF REPORT:**

i. **Meals on Wheels Presentation**

Alexis Forbes and Austin Hill, both with Meals on Wheels, gave a presentation outlining the organization's services and volunteer opportunities. They explained how to apply to receive services and/or volunteer.

ii. **Olympia Hills Projects Updates**

Mr. Luensmann presented final product photos for the drainage project on holes 8 and 9; pictures included the drainage ditch, bridge over the drainage ditch, and views for both holes 8 and 9. He confirmed for Councilmember Goolsby that if a ball is lost in the drainage ditch, golfers will not be allowed to go retrieve it.

Mr. Garcia reported on the golf course greens replacements. He showed before and after progress photos of the paspalum greens. He noted opportunities created by greens replacement, the increase in positive reviews of the course, and the benefits gained for maintenance and golfers. He reported the course's utilization of Placer.ai for marketing and business analytics, and projected annual revenue growth of \$260,000+ with new green fees. He thanked Council for their support with the project and thanked Jeremy Laak and grounds maintenance for their hard work.

Ms. Rein shared the origin of her passion for wedding planning as well as her professional background with a degree in marketing and a minor in interior design. She noted the vast improvements made during her tenure at the golf course and appreciated the opportunity to combine her marketing and interior design expertise with the remodeling project. She showed before and after photos of banquet hall remodeling with the two architectural walls and new flooring. She also showed before and after photos of the bar/lounge with new chairs and black tile flooring. She reported that the golf course stopped outsourcing marketing and began

marketing in-house. They have focused on rejuvenating marketing materials and highlighting the quality of service received by clients. She reported projected revenues after the flooring remodel to be \$150,000 with newly booked weddings and other events. Food and Beverage average revenues per golfer have also increased from \$10.50 to \$11.77 just one month after the new greens opened.

b. CITY MANAGER'S REPORT:

i. Olympia Hills Parking Lot Expansion

Mrs. Turner reminded Council that they had approved funding for a future parking lot expansion at the golf course. The project would provide an additional 114 parking spaces. Additionally, after an ADA review, the lot and golf course would need ADA accessibility updates per statute. An optional sewer line was proposed seeing as Council and Staff had previously discussed expanding or separating the golf clubhouse from the events center. Mrs. Turner reviewed cost estimates and asked for Council direction regarding the optional sewer line. She explained the benefits of installing a sewer line before additional work to not have to redo or repair work if installing a sewer line after completion of the project. Funding for the project would come from FY Capital Projects, excess funds from cost savings with the recent stormwater project which was funded with Venue Tax, and excess Golf Court Reserves.

Councilmember Vaughan expressed his support for only fulfilling parking lot expansion and placing the balance from the stormwater project back in the Venue Tax fund.

Councilmember Putt and Mayor Pro Tem Fitzpatrick expressed support for the parking lot expansion.

At the request of Mayor Pro Tem Fitzpatrick, it was explained that golf course clientele on both the weddings side and golf side felt both operations were disrupting each other. A consultant advised the City on separating golf and events operations into two facilities that would not disrupt each other on the greens or otherwise, or expanding the events center. This would require a sewer line, which would run through the proposed parking lot and ADA improvements. Sewer line installation at this stage would be a proactive measure to not destroy relatively new work. Staff proposed putting the parking lot project out for bid while requesting an additional alternate bid to include the sewer line.

Councilmember Rubal cautioned the City against implementing new projects until after a business plan for the golf course was created. He felt that investing funds into an enterprise that may not be self-sustainable was not wise.

Councilmember Goolsby opined the golf course was an asset to the City and compared it to other City amenities such as parks given that the course hosts free events open to the public.

Mayor Maxwell echoed sentiments that the golf course was an asset. He emphasized outside revenue the golf course brings into the City. He asked for Council consensus to direct Staff to post a bid request for the project with an additional alternate bid for the sewer line.

Council reached a 5-1 consensus to move forward with a bid including an additional alternate bid for the sewer line.

5. EXECUTIVE SESSION:

N. T. 1: Executive Session:

- a) Pursuant to Texas Gov't Code Sec. 551.071, Consultation with Attorney, to discuss and deliberate pending litigation titled Cause No. 2024CV06511: CAMINO NUEVO, LLC, a Texas Limited Liability Company vs. BOARD OF ADJUSTMENT OF THE CITY OF UNIVERSAL CITY and THE CITY OF UNIVERSAL CITY., in the Bexar County Clerk Court at Law 10; regarding property located at 205 W Byrd Blvd.
- b) Pursuant to Texas 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: Transfer of 1.587 acres of vacant, undeveloped property owned by the City of Universal City located near Kitty Hawk Blvd and Universal City Boulevard to the Universal City Economic Development Corporation.
- c) Reconvene in Open Session.

Mayor Maxwell convened into Closed Session at 7:26 p.m.

Mayor Maxwell convened into Closed Session with present City Council Members, both virtually and in person, City Manager Kim Turner, City Attorney Natalie Thamm, and Development Services & Economic Development Director Michael Cassata.

Mayor Maxwell and the City Council reconvened into Open Session at 8:21 p.m. No action was taken during Executive Session.

6. CITIZENS TO BE HEARD:

Mayor Maxwell began Citizens to be Heard at 8:22 p.m.

- Dr. Lacey Gosch, the Assistant Superintendent of Technology for Judson ISD, gave a report on new goals and current projects within the district. She reported that a goal was maintaining intergovernmental relationships. She thanked the City for their continued partnership with Judson ISD and noted the participation of several City departments in school programs.

Mayor Maxwell closed Citizens to be Heard at 8:24 p.m.

7. PUBLIC HEARINGS:

- a. **P.C. 614 (SU 026) – A request for a Specific Use Permit at 234 Flintstone Lane (CB 5053B BLK 3 LOT 9) to allow an Accessory Residential Unit use (mother-in-law flat) in an R3-Medium Density Residential District, per Zoning Ordinance 581.**

Mr. Cassata explained that the SUP request was for an accessory dwelling unit (ADU) or mother-in-law flat. He noted the location of the property, lot coverage adherence, and other specifics. He also noted that 36 notices were sent out with 3 returned as no objection and that the Planning & Zoning Commission unanimously recommended approval for this request.

Mayor Maxwell opened the Public Hearing at 8:28 p.m.

Mr. Michael Reeves, the builder of the ADU, emphasized their intent to make the flat fully handicap accessible. He gave an estimated timeline for completion of the project.

Ms. Glenna Cannon, the future resident of the ADU, clarified that her daughter, granddaughter, and

herself would be living on the property. She shared her history in Universal City and thanked Council.

There being no further comments, **Mayor Maxwell closed the Public Hearing at 8:30 p.m.**

- b. P.C. 612 (ZC 261) – A request for an amendment to the Future Land Use Plan for an approximately 0.717-acre tract located at 205 W. Byrd Boulevard (CB 5768 BLK 7 LOT 11) from MDR-Medium Density Residential to GC-General Commercial, per Zoning Ordinance 581.**

Mayor Maxwell opened the Public Hearing at 8:30:10 p.m.

Mr. Cassata presented the history of the property. It was originally zoned B1 which allowed neighborhood services uses. It was rezoned as part of the 2007 rezoning to R-OT Old Town Residential. This left the property under non-conforming use. Non-conforming use occupancy lapsed earlier in the year which led to the requested FLUP and Zoning Change for C4-General Commercial District. However, the Aviation District Masterplan passed earlier in the year encompasses this property. While some C4 uses fall in line with the Masterplan, others do not. Furthermore, some desired uses per the Masterplan would not be allowed in a C4 district. Mr. Cassata requested that Council consider several factors: how long the Aviation District Masterplan would take to materialize in this area, how the intensity of C4 uses would impact neighboring single-family homes, if there potential interim use to accommodate both sides, and how the property is not conducive to outdoor storage of vehicles. He shared that 24 notices were sent to surrounding properties per statute with 4 letters returned in support. The Planning & Zoning Commission failed to approve a recommendation to Council; three were okay with C4 zoning while others wished for lighter uses. He reported that the City and the applicant had been in negotiations since the result of the P&Z to explore PUD options. Mr. Cassata stated that the applicant would be requesting consideration of a PUD through a concept presentation during this meeting to gain feedback from Council.

Caroline McDonald, representing the applicant, stated the applicant and City were currently in agreement with moving forward with a PUD. For this meeting, they requested postponement of consideration of 205 W. Byrd Blvd. items to continue negotiations with the City. They also wished to gain feedback from Council regarding what uses they would find amenable for the property. She listed uses from C4 zoning that the applicant was interested in. She presented photos of the property to indicate that it was built for commercial use. Furthermore, she noted improvements made to the property to align it to commercial use such as parking lot improvements. She reiterated the request to postpone consideration until the November 6th meeting of the City Council

There being no public comments, **Mayor Maxwell closed the Public Hearing at 8:41 p.m.**

- c. P.C. 613 (ZC 262) – A request for a Zoning Map Amendment from R-OT “Old Town Residential” District to C4-General Commercial District for an approximately 0.717-acre tract located at 205 W. Byrd Boulevard (CB 5768 BLK 7 LOT 11), per Zoning Ordinance 581.**

Mayor Maxwell opened the Public Hearing at 8:41:30 p.m.

Mr. Cassata explained that this was the Public Hearing to consider the Zone Change, which is the second part of the request with the FLUP being the parent classification necessary before the Zone Change. He reiterated the request to postpone.

There being no public comments, **Mayor Maxwell closed the Public Hearing at 8:43 p.m.**

8. ANNOUNCEMENTS:

a. CITY MANAGER’S ANNOUNCEMENTS:

Responding to a prior question by Councilmember Vaughan, she reported that the streets bond of \$6 million which would cover 12 streets was at 60% completion of the construction plans. The City planned to go out for bid in February 2025 with consideration of bid acceptance before Council in March 2025. She concluded by giving updates on ongoing streets projects.

b. COUNCILMEMBERS’ ANNOUNCEMENTS:

Mayor Pro Tem Fitzpatrick expressed appreciation for City Staff in their support of the Pumpkin Patch. She specifically thanked the following departments: Communications, Public Works, Fire and Police Departments.

c. MAYOR’S ANNOUNCEMENTS:

Mayor Maxwell also expressed his appreciation of Staff for their involvement with the Pumpkin Patch. He thanked volunteers and highlighted the philanthropic efforts of the Patch.

9. CONSENT AGENDA:

Councilmember Vaughan moved to approve the following Consent Agenda items with amendments requested by Councilmember Rubal.:

- 1) Consider the minutes of the Wednesday, 02 October 2024 Regular Meeting.
Councilmember Goolsby seconded the motion.

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

Motion to approve carried.

10. ACTION ITEMS:

N. T. 1: Executive Session:

- d) Take action, if needed, on any item pertaining to or listed in the Executive Session section of this Agenda.**

No action was taken during Executive Session and no action was necessary to take in Open Session.

- B. Resolution No. 975-2024: A resolution of the City Council of the City of Universal City, Texas approving the sale of approximately 1.587 acres of Real Property to the Universal City Economic Development Corporation, for the economic development purposes of conveyance to Chick-Fil-A, Inc.; making findings; authorizing signatories; and establishing a savings clause and an effective date.**

Councilmember Vaughan moved to approve Resolution 975-2024. Councilmember Goolsby seconded the motion.

**Vote: Yeas: Vaughan, Goolsby, Fitzpatrick, Bulman, Putt, Rubal
Nays: None
Motion to approve carried.**

- C. Ordinance No. 655-S-2024 (PC 614 SU 026): An ordinance approving a Specific Use Permit to Sue Glenna Cannon for an Accessory Residential Unit Use in an R3-Medium Density Residential District on property located at 234 Flintstone Lane, Universal City, Texas (CB 5053B BLK 3 LOT 9); 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 234 Flintstone Lane and receiving the Planning & Zoning Commission's recommendation, the City Council had considered the request, and he moved to approve PC 614 (SU 026) and to grant a Specific Use Permit to allow an Accessory Residential Unit use to Sue Glenna Cannon. Councilmember Putt seconded the motion.

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

Motion to approve carried.

- D. Ordinance No. 632-PC 585-FLUP-2024: An ordinance amending the Future Land Use Plan to change Land Use Designation of property located at 205 W. Byrd Boulevard, Universal City, Texas (CB 5768 BLK 7 LOT 11) from MDR-Medium Density Residential to GC-General Commercial; providing for severability; and establishing an effective date.**

Councilmember Goolsby expressed his aesthetic preferences for storage coverage. Storage capacities were discussed.

After being prompted by Councilmember Vaughan, the applicant listed potential uses they would like included in the PUD based on potential tenants. They discussed warehousing, a mix of retail/office space and storage, onsite maintenance vehicles, hosting a concrete company, etc. Council expressed opposition to large concrete vehicles being stored at the facility and general support for including warehousing uses. They cautioned the applicant of their proximity to a residential area and Council's wish to be considerate of this. Size of vehicles stored was discussed. Council strongly recommended deference to Mr. Cassata's guidance for the vision of the area under the Aviation District.

Councilmember Vaughan moved to postpone Tab D, Ordinance No. 632-PC 585-FLUP-2024 to the November 6th City Council Meeting. Councilmember Rubal seconded the motion.

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

Motion to approve carried.

- E. Ordinance No. 581-PC-603 (ZC 262)-2024: An ordinance of the City of Universal City approving a Zoning Map Amendment for an approximately 0.717-acre tract located at 205 W. Byrd Boulevard (CB 5768 BLK 7 LOT 11) from R-OT "Old Town Residential" District to C4-General Commercial District.**

Mr. Cassata briefly reminded Council that the applicant and City were still in discussion. When the items return for the November 6th meeting, the request would be for a PUD. Council would be able to make amendments to the PUD requirements between first and second readings.

Councilmember Goolsby moved to postpone Tab E, Ordinance No. 581-PC 603 (ZC 262)-2024 to the November 6th City Council Meeting. Councilmember Vaughan seconded the motion.

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

Motion to approve carried.

F. Bid Acceptance for Kitty Hawk Thoroughfare & Roundabout Improvements.

Councilmember Vaughan prompted a discussion regarding traffic disruptions caused by work on Kitty Hawk following the current sewer line project. Staff explained the phasing of the project and potential traffic impacts for residents. Disruption signs for lane closures would notify residents and through traffic well in advance. Furthermore, residents were advised to sign up for Civic Ready to receive alerts on lane closures and alternate routes.

Councilmember Vaughan moved to approve the low base bid in the amount of \$3,039,296.86 to E-Z Bel Construction for the Kitty Hawk Thoroughfare & Roundabout Improvements. Councilmember Goolsby seconded the motion.

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

Motion to approve carried.

G. Authorization of Reimbursement for Pay Application #1 from D&D Contractors for CDBG Hillview Drive Street Improvement Project.

Councilmember Goolsby moved to approve the authorization for Pay Application #1 from D&D Contractors for CDBG Hillview Drive Street Improvement Project. Councilmember Putt seconded the motion.

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

Motion to approve carried.

11. ADJOURNMENT: Mayor Maxwell adjourned the meeting at 9:08 P.M.

APPROVED:

ATTEST:

Tom Maxwell, Mayor

Maribel Garcia, Deputy City Clerk