

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, 17 October 2023

1. **CALL ORDER:** Mayor John Williams at 6:30 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
Maribel Garcia, Deputy City Clerk
Robert Sam, Marketing Assistant

Mayor Williams noted a quorum was present.

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

Councilmember Buck gave the invocation. Mayor Williams 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.

6. **CONSENT:**

Councilmember Najarian moved to approve all Consent Agenda items. Mayor Pro Tem Goolsby seconded the motion.

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

Nays: None

Motion to approve carried.

7. **CITIZENS TO BE HEARD:**

- Bernie Rubal, 635 Balboa Dr., asked Council to request clarification from Mrs. Turner regarding comments made about golf course self-sustainability considering audits and budget documents. He reiterated his desire for Council to request an \$80,000 return of commercial signage revenue at the golf course to the General Fund. He requested that the floodplain be considered when funding golf course improvements. He reiterated his concern regarding the Sewer Survey.
- Billy Hill, 9023 Phoenix Ave., complimented City-run community events. He voiced his support for the work the City and Council did for Universal City.

8. BUSINESS:

- N. T. 1. Executive Session pursuant to Texas Gov't Code Sec. 551.071(1) regarding consultation with attorneys to seek legal advice in connection with pending litigation: Cause No. 2021CI8486, *Robert Staudt Et Al v. City of Universal City*.**

Mayor Williams began the Closed Session at 6:40 P.M.

Mayor Williams convened into Closed Session with City Council, City Manager Kim Turner, Development Services Director Michael Cassata, City Attorney Megan Santee, and Senior Associate Attorney at Denton Navarro Rocha Bernal & Zech, P.C. Adolfo Ruiz.

Mayor Williams and the City Council reconvened into Open Session at 7:53 P.M. No action was taken during the Closed Session.

- N.T. 2. Council will reconvene in Open Session and may take action on any item pertaining to or listed in the Executive Session section of this Agenda.**

Councilmember Najarian moved to authorize the City's legal counsel to negotiate on behalf of the City in mediation and bring results to a future City Council Meeting. Councilmember Fitzpatrick seconded the motion.

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

Motion to approve carried.

- B. Discuss and Consider Resolution 960-2023: A resolution of the City of Universal City, Texas outlining its policy for the investment of public funds.**

Mrs. Turner explained that the Resolution renewed the City's Investment Policy which was typically done annually. She reported there were no changes from the prior year and all required training courses were up to date.

Councilmember Vaughan moved to approve Resolution 960-2023. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

- C. Discuss and Consider Resolution 961-2023: A resolution amending the Fiscal Year 2023/24 Budget of the City of Universal City, Texas.**

Mrs. Turner reminded Council that this item was agreed upon during the budget process when an interfund transfer between the golf course and the General Fund was discussed. Council agreed to use the funds to pay for new fire trucks which had already been ordered. The budget amendment reflected Council direction.

Mayor Pro Tem Goolsby moved to approve Resolution 961-2023. Councilmember Buck seconded the motion.

Councilmember Vaughan and Ms. Green discussed the calculation of the fund balance of the General Fund, the effects of this transfer on the fund balance considering the Fund Balance Policy, other anticipated expenditures, and the effects of postponing the budget amendment until the end of the year.

Councilmember Bulman shared residents' want to delay a designation of funds until after the FY 2023 audit had been finalized. She asked for caution and possible delay of action.

Ms. Green clarified that money would not be transferred out of the General Fund and explained why the money could still be counted in the fund balance.

Councilmember Najarian supported the money being designated to the fire trucks to follow through on promises made during the budget process.

Councilmember Vaughan and Ms. Green discussed Fund Balance Policy requirements.

Councilmember Buck questioned how anticipated projects would impact the fund balance and expressed concern for violating the Fund Balance Policy.

Ms. Green and Mrs. Turner assured Councilmember Buck that several of the anticipated projects had already been included in the budget. Mrs. Turner explained that the fund balance is routinely monitored by Staff and any issues meeting the Fund Balance Policy requirements would be brought before Council for deliberation.

Ms. Green stated her intention to present fund balance updates monthly and/or quarterly. She assured Council that the vote for the budget amendment could wait and that Staff had been following Council direction in bringing this item forward.

With both Mayor Pro Tem Goolsby and Councilmember Buck withdrawing their motions, Council reached a consensus to postpone the budget amendment to a later date.

D. ARPA Update.

Mrs. Turner explained that the update had been included in the Agenda Packet for this meeting and that Staff was there to answer questions.

Councilmember Bulman received confirmation that the remaining ARPA balance was \$5.2 million with an expenditure of \$2.3 million for Fiscal Year 2024, leaving the City with \$2.9 million unexpended ARPA funds.

Councilmember Buck received confirmation that funds have been obligated prior to the deadline and that Staff would update Council on ARPA projects as they happen. He asked and gained confirmation that Council be updated before the budget process in 2024.

E. Utility Bad Debt Write-Off FY 2023.

Mrs. Turner explained the procedure of writing off debt over four months old when it comes to

Utilities revenue. She answered questions asked by Council such as how much of a deposit is legally acceptable and what happened to owners of the accounts included in the write-off causing their debt to be written off. She reminded Council that skip-tracing is contracted out for debt up to 5 year old; some accounts included in the debt write-off could potentially be paid later.

Mrs. Green gave a summary of the 118 accounts included in the write-off and reported that not only is this a lower debt write-off than other cities, it is also one of the lowest in the history of Universal City.

Mayor Pro Tem Goolsby moved to approve the FY 2023 Utility Bad Debt Write-Off. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

- F. Discuss and Consider Resolution 959-2023: A resolution of the City Council of Universal City to join TexBuy, a cooperative purchasing program for goods and services; and, through the adoption of this resolution, authorizing the City to enter into an Interlocal Agreement with Region 16 Education Service Center; and setting an effective date.**

Mrs. Turner noted a correction in the coversheet from \$55,000 to \$550,000. She reminded Council that the correct number had been presented in the budget process. She reported the benefits of the program in her coversheet and asked for questions from Council.

Councilmember Bulman moved to approve Resolution 959-2023. Mayor Pro Tem Goolsby seconded the motion.

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

Motion to approve carried.

- G. Discuss and Consider Bid Acceptance for the City Hall/Police Department Roof Replacement.**

Mrs. Turner reminded Council that the roof on City Hall is past due for replacement. She reported three bids had been collected and listed inclusions of the project.

Joe Fiala, the Tremco Consultant for the roof project, explained noise reduction methods, including rubber buffering and springs to lessen vibration, that could be utilized in the Council Chamber to address Mayor Pro Tem Goolsby's concerns.

Mayor Pro Tem Goolsby and Mr. Fiala discussed methods for roof installation as well as aesthetic concerns.

Councilmember Bulman and Mrs. Turner discussed roof project planning and grants. They reviewed how solar panel installation grants would not have adequate payoff. Mrs. Turner noted the City has shares with CPS Energy in solar farms to offset the City's electric bill.

Councilmember Najarian confirmed that the air ducts and paths would not be changed. He confirmed with Mrs. Turner that the evidence room air duct project was still being reviewed.

Mayor Pro Tem Goolsby moved to award the Base Low Bid contract to LBK Roofing in the amount of \$521,865.00 for a 30-year KEE full roof replacement; and approve the unit price of \$2,100 per 100 SQ FT for damaged decking; and the unit price of \$2,500 per HVAC system to raise the units and increase the curb/flashing heights to 8" minimum, plus an additional amount for sound attenuation in the Council Chambers. Councilmember Buck seconded the motion.

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

Motion to approve carried.

H. Discuss and Consider Resolution 962-2023: A resolution approving, adopting, and ratifying the Aviation District Masterplan by the City Council of the City of Universal City; establishing the Aviation District Redevelopment and Revitalization Guidelines; and setting an effective date.

Mrs. Turner clarified the Resolution did not include rezoning and was only adopting guidelines to be able to present to future developers. Rezoning may happen in the future as part of the Comprehensive Plan creation process.

Councilmember Vaughan received confirmation that the last time the area was rezoned was in 2007 or otherwise by PUD ordinance.

Mr. Cassata mentioned that future rezoning through the Comprehensive Plan would include reviewing market data.

Councilmember Bulman, Mrs. Turner, and Mr. Cassata discussed the purpose of ratifying the Aviation District Masterplan now if it would be adopted in another sense through rezoning during the Comprehensive Plan adoption in about a year.

Mr. Cassata and Mrs. Turner asserted that Council support through ratification of the plan would give Staff more justification and support when marketing the Aviation District concept to developers. This would also be a way to ease developers into the guidelines.

Councilmember Bulman explained that, given the lack of certainty with producing return on investment figures, she would not be supporting this resolution.

Councilmember Najarian shared that the Aviation District Masterplan would allow investors to be presented with an unchanging vision for the area, though individual components that would lead to accomplishing the vision were flexible. He clarified that private investors would fund investments in the individual components, not the City.

Mr. Cassata added that the City would have to invest in the area with infrastructure.

Mayor Pro Tem Goolsby explained that he supported passing the Aviation District Masterplan because of the reinforcement it would give to the vision and guidelines. He said the City had made investments to make the Aviation District more appealing to developers and ratifying the plan would give developers more confidence in their investment and the guidelines.

Councilmember Fitzpatrick opined that Council had already been operating under the Aviation District and that ratification would only put in writing what Council had already been supporting.

Councilmember Vaughan expressed concern regarding the impact on residents and business owners in and around the Aviation District.

Councilmember Buck moved to approve Resolution 962-2023. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

- I. Discuss and Consider Resolution 963 (Daylily Beauty Bar): A resolution authorizing a project, which will facilitate the promotion and development of new or expanded commercial development, and which was approved by the Board of Directors of the Universal City Economic Development Corporation on 12 October 2023; and, providing an effective date.**

Ms. Mueller reported that this item was for a storefront improvement approved unanimously by the EDC for Ms. Brooke Flanders who owns a new lash extension business. The project would include 2 pylon monument signs, one large channel-letter sign in front of her suite, and a door vinyl. Ms. Flanders has strong community ties as a resident of Universal City. The total estimated cost for the project would be \$6,408.40 with the EDC approving \$3,204.20 of funding.

Councilmember Vaughan moved to approve Resolution 963. Mayor Pro Tem Goolsby seconded the motion.

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

Motion to approve carried.

- J. Discuss and Consider Resolution 964 (Hillside Primary Care): A resolution authorizing a project, which will facilitate the promotion and development of new or expanded commercial development, and which was approved by the Board of Directors of the Universal City Economic Development Corporation on 12 October 2023; and, providing an effective date.**

Ms. Mueller reported that the applicant, Dr. Patel, owner of Hillside Primary Care, was unanimously approved by the EDC for a storefront improvement project to replace brick siding with new limestone rock veneer, roof replacement with a metal awning, adding lighting under the awning, and painting the parts of the building that will not have the rock veneer to match the veneer. Not included in the project that Dr. Patel would complete with his own investment was parking lot resurfacing and outdoor canopy replacement. The project would total \$77,550.30 with the EDC approving \$31,020.12 of funding.

Councilmember Buck and Ms. Mueller discussed the history of the building and business.

Councilmember Najarian noted the success and appearance of Dr. Patel's other facilities.

Councilmembers Najarian and Fitzpatrick supported businesses renovation on Pat Booker Road.

Councilmember Najarian moved to approve Resolution 964. Councilmember Buck seconded the motion.

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

Motion to approve carried.

9. CITY MANAGER COMMENTS:

At Mrs. Turner’s request, Mr. Luensmann gave the requested Sewer Survey update, stating there were no changes from last time. HDR Consulting is still reviewing the video and working on their report. He reported that he hopes to present an update to Council in December 2024.

Mrs. Turner encouraged Council and the public to attend City events held during October.

10. COUNCILMEMBER COMMENTS:

Councilmember Bulman confirmed that street bond money had not yet been received by the City, but that street bond packages would come to Council in November. She promoted Trunk or Treat happening at the Pumpkin Patch.

Councilmember Najarian shared that his experience that the annual TML Conference was great and educational. He emphasized a session that promoted citizen involvement.

Councilmember Fitzpatrick appreciated the police presence during National Night Out and reported that the Pumpkin Patch had been successful thus far.

11. MAYORAL COMMENTS:

Mayor Williams shared his experience with the Pumpkin Patch’s Wine on the Vine. He reported a successful golf tournament at Olympia Hills with the delivery of new carts. He asked Councilmembers to move to formal attire for the next meeting on November 8th, 2023.

12. ADJOURNMENT: Mayor Williams adjourned the meeting at 9:08 P.M.

APPROVED:

John Williams, Mayor