

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, August 6, 2019

1. CALL TO ORDER: Mayor John Williams at 6:30 p.m.
2. QUORUM CHECK: Kristin Mueller, City Clerk

Present:

Mayor John Williams
Mayor Pro Tem Richard Neville
Councilmember Bear Goolsby
Councilmember Tom Maxwell
Councilmember Paul Najarian
Councilmember William Shelby
Councilmember Beverly Volle

Present:

Kim Turner, City Manager
Habib Erkan, City Attorney
Manuel Casarez, Fire Chief
Michael Cassata, Dev Services Director
Susan Ennis, Library Director
Randy Luensmann, Public Works Director
Kristin Mueller, City Clerk
Gary Speer, Police Chief

Mayor Williams noted a quorum was present.

3. INVOCATION: City Manager Kim Turner gave the invocation.
4. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAG: Led by Mayor Williams.
5. VOTE TO CONSIDER THE EXCUSE OF ABSENT MAYOR/COUNCILMEMBERS:

No action was necessary; all members were present.

6. AWARDS/PROCLAMATION/INTRODUCTION OF GUESTS:

Mayor Williams requested a moment of silence to reflect on the tragedies that recently occurred in El Paso, Texas and Dayton, Ohio. Additionally, he recognized all of the library volunteers who helped to make the Summer Reading Program at the Universal City Library a huge success.

7. CITIZENS TO BE HEARD:

- Brian Hayden, 702 Balboa, asked City Council to consider changing the City's smoking ordinance to ban smoking on public property anywhere there is a gathering of people or function.

- Greg Coolidge, 101 Circle Dr. and a member of St. Matthews Episcopal Church, asked City Council to confirm the Planning and Zoning Commissions decision to allow a cell tower on the church's property.

8. MINUTES OF PREVIOUS MEETING

Councilmember Maxwell moved to approve the minutes of the Tuesday, July 16, 2019 City Council Special Meeting and the Tuesday, July 16, 2019 City Council Regular Meeting. Councilmember Najarian seconded the motion.

Vote: Yeas: Maxwell, Najarian, Neville, Goolsby, Shelby, Volle
Nays: None

Motion to approve carried.

9. NEW BUSINESS:

- A. Discuss & Approve Ordinance 654: An Ordinance authorizing the issuance, sale and delivery of approximately \$4,800,000 in aggregate principal amount of "City Of Universal City, Texas General Obligation Improvement And Refunding Bonds, Series 2019"; making provisions for the payment of interest thereon and the principal thereof; approving and authorizing the execution of all instruments and procedures related thereto including a Paying Agent/Registrar Agreement, a Purchase Agreement and an Official Statement; and declaring an effective date. (Only Reading).**

Victor Quiroga with Specialized Public Finance detailed the terms of the bond issuance. The General Obligation Improvement and Refunding Bonds, Series 2019 will accomplish the following:

- Provided \$4,800,00 for Street and Drainage Improvements
- 20-year interest rate of 2.64%
- Refinanced \$3,515,000 (GO Bonds, Series 2010) for interest cost savings
- 11-year interest rate of 1.87% resulting in taxpayer savings of \$428,142.
- Locked-in a fixed interest rate of 2.41% on Tuesday, August 6, 2019
- Closing scheduled for Thursday, August 29, 2019

Mr. Quiroga and Jay Juarez with McCall, Parkhurst, and Horton answered questions accordingly.

Councilmember Maxwell moved to approve Ordinance 654. Councilmember Shelby seconded the motion. Because it is a bond ordinance, it is only read once.

**Vote: Yeas: Maxwell, Shelby, Neville, Goolsby, Najarian, Volle
Nays: None**

Motion to approve carried.

- B. PUBLIC HEARING: P.C. 522 (CU 150)—A request for a Conditional Use Permit at 810 Kitty Hawk Road (CB 5053M BLK LOT 2 ST. MATTHEWS SUBDIVISION) for a Commercial Communication Tower use in a C5 Highway Commercial District per zoning ordinance 581.**

Development Services Director Michael Cassata stated that T-Mobile would like to place a commercial communication tower on the St. Matthew's Episcopal church property at 810 Kitty Hawk Road. It is a 70-foot tower that will be disguised as a tree. The proposed site is not located in the AICUZ and conforms with the Future Land Use Plan. When this item was presented to the Planning and Zoning Commission, it was denied on a 2-5 vote for the primary reason that there was a lack of data provided by the petitioner to support why the other proposed sites were denied. Since that Planning and Zoning meeting, the petitioner has provided that data and City Staff does not object the Conditional Use Permit. City Staff suggests that if City Council votes to grant the Conditional Use Permit, they do so with the condition that a grounds maintenance agreement between the church and T-Mobile be signed and submitted to the City.

Mayor Williams opened the Public Hearing at 6:52 p.m.

Vincent Huebinger, 1715 Capital Texas Highway and representing APC Towers, spoke in favor of the Conditional Use Permit for 810 Kitty Hawk Road. He provided photos that illustrated how the 810 Kitty Hawk location was the best location for the commercial communication tower.

Zachary Carlton, 112 Amistad Blvd, asked if the new tower would positively affect other carriers service in that area. Mr. Huebinger said that it has the potential to do so.

Mayor Williams closed the Public Hearing at 7:01 p.m.

C. Consider P.C. 522 (CU 150)—A request for a Conditional Use Permit at 810 Kitty Hawk Road (CB 5053M BLK LOT 2 ST. MATTHEWS SUBDIVISION) for a Commercial Communication Tower use in a C5 Highway Commercial District per zoning ordinance 581.

Councilmember Shelby stated that in the Planning and Zoning Commission minutes that there were some concerns on ground maintenance and asked City Staff to speak to those issues.

Public Works Director Randy Luensmann stated that the City has maintenance issues with current ground leases and would like that issue addressed up front on this agreement in hopes of avoiding that issue.

Mayor Pro Tem Neville moved to approve the P.C. 522 (CU 150) and grant the conditional use permit for a Commercial Communication Tower use at 810 Kitty Hawk Road with the following condition: a monthly Grounds Maintenance Agreement between APC Towers, the applicant, and St. Matthew's Episcopal Church, the property owner, be provided to the City for review, comment and approval prior to the issuance of a building permit by the City. Councilmember Shelby seconded the motion.

**Vote: Yeas: Neville, Shelby, Goolsby, Maxwell, Najarian, Volle
Nays: None**

Motion to approve carried.

D. Discuss & Consider Ordinance 641-A-2019: An Ordinance amending Part III, Activities Regulated, Chapter 3 of the City of Universal City's Code of Ordinances by revising regulations governing smoking and setting the smoking age limit to 21 in the City of Universal City; providing penalties for violations of said ordinance; and setting an effective date. (1st Reading).

City Manager Kim Turner explained that this amendment is a response to recent state legislation that passed changing the legal smoking age from 18 to 21. The only change made to the ordinance was to update the age restriction from 18 to 21 to comply with state law.

Councilmember Goolsby moved to approve Ordinance 641-A-2019. Councilmember Maxwell seconded the motion.

**Vote: Yeas: Goolsby, Maxwell, Neville, Najarian, Shelby, Volle
Nays: None**

Motion to approve carried.

E. Discuss & Consider Ordinance 149-M-31-8-2019: An Ordinance of the City of Universal City, Texas, amending Ordinance 149 Fee Schedules (Water/Wastewater Rates); amending Ordinance 149-M-31-7-2017 and repealing all ordinances or parts of ordinances in conflict; and amending the Universal City Code of Ordinances Accordingly. (1st Reading)

Mrs. Turner stated that this amendment includes a 6% fixed rate increase in water/wastewater and a 2% increase to the volume rate to support FY 2020 increases in the SARA/CCMA wholesale wastewater treatment costs, an expanded capital program, and increases in operations and maintenance expenses. These rates are consistent with what was seen in the budget presentations.

Councilmember Maxwell moved to approve Ordinance 149-M-31-8-2019. Councilmember Najarian seconded the motion.

**Vote: Yeas: Maxwell, Najarian, Neville, Goolsby, Shelby, Volle
Nays: None**

Motion to approve carried.

- F. Discuss & Consider Ordinance 149-M-32-08-2019: An Ordinance of the City of Universal City, Texas, amending Ordinance 149 Fee Schedules (Sewer Rates); repealing all ordinances or parts of ordinances in conflict; and amending the Universal City Code of Ordinances accordingly. (1st Reading).**

Councilmember Shelby moved to approve Ordinance 149-M-32-08-2019. Councilmember Maxwell seconded the motion.

**Vote: Yeas: Shelby, Maxwell, Neville, Goolsby, Najarian, Volle
Nays: None**

Motion to approve carried.

- G. Discuss & Consider Ordinance 149-M-33-1-2019: An Ordinance of the City of Universal City, Texas, amending Ordinance 149 Fee Schedules (Water Meter Connection Fee); repealing all ordinance or parts of ordinances in conflict; amending the Universal City Code of Ordinances accordingly. (1st Reading).**

Mrs. Turner stated that the current rates for the installation of a new water meter was adopted in 2006. Since that time, the cost to the City for the purchase of water meters and the installation of technology on each meter has increased significantly. Currently, the City is losing money on each meter that is installed for new service connections. This amendment increases the water meter connection fees to cover the cost of the installation.

Councilmember Shelby moved to approve Ordinance 149-M-33-1-2019. Mayor Pro Tem Neville seconded the motion.

**Vote: Yeas: Shelby, Neville, Goolsby, Maxwell, Najarian, Volle
Nays: None**

Motion to approve carried.

- H. Discuss & Consider Ordinance 149-M-33-2-2019: An Ordinance of the City of Universal City, Texas, amending Ordinance 149 Fee Schedules (Reconnection Fee); repealing all ordinances or parts of ordinances in conflict; and amending the Universal City Code of Ordinance accordingly. (1st Reading).**

Mrs. Turner detailed that the administrative fee to cover the City's cost of reinstalling water service for customers whose services was disconnected due to nonpayment was established in 2006 at \$30 during regular business hours and \$50 during non-duty hours. The staff has recently assessed the water reconnection process to get an accurate account of the amount of time and cost that goes into reconnecting service. The 2019 cost of reconnecting water services is \$42.29. This ordinance amendment proposes increasing the fee to \$50 during regular business hours and to \$100 for non-duty hours.

Councilmember Shelby moved to approve Ordinance 149-M-33-2-2019. Councilmember Maxwell seconded the motion.

Vote: Yeas: Shelby, Maxwell, Neville, Goolsby, Najarian, Volle
Nays: None

Motion to approve carried.

- I. Discuss & Consider Ordinance 149-O-1-2019: An Ordinance of the City of Universal City, Texas, amending Ordinance 149-O-1-2007, for wastewater treatment services provided by San Antonio River Authority (SARA); repealing all ordinances or parts of ordinance in conflict; amending the Universal City Code of Ordinances accordingly; declaring an emergency in its enactment and setting an effective date of August 6, 2019. (Emergency Reading)**

Mrs. Turner described that in July 2018, the Board of Directors of the San Antonio River Authority (SARA) increased its impact fees from \$1,350 to \$2,700 for each new single-family residence that connected to its wastewater treatment system. A letter was sent to the City advising of the increase. However, the letter was either lost in the mail or misplaced during the internal mail routing system. So, the purpose of this emergency passage is to add the new fee into the City's Code of Ordinances and to begin collecting at the new rate for those new dwelling units in the SARA service area.

Councilmember Goolsby moved to approve Ordinance 149-O-1-2019 and declare it an emergency in its enactment. Councilmember Shelby seconded the motion.

Vote: Yeas: Goolsby, Shelby, Neville, Maxwell, Najarian, Volle
Nays: None

Motion to approve carried.

- J. EXECUTIVE SESSION: City Council shall convene in closed session pursuant to Texas Government Code Section 551.071 (entitled "consultation with attorney") and Texas Government Code Section 551.072 (entitled "deliberating regarding real property") to receive legal advice from the City Attorney regarding the purchase of real property and deliberate the purchase or value of real property.**

City Council convened into Executive Session at 7:30 p.m.

- K. City Council shall reconvene in open session and consider and take action on a purchase and sales agreement with Pebble Beach Apartments, LLC for the purchase of a 3,921 square feet parcel of land situated in the G. Malpaz Survey Number 67, Abstract 464, City of Universal City, Bexar County, Texas.**

City Council reconvened into Open Session at 7:40 p.m.

Councilmember Maxwell moved to approve the purchase and sell agreement with Pebble Beach Apartments, LLC for Universal City's purchase of real property for public use for the expansion and improvement of Aviation Blvd in the amount of \$65,000 and approve the City Manager to execute the paperwork. Councilmember Volle seconded the motion.

Vote: Yeas: Maxwell, Volle, Neville, Goolsby, Najarian, Shelby
Nays: None

Motion to approve carried.

10. OLD BUSINESS:

- A. Discuss & Consider Ordinance 361-W-2019: An Ordinance amending Chapter 1-4 Finance Article IV, Fees and Charges of the Code of Ordinances, revising certain sections and paragraphs accordingly, and setting an effective date. (2nd reading).**

Mrs. Turner stated that there were no changes made since the first reading.

Councilmember Shelby moved to approve Ordinance 361-W-2019. Councilmember Goolsby seconded the motion.

**Vote: Yeas: Shelby, Goolsby, Neville, Maxwell, Najarian, Volle
Nays: None**

Motion to approve carried.

11. CITY MANAGER COMMENTS:

Mrs. Turner introduced Library Director Susan Ennis who gave an overview of the successful Summer Reading Program that the Universal City Public Library had this summer. There was an increase in participation by 50%. Ms. Turner thanked Susan, Jennifer, and all the Library staff and volunteers for their hard work and dedication to the residents of Universal City and for making that area a hub of activity for the City.

12. COUNCILMEMBER COMMENTS:

Mayor Pro Tem Neville commented that the Gateway this month was awesome, and he really appreciated the map of the trails. He also commented that 74 years ago on this day the atomic bomb was dropped on Hiroshima and then three days later an atomic bomb was dropped on Nagasaki. He hopes that there is never another war but certainly not a war that uses atomic weapons.

Councilmember Najarian was pleased with the turn out at the Luau event. The food and entertainment were fantastic. He thanked the City Staff for their excellent work.

Councilmember Maxwell showed his thanks to City staff and the community for being drama free. Also, he is pleased that the City offers so many free and low-cost programs to its residents and is grateful to be a part of it.

Councilmember Volle commended the library for doing such a great job and thanked the residents in attendance who stayed for the whole meeting.

Councilmember Goolsby made no comments.

Councilmember Shelby made no comments.

13. MAYORAL COMMENTS:

Mayor Williams:

1. Announced that the Texas Municipal League Conference is in San Antonio this year in October. If any councilmembers plan to attend, they need to RSVP to the City Clerk by Thursday, August 15th;

2. Reminded everyone that the Toga Run will be at Olympia Hills on Friday, August 9th and invited them to attend;
3. Commented on the success of the splashpad and that he was please to know that there will be more bathrooms and pavilion onsite in the future; and
4. Declared that he will be attending the CPS Energy Summit on Friday, August 16, 2019 and invited the other councilmembers to attend.

14. ADJOURNMENT: Mayor Williams adjourned the meeting at 7:52 p.m.

ATTEST:

John Williams, Mayor

Kristin Mueller, City Clerk