

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, August 17, 2021

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 Tom Maxwell
Councilmember Paul Najarian
Councilmember William Shelby
Councilmember Beverly Volle

Present:

Kim Turner, City Manager
Matthew Longoria, City Attorney
Regina Carmona, Community Relations Specialist
Michael Cassata, Development Services Director
Randy Luensmann, Public Works Director
Kristin Mueller, City Clerk/Economic Dev Director

Absent:

Councilmember Bear Goolsby

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:

Councilmember Maxwell moved to excuse the absence of Councilmember Bear Goolsby.
Councilmember Najarian seconded the motion.

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

Motion to excuse carried.

6. MINUTES OF THE PREVIOUS CITY COUNCIL MEETING:

Mayor Pro Tem Neville moved to approve the minutes of the Tuesday, August 3, 2021 City Council Regular Meeting. Councilmember Shelby seconded the motion.

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

Motion to approve carried.

7. CITIZENS TO BE HEARD:

- Terry Teague, 410 E. Langley, moved to Universal City from Hondo. In Hondo, he was a councilmember when Hondo used Waste Management. Hondo stopped using Waste Management while he was on council because they were not concerned about the citizens and not responsive to citizens requests and concerns. He believes that Universal City's trash service

is not good. Waste Management is not picking up trash when they should. He and his neighbors are not happy with Waste Management and do not want to continue service with them.

After the Waste Management presentation, the citizens below addressed council:

- Bernie Rubal, 635 Balboa, provided City Council with an e-mail chain of his conversation with the City Manager. He said that she was unable to a statement of work for contract services for Waste Management. He said there has not been a current effort to entertain competitive bids for waste services. He questions how staff can say with certainty when the request for proposals were done years ago, not recently. He said he spoke to Republic and Tiger waste management services, and both were eager to provide a bid for contract services that would include alley pick-up for Universal City residents. He finds it difficult to accept exclusive franchises in replacement of competitive bids. He would like the City to participate in competitive bidding.
- Tom England, 607 Balboa Dr., stated his garbage and recycling is currently picked up in his alley and would like alley pick up to continue. He is worried that the curbside pick-up will junk up the streets, like they have in Boerne. And he fears that it will happen in Universal City. Also, one of the unintended consequences of curbside pick up is the loss of garage space and possible diminished property value. He said that Waste Management is forcing on homeowners their decrease in their personnel and operating costs and asked that council disapproves the contract.
- Kim Igleheart, 736 Garden Meadow, said that at the May 18th City Council meeting she learned that the lowest wastewater use bracket was 5,000gal/month. Her household only uses 2,000gal/month. If the new Waste Management contract is approved, she will be paying for oversized trash cans that she will not use. She would like there to be an option to get smaller polycarts. Also, she would like to see the City offer senior rates for utilities and trash services and rewards for conservation. Also, she invited everyone to vote for Proposition A in the November election, a proposition that would freeze property tax rates for the disabled and persons over sixty-five.

8. AWARDS/PROCLAMATION/INTRODUCTION OF GUESTS: None.

9. BUSINESS:

A. Present and Discuss concept plan regarding the vacant approximate 30-acre property at the southeast corner of Loop 1604 and Byrd.

Mayor Williams announced that this item was pulled from the agenda and will be on a future City Council agenda.

B. Discuss & Consider Ordinance 525-U-2021: An ordinance of the City Council of the City of Universal City, Texas repealing Ordinances 525 thru Ordinance 525-T-2019 (City Code of Ordinances Chapter 2-3, Section 2-3-1 thru Section 2-3-29) in their entirety and adopting new provisions regarding the collection and disposition of solid waste and recyclable material in the City; establishing a city-wide collection, transportation and disposal program; authorizing execution of a comprehensive agreement granting Waste Management of Texas, Inc. an exclusive franchise to operate a solid waste and collection disposal service in the City of Universal City, Texas; establishing penalties not to exceed \$2000.00 per offense; providing that this ordinance shall be cumulative; providing for severability; and providing for an effective date. (2nd Reading).

City Manager Kim Turner recapped the discussion items from the last meeting. She mentioned that Waste Management came to City Council with a proposal in 2013 to be the first of its client cities to go to Automated Side Loading (ASL) trash service. The 2013 City Council determined at that time they did not want to transition. Since then, Waste Management has transitioned their fleet to ASL trash services. The new agreement includes curbside pick-up for most areas of Universal City. The only exception would be those who have rear-entry garages and paved alleyways would continue to receive pickup at the rear of the house. Other important components incorporated into this agreement include:

- Waste Management will provide 96-gallon wheeled polycarts for trash and recycling.
- The number of service days for recycle and trash pickup will remain the same. It will take 8-10 weeks to deliver the new polycarts and Waste Management will collect current trash bins if the resident chooses to dispose of their current trash bins.
- Alley service will continue only for homes that have rear entry garages and paved alleys, as marked on the map.
- Residences with larger families can obtain an additional polycart for a nominal monthly fee. Residents who have occasional excessive trash and yard waste can purchase pink tags at City Hall which allows for the extra bags to be picked up by Waste Management.
- Current trash service and recycle service days will remain the same.
- Glass can be recycled.
- Bulk brush pickup will occur twice a year rather than monthly. Weekly yard waste can be placed in trash polycarts.
- The At-Your -Door Program will still be available to everyone as will the City's brush chipping service.
- The number of roll-offs dedicated to the City's Fall and Spring Clean Up for bulky waste and hazardous waste will more than double to 73 roll-offs per event.
- Bagster will always remain an option for any resident that has bulky items for pickup during the year.
- Waste Management will continue its support of the annual Snowfest.
- The term of the contract is for five years as allowed by State Law, with an optional 5-year extension and the option to cancel the agreement at any time with a 30-day written notice.
- City's Franchise Fee will remain the same; 10% for residential and commercial; 15% for roll-offs. Upon approval of the Agreement, residential customers will be charged a base rate of \$22.39 (a \$0.78 increase) and \$2.00 for the Pink Tags.

Since the first reading, a few items were updated:

1. The definition of excess garbage waste and rubbish was added to the contract, basically anything that does not fit in the polycart is considered excess. Also, verbiage was added to explain that pink tags could not be used for medical waste, special waste, bulky waste, or construction debris. Also, it was clarified that one pink tag must be attached to each bag;
2. Additionally alleyways were added to the list of exceptions. Those alleyways will continue to have alley pick up because they have rear entry garages and paved alleys; and
3. The monthly base rate is \$21.06 for bulk brush pick-up twice a year. The monthly base rate is \$22.11 for bulk brush pick-up quarterly. Changing the level of service would increase cost buy \$1.05.

Mrs. Turner reminded that City staff must take a utilitarian approach to the Waste Management contract and provide the greatest level of service for the best cost to all of its residents.

Mayor Williams called for the citizens who postponed their comments until after the Waste Management presentation to address City Council.

Councilmember William Shelby moved to approve Ordinance 525-U-2021. Mayor Pro Tem Neville seconded the motion.

Mayor Williams stated that he was concerned with the limited bulk brush pick up days and that the polycarts are very large.

Councilmember Shelby reiterated that a pink tag can be purchased for \$2/tag and that a resident can opt to have an additional poly cart for \$8.55/month. He then asked what other services Waste Management offers. Mrs. Turner replied that they recently changed recycle pick up from every other week to weekly. She also explained the At Your Door Service as well as the chipping service.

Councilmember Shelby asked what percentage of the City is moving from alley to street pick up. Mrs. Turner confirmed that between 25-30% as 75% of residents already have curbside pick up.

Councilmember Najarian said that each household will have different trash needs, like bigger cans. He said that several residents have reached out to him recently with the concern that seniors can not pull the polycarts to the street. Mrs. Turner reminded that in extenuating circumstances, and after being vetted by Waste Management, door to door service may be provided. Councilmember Najarian said that residents have voiced to him that they are concerned with the limited bulky brush pick up. He reiterated that anything that can go in those polycarts, so they can use the polycarts for brush.

Councilmember Volle asked if the extra polycart service could be stopped and started when needed. Mrs. Turner confirmed that it could not. Councilmember Volle said that this change will take lots of publicity. She asked how the City plans to communicate. Mrs. Turner said that the City will use Facebook, NextDoor, HOA newsletters, Gateway, and the website, and the electronic signs. She also reminded that this is not Waste Management's first transition, and they help communicate throughout the transition as well. Councilmember Volle said that she hates seeing brush on the street and used the corner of North Blvd as an example. Mrs. Turner said that the City will have to help reeducate residents but also reminded that if a resident pays someone to rake leaves or cut trees, the person hired is responsible for hauling off the brush. Finally, she said that she had residents reporting that Waste Management is not responding to residents. Mrs. Turner explained how the complaint system works and bragged on Chris Cox from Waste Management for being efficient in fielding complaints.

Mayor Pro Tem Neville stated that many HOAs restrict time that trash cans can be on the street. Mrs. Turner answered that there are a few repeat offenders but code enforcement works to enforce it. Mayor Pro Tem Neville shared a story about how he wanted to make changes in his backyard but couldn't because there is a pipeline easement through the backyard. He said that he could relate to and understood the dilemma in changing trash. He thanked citizens that addressed council. Mayor Pro Tem Neville explained the Open Meetings Act and reminded that council hired a Mrs. Turner as City Manager to take care of the city and resolve problems.

Councilmember Maxwell thanked council for their comments and Waste Management for their superior services. He thanked Mrs. Turner for her work on the contracts. He still opposed the ordinance because it removes alley pick up from residents. He argued that he often walks the alleyways and streets and that he believes that a Waste Management truck can navigate the alleys. He voiced that discontinuing alley pick up will allow the alley to not be kept, become havens for

people not wanted there. He said unless alley pick up is reinstated for all residents, he would deny the ordinance.

Discussion continued on how and where the polycarts could be stored, how quarterly brush pick up would be scheduled and how some alleys are currently maintained well and others are not.

Councilmember Shelby moved to approve Ordinance 525-U-2021 with quarterly brush pick up at a base rate of \$22.07, a \$1.05 increase/month. Mayor Pro Tem Neville seconded the motion.

Councilmember Maxwell reiterated that he wanted Waste Management to reconsider alley pick-up. He believes there is no reason that a Waste Management truck can't access the alleys. He said the arm and truck fits and called on code enforcement to enforce the code so that the Waste Management truck can safely navigate the alley. Removing alley pick up negatively affects 30% of residents.

Mayor Pro Tem Neville asked if the trucks could go down the alleys. Mrs. Turner said yes, it fits, but 70% of alleys are unpaved. So weather creates issues for service. Mayor Pro Tem Neville asked what the cost would be to the City to pave all the unpaved alleys. Public Works Director Randy Luensmann said it would be more than \$10M.

Councilmember Volle said that would require issuing debt and then all residents would have to pay for those alleys, even residents who don't have an alley to use.

**Vote: Yeas: Shelby, Neville, Najarian, Volle
Nays: Maxwell**

Motion to approve carried.

10. CITY MANAGER COMMENTS:

Mrs. Turner:

1. Informed that there will be a Public Hearing on the proposed budget on September 7th;
2. Stated that there will be a Public Hearing on the proposed tax rate on September 21st;
3. Reported that the E. Aviation project was slowed down due to supply shortage;
4. Mentioned that the park reservation software is about to launch;
5. Announced that ModWash was now open;
6. Congratulated Parks Partners because their Purse Bingo event sold out in one day; and
7. Shared that the Olympia Hills night Golf Tournament takes place on Friday and is also sold out.

12. COUNCILMEMBER COMMENTS:

Councilmember Volle made no comments.

Mayor Pro Tem Neville thanked those who attending the meeting.

Councilmember Maxwell also thanked residents for attending the meeting.

Councilmember Najarian thanked all the residents that came to the meeting, wrote letters, and left voicemails. Sometimes things don't go the way we want as individuals, but it is the best thing for the whole. The only thing that is constant is change.

Councilmember Shelby joked that he thought Mrs. Turner said that the street project was short on lime, not line.

13. MAYORAL COMMENTS:

Mayor Williams:

1. Reminded that City Council works in the best interest of everybody and that council cannot meet to discuss agenda items prior to the meeting. While they don't always agree, they try their best to represent residents well;
2. Informed that another Intergovernmental Support Agreement has been signed between JBSA-Randolph and the City of Schertz. Schertz will provide EMS services to the base;
3. Invited everyone to attend the September 11th event at Red Horse Park on Thursday, September 9th; and
4. Thanked everyone for attending the meeting, staff for their hard work and residents for their input.

14. ADJOURNMENT: Mayor Williams adjourned the meeting at 8:20 P.M.

ATTEST:

John Williams, Mayor

Kristin Mueller, City Clerk