

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, February 2, 2021

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Universal Council will conduct a telephonic and videoconference meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting will be held on Tuesday, February 2, 2021 at 6:30 P.M.

The public may participate in this meeting by dialing US Toll-free to 877-853-5247 (Meeting ID: 666 263 7178 and Password: UCTX2150) or by joining the Zoom meeting at <https://us02web.zoom.us/j/6662637178?pwd=UkF3RkdMeFpWSmNCbThYS1lUV3Izdz09>

The public will be permitted to offer public comments telephonically or via videostream as provided by the agenda and as permitted by the presiding officer during the meeting. Written questions or comments may be submitted up two hours before the meeting to Kristin Mueller, City Clerk at kmueller@uctx.gov.

A recording of the telephonic and video meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

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 (Virtually)

Present:

Kim Turner, City Manager
Matthew Longoria, City Attorney
Randy Luensmann, Public Works Director
Kristin Mueller, City Clerk/Economic Dev Director

Mayor Williams noted a quorum was present.

3. INVOCATION: Councilmember Volle 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 introduced Mrs. Lisa Irwin. Mrs. Irwin thanked all the first responders who responded to the 911 call for her husband on Christmas Day. The responders were Jesse Hubbard, Victor Gonzales, Matt Keller, Devin Brown, Jared Lutmer, Logan Rupard, Matt Troncoso, Angel

Carpenter, and Warren Frederichs. She honored them by presenting a plaque for the fire station, giving each of them a picture frame to keep, and by donating to the fire department association's fund. She said she was in awe by their commitment, focus, and skill level she witnessed during that call. She said each of them were born for greatness and were fulfilling their calling from God.

John Irwin said thank you to all the first responders for going above and beyond and for helping him that night. He feels blessed to still be living today.

Mrs. Irwin presented the Fire Department with a donation to the International Association of Fire Fighters (IAFF) #4073 as a token of her appreciation.

7. CONSENT AGENDA:

Mayor Pro Tem Neville moved to approve the following consent agenda items:

- a) Consider the minutes of the Tuesday, January 19, 2020 Regular Meeting.
- b) Consider Ordinance 308-A-2021: An Ordinance amending Ordinance 308 and Chapter 3-4-Traffic of the Code of Ordinances, revising certain sections and paragraphs accordingly, providing severability, and setting an effective date. (2nd Reading).
- c) Consider Ordinance 542-D-2021: An Ordinance amending Ordinance 542 and Article II.-Food Establishments, Various Sections, of the Code of Ordinances, revising certain sections and paragraphs accordingly, providing severability, and setting an effective date. (2nd Reading).
- d) Consider Ordinance 361-AB-2021: An Ordinance amending Ordinance 361 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. (2nd Reading).

Councilmember Najarian seconded the motion.

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

Motion to approve carried.

8. CITIZENS TO BE HEARD: None.

9. BUSINESS:

A. Consider Approval of Pay Estimate #4 invoice for the West Byrd Drainage Project.

City Manager Kim Turner said that Pay Estimate #4r requires the approval of City Council for the City to receive federal funding reimbursement from the Bexar County Community Block Grant (CDBG). Staff recommends approval of pay estimate #4 in the amount of \$112,915.80 to Balcones Ridge Construction, LLC for the West Byrd Drainage Project.

Councilmember Goolsby moved to approve Pay Estimate #4 in the amount of \$112,915.80 to Balcones Ridge Construction, LLC. Councilmember Shelby seconded the motion.

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

Motion to approve carried.

B. Discuss & Consider Resolution 895-D-2021: A Resolution to amend the Personnel Policies and Procedures Manual for the City of Universal City to establish an employee purchase card policy; establish legislative findings; and set an effective date.

Mrs. Turner explained that the City has had an Employee Purchase Card system in place for several years. This policy is to [provide further definition as to the uses, responsibility, procedures, and liability for those employees that are issued Employee Purchase Cards. Once adopted, the Employee Purchase Card Policy will become part of the Personnel Policies and Procedures Manual. Currently, there are approximately 43 City staff members that have purchase cards. In April, new Employee Purchase Cards will be issued and bring the number of employees with purchase cards down to 30, with many of the cards being in the Police, Fire, and Public Works departments since they deal with emergency situations on all shifts.

Councilmember Shelby asked if any card had a \$50,000 limit. Mrs. Turner confirmed that was the combined limit for all cards.

Councilmember Shelby moved to Resolution 895-D-2021. Councilmember Maxwell seconded the motion.

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

Motion to approve carried.

C. Discuss & Consider Resolution 912: A Resolution calling the May 2021 General Election to elect city officers for the 2021-2023 term of office in the City of Universal City, Texas.

Mrs. Turner stated that this resolution officially calls the May 2021 General Election for Universal City. The voters of Universal City will decide on three City Council positions currently held by Mayor Pro Tem Neville, Councilmember Shelby, and Councilmember Goolsby. She said that early voting begins on April 19th and Election Day is May 1, 2021.

Councilmember Maxwell moved to approve Resolution 912. Councilmember Shelby seconded the motion.

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

D. Present & Discuss sidewalk maintenance.

Public Works Director Randy Luensmann gave a presentation on sidewalk maintenance. He gave examples of what the City accepts when it accepts public improvements from developers, noting that sidewalks are not included. He also referenced the Code to show that the maintenance of the sidewalk is the responsibility of the homeowner, not the City. He shared that he does not have the manpower to maintain the City's sidewalks and that because each neighborhood or home could use different materials for their sidewalks, it would not be cost effective for the City to take over the maintenance of it.

Councilmember Najarian voiced that he believes everyone needs sidewalks, and with more redevelopment coming to Universal City, there will be more sidewalks. He argued that because a homeowner cannot keep the public from using their portion of the sidewalk, it should be the City's responsibility to maintain it.

Mr. Luensmann responded that developments since the 1990s, due to the ADA, have sidewalks. The older neighborhoods do not. And as the older part of town redevelops, they will be responsible for putting in and maintaining their own sidewalks.

City Manager Kim Turner mentioned that there will be more sidewalks in the redeveloped parts of Universal City. She also talked about the new sidewalks on Aviation and Pat Booker Rd. Because those sidewalks were granted funded and installed by the City, they will be the City's responsibility to maintain. She also stated that the blanket statement made at the last City Council meeting that "all the surrounding cities maintain their sidewalks" was an incorrect statement. Mr. Luensmann confirmed that both the City of San Antonio and the City of New Braunfels have the maintenance of sidewalks be the responsibility of the homeowner.

Councilmember Najarian asked if there was a way that the City could cover the basic concrete to repair a sidewalk. If the homeowner choose to embellish further, it would be at their own expense. Mr. Luensmann responded that the City does not want to take that on, because then they would become the judge and jury on what damage is bad enough to be repaired and what exactly is the City's responsibility to repair, i.e. the drive isle, the driveway approach, the sidewalk, etc.

Councilmember Shelby asked Mr. Luensmann what the average size and cost was to repair one square of concrete. Mr. Luensmann answered that a square of concrete is approximately a 4'x4' section. He said that for Public Works to contract out someone to repair 30 Linear Feet of sidewalk, it costs \$2,200.

Councilmember Shelby said that he is not expected the Public Works Department to make the repairs, but that he would like the City to consider a rebate program that would assist residents in making extensive sidewalk repairs.

Councilmember Goolsby said that most people in the industry understands that the developer is responsible for putting in sidewalks. He asked Mr. Luensmann if he replaces the sidewalk if it fails due to a main break. Mr. Luensmann confirmed that he does replace it and matches the materials to the best of their ability.

Councilmember Maxwell believed that the City's best course of action would be to focus on a preventative maintenance program and to educate residents on how they can fix small problems in their sidewalks before the problem becomes much bigger and more expensive to fix.

Mayor Pro Tem Neville asked how this conversation is addressing the citizen's concern from the last meeting. Mrs. Turner conferred that the Public Works Department met with the property owner and gave him the least expensive options to fix his sidewalk.

Councilmember Shelby said that he understood the residents' struggle because they feel like the sidewalk is not on their side of the property line and suggested again that the City consider a sidewalk rebate program.

Mr. Luensmann said he felt like they would be left as the judge and jury as to what repair was a want and what repair was a need.

Councilmember Volle asked if the City was going to put in a sidewalk on Parkview and Mr. Luensmann confirmed that on one side of the street the city would be installing a sidewalk.

Mayor Williams said that sidewalk maintenance could be a slippery slope and feels that the City is handling it properly at this time.

- E. Executive Session: The City Council will recess its open meeting and reconvene in a Closed Session pursuant to Texas Government Code Section 551.071 – Consultation with Attorney to seek legal advice in connection with pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of Texas Government Code, to include the following matters:**
- 1) Re: Demand to Cure Flooding Issue Relating to 138 Surrey Lane, Universal City, Texas 78148**
 - 2) Civil Action No. 5:21-CV-00001-DAE (Western District of Texas – San Antonio Division) Dolly Varden Management, Inc. and Paul Fairbrook v. City of Universal City; and Kim Turner, and Jaclyn Redmon**

The City Council, City Manager, and City Attorney convened into executive session at 8:04 p.m.

- F. The City Council will reconvene into Regular Session upon conclusion of the Closed Session and may recall any item posted for Executive Session for action, as necessary.**

The City Council, City Manager, and City Attorney re-convened into open session at 8:23 p.m. Mayor Williams announced that no action will be taken on the items posted for Executive Session.

10. CITY MANAGER COMMENTS:

City Manager Kim Turner announced that Sales Tax Revenue for January 2021 increased 10.5% over January 2019 sales tax revenue. Then, she had Ms. Mueller to give a presentation on the economics of land use.

11. COUNCILMEMBER COMMENTS:

Councilmember Volle said that she was excited for the Holy Crab Ribbon Cutting on Friday, February 12th. She also said it was nice to be attending the meeting in person again and wished Councilmember Goolsby a Happy Birthday.

Mayor Pro Tem Neville announced that Golden Corral is open again and has created a memorial for veterans at their restaurant. They are asking customers to bring in photos of veterans to post on their Honor Wall.

Councilmember Maxwell made no comments.

Councilmember Shelby made no comments.

Councilmember Goolsby made no comments.

Councilmember Najarian wished Councilmember Goolsby a Happy Birthday.

12. MAYORAL COMMENTS:

Mayor Williams informed City Council that Wanda Tucker thanked them for the funeral spray for her late husband, George Tucker. He also read a letter from Randolph Area Christian Assistance Program thanking Universal City for their donation of \$50,000 to fund their Household Stabilization grants.

13. ADJOURNMENT: Mayor Williams adjourned the meeting at 8:23 P.M.

ATTEST:

John Williams, Mayor

Kristin Mueller, City Clerk