

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, March 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 was held on Tuesday, March 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

Present:

Michael Cassata, Development Services Director
Matthew Longoria, City Attorney
Pat Collins, Finance Director
Randy Luensmann, Public Works Director
Kristin Mueller, City Clerk/Economic Dev Director

Mayor Williams noted a quorum was present.

3. INVOCATION: Councilmember Shelby 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: None.
7. MINUTES OF THE PREVIOUS CITY COUNCIL MEETING:

Mayor Pro Tem Neville moved to approve the minutes of the Tuesday, February 16, 2021 City Council Regular Meeting. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

8. CITIZENS TO BE HEARD:

- Bernard Rubal, 635 Balboa Dr., asked that the City change the procedure for reporting tagging and suggested that tagging be its own option to check on the Fix-It Form online. He also said that he was interested in seeing what the cost was to publish the Gateway versus what it would cost to just publish all the City's announcements and events in the Herald. He also would like to know who maintains the area behind the sound wall by Loop 1604 because there is a lot of trash and graffiti in that area. Lastly, he would like the fence permit fees to be reevaluated. Currently, the cost of the permit is the same if you replace 5 fence posts or 200 feet of fence.

9. BUSINESS:

A. PUBLIC HEARING on PC 541.A (ZC 221) and the amendment to the Future Land Use Plan from HC-Highway Commercial to NS-Neighborhood Services for the property at 1100 Kitty Hawk Road without conditions.

Development Services Director Michael Cassata stated that the next this and the next 4 agenda items has to do with a request for a FLUP Amendment, Zone Change, and a Specific Use Permit for a 0.637 Ac tract located at 1100 Kitty Hawk Road. On behalf of Dutch Bros Coffee, Cole Valley Partners is proposing to establish a drive-thru coffee shop at that location.

To do so, a Future Land Use Plan amendment from HC-Highway Commercial to NS-Neighborhood Services would be required. He mentioned that as part of the request, the petitioner has agreed to a specific site plan and set of architectural elevations that include a mix of stone, stucco, and fiber cement siding. The site plan meets the bulk requirements, including setbacks and the 30-foot height maximum. He noted that the requirement for a stacking lane is 6 vehicles. This location will have a 15-vehicle stacking lane.

Mr. Cassata introduced Justine Ealy, the applicant's representative. Ms. Ealy stated that Dutch Bros is excited to expand their location into Universal City and she would be happy to answer any questions that council may have about the business or location.

Mayor Williams opened the Public Hearing at 6:42 P.M.

There being no public comments, Mayor Williams closed the Public Hearing at 6:44 P.M.

B. Discuss & Consider Ordinance 632-PC 541.A, ZC 221 FLUP: An Ordinance amending the Future Land Use plan to change Land Use Designation of property located at 1100 Kitty Hawk Road, Universal City, Texas (CB 5053 P-125C ABS 745 NON ADJ RMS) from HC-Highway Commercial to NS-Neighborhood Services; providing from severability; and establishing an effective date. (1st Reading).

Councilmember Goolsby said that he is excited about the future business as his is daughter. He asked if there is a walk-up window in the design because there is a lot of parking allotted. Mr. Cassata confirmed there will be a walk-up window.

Councilmember Maxwell asked if the patio cover was designed to bring in the teachers and students from the school next year. Ms. Ealy said it was designed to accommodate them if the do walk-up to the window.

Councilmember Najarian said that he is happy to see the business but he is concerned with the amount of traffic that location could bring and how it could be dangerous for all the student walkers in that area.

Mr. Cassata explained that the City code states that if the peak hour trip generation produces fewer than 100 trips, then a traffic impact analysis is not required. The engineers analyzed it and this development produces only 76 peak hour trips.

Councilmember Najarian asked if those numbers take into consideration the morning and after school foot traffic. He already sees the impact from the QT and isn't convinced that the QT, new carwash, and proposed coffee shop would not cause problems.

Public Works Director said that the QT intersection would mirror the intersection on the other side of Loop 1604. Because there cannot be two traffic lights that close to one another, they are limited on what they can do. However, they are working with TxDOT to make that a dual turning lane.

Mayor Pro Tem Neville voiced that there are actually 4 peak periods: morning drop-off, lunch time, afterschool pick-up and rush hour. Mr. Luensmann said that once the construction at the Kitty Hawk Middle School and Loop 1604 is complete, he believes that two of those peak times will dissipate.

Councilmember Shelby reminded everyone that FM1976 is closed right now too, so Kitty Hawk is seeing increased traffic from that closure because people are cutting down Cimmaron Trail.

Councilmember Shelby moved to improve Ordinance 632-PC 541.A, ZC 221 FLUP.
Councilmember Goolsby seconded the motion.

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

Motion to approve carried.

C. PUBLIC HEARING on PC 541.B (ZC 222) and the request for a Zone Change from HC-Highway Commercial to NS-Neighborhood Services for the property at 1100 Kitty Hawk Road.

Mayor Williams opened the Public Hearing at 7:05 P.M.

There being no public comments, Mayor Williams closed the Public Hearing at 7:05 P.M.

D. PUBLIC HEARING on PC 541.C (SU 008) and the request to grant a Specific Use Permit at 1100 Kitty Hawk Road to Dutch Bros Coffee to allow a Restaurant-Neighborhood use in the form of a coffee shop in a C1-Neighborhood Services District with conditions.

Mayor Williams opened the Public Hearing at 7:06 P.M.

There being no public comments, Mayor Williams closed the Public Hearing at 7:07 P.M.

- E. Discuss & Consider Ordinance 581-PC 541.B, ZC 222, PC 541.C & SU 008: An Ordinance amending the Zoning Classification of property located at 1100 Kitty Hawk Road, Universal City, Texas (CB 5053 P-125C ABS 745 NON ADJ RMS) from C5-Highway Commercial district to C1-Neighborhood Services district with a Specific Use Permit to Dutch Bros. Coffee for a Restaurant-Neighborhood use; providing for severability; and establishing an effective date. (1st Reading).**

Councilmember Goolsby moved to approve Ordinance 581-PC 541.B, ZC 222, PC 541.C & SU 008 with the following conditions: 1. A plat of subdivision for the subject property be approved by the City and recorded with the County Clerk prior to issuance of a building permit and 2. The construction of the Dutch Bros. Coffee shop shall be consistent with the approved site plan and architectural elevations. Mayor Pro Tem Neville seconded the motion.

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

Motion to approve carried.

- F. Consider Approval of Pay Estimate #5 invoice for the West Byrd Drainage Project.**

Mr. Luensmann recommended approval of Pay Estimate #5 for the West Byrd Drainage Project in the amount of \$69,195.96 to Balcones Ridge Construction, LLC. He said that the project is complete but there will be one more pay application presented to City Council.

Councilmember Shelby moved to approve Pay Estimate \$5 invoice for the West Byrd Drainage Project in the amount of \$69,195.96 to Balcones Ridge Construction. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

- G. Consider Bexar County Community Development Block Grant (CDBG) Program Intergovernmental Cooperative Agreement Program Year 2020.**

Mr. Luensmann explained that this agreement between Bexar County and Universal City allows the County to provide CDBG funding to the City for the West Byrd Drainage Project Phase 2, project number B-20-UC-48-0500, in an amount not to exceed \$300,000.00 for participation in the County's Year 2020 CDBG program.

Mayor Pro Tem Neville moved to approve the Bexar County Community Development Block Grant Program Intergovernmental Cooperative Agreement Program Year 2020. Councilmember Goolsby seconded the motion.

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

Motion to approve carried.

- H. Discuss & Consider Ordinance 661-A-2021: An Ordinance by the City Council of the City of Universal City confirming and approving the Boundary Agreement establishing the municipal boundary between the City of Universal City and the City of Live Oak; and providing an effective date. (1st Reading).**

Mr. Cassata stated that during construction, several of the pins used to confirm the Universal City and Live Oak boundaries were inadvertently removed. This ordinance reestablishes and codifies those boundaries. No boundary lines were changed.

Councilmember Najarian moved to approve Ordinance 661-A-2021. Councilmember Shelby seconded the motion.

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

Motion to approve carried.

- I. Discuss & Consider the November 2020 Financial Report.**

Finance Director Pat Collins presented the November 2020 Financial Report and answered questions accordingly.

Councilmember Shelby moved to approve the November 2020 Financial report. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

- J. Discuss & Consider Ordinance 662: An Ordinance of the City Council of the City of Universal City, Texas approving an agreement with UC 40 LLC, Texas, to program economic incentives for public projects enhancements, development standards, emergency services, and correlated infrastructure relating to the development of the Cibolo Crossing single-family subdivision in Universal City; and establishing a savings clause and an effective date. (1st Reading).**

Mr. Cassata reminded City Council that Cibolo Crossing was the neighborhood that City Council approved a couple of years ago. It is a 50-55 Ac neighborhood that will consist of 1653 single-family homes, broken into 3 phases. This Master Development Agreement details the obligations of both parties and specifies the standards and conditions that will govern the development of the property.

In brief, the City and developer will cost share certain public improvements to Kitty Hawk Road, from Sunrise Canyon to Silver Springs. The Developer will be responsible for all infrastructure development inside the subdivision. All structures shall be 100% rock, brick, or stucco on the 3 sides. Additionally, the developer must create an HOA to perpetually maintain most of the open spaces within the subdivision.

Councilmember Goolsby was expected to see improvements made through all of Sunrise Canyon as that was agreed upon in initial conversations. He worries about people speeding down Sunrise Canyon and using it as a cut-through. He asked how he was supposed to get to the creek from his house. Mr. Luensmann said that choke point would need to be a future Capital Improvement Project.

Councilmember Shelby asked if the improvements stopped at Silver Springs. Mr. Luensmann said that intersection will be improved at Sunrise Canyon and Kitty Hawk.

Councilmember Maxwell asked who the builder was going to be and Mr. Cassata answered that they are not at liberty to disclose that information at this time.

Councilmember Goolsby said he shared Councilmember Goolsby's concerns about Sunrise Canyon.

Councilmember Maxwell moved to approve Ordinance 662. Councilmember Shelby seconded the motion.

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

Motion to approve carried.

K. Consider Resolution 913: A Resolution of the City of Universal City, Texas, declaring unopposed candidates in the May 1, 2021 General City Election, elected to Office; canceling the Election; providing a severability clause; and providing an effective date.

There being no opposition, the May 1, 2021 General City Election may be cancelled, and the candidates declared elected. The candidates declared elected are: Councilmember Richard F. "Dick" Neville, S. Bear Goolsby, and William R. Shelby.

Councilmember Maxwell moved to approve Resolution 913. Councilmember Volle seconded the motion.

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

Motion to approve carried.

10. CITY MANAGER COMMENTS:

On behalf of City Manager Kim Turner, Mr. Cassata;

1. Announced that the Family Flashlight Night last Sunday was attended by approximately 60 residents and he thanked all the volunteers that made the event a success;
2. Informed that the building plans for the old Ace Acme building were approved this week;
3. Stated that they held a pre-construction meeting for the Cibolo Crossing. Infrastructure improvements should begin April 1st;
4. Invited everyone to attend Gather Brewing Company's pop-up event this Saturday from 3 P.M. - 6 P.M.; and
5. Stated that the Northview Park splashpad is scheduled to open up late May or early June.

11. COUNCILMEMBER COMMENTS:

Councilmember Shelby thanked Public Works for keeping the water running during the freeze and thanked all of the City employees who worked during that time.

Councilmember Najarian said that he had a great time at the Family Flashlight Night. The weather was great and he is looking forward to having more flashlight nights at the golf course. He also thanked Mr. Rubal for his comments.

Mayor Pro Tem Neville thanked the Public Works Department for coming to turn off his water during the freeze. He had some pipes burst. He also thanked Kim for organizing his birthday parade. Additionally, he stated that the Gateway is funded by the Economic Development Corporation, using Sales Tax revenue. Lastly, he mentioned that it may be time to consider a satellite police/fire/EMS station on the east side of Loop 1604.

Councilmember Goolsby thanked Public Works for their great work during the freeze. He said that he was voicing not only his concern about the lack of Sunrise Canyon road improvements, but the concern of all his neighbors. Also, he apologized to Mayor Pro Tem Neville for missing his drive-thru birthday party.

Councilmember Volle agreed with Councilmember Shelby's praise of the Public Works Department. She also extended her thanks to Councilmember Maxwell who came to her house to help her when her garage ceiling caved in.

Councilmember Maxwell gave kudos to the Public Works and City staff who worked during the storm. He also thanked Mr. Rubal for voicing his concerns and that he agreed with him that the fence permit fee needed to be reevaluated. However, he said that the Gateway is the best marketing material the City has to promote its activities and new businesses.

12. MAYORAL COMMENTS:

Mayor Williams:

1. Gave special recognition to the employees that worked during the freeze and said that the City learned from the event and would be making improvements to help if the City has to face a similar event in the future;
2. Mentioned that Hole #7 at Olympia Hills looks nice with the improved drainage and new gabion baskets;
3. Shared that the wife of the late Mr. Les Kiel sent the City a thank you card for sending a funeral spray;
4. Invited everyone to go try Holy Crab. They had their ribbon cutting last week; and
5. Thanked City staff for keeping the City's website current with COVID-19 and shot information.

13. ADJOURNMENT: Mayor Williams adjourned the meeting at 7:50 P.M.

ATTEST:

John Williams, Mayor

Kristin Mueller, City Clerk