

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, February 4, 2020

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
Matthew Longoria, City Attorney
Manuel Casarez, Fire Chief
Michael Cassata, Development Services Director
Randy Luensmann, Public Works Director
Kristin Mueller, City Clerk
Matt Otte, Project Manager
Gary Speer, Police Chief

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: None.

7. MINUTES OF PREVIOUS CITY COUNCIL MEETING:

Councilmember Maxwell moved to approve the minutes of the Tuesday, January 21, 2020 City Council Regular Meeting. Mayor Pro Tem Neville seconded the motion.

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

Motion to approve carried.

8. CITIZENS TO BE HEARD:

- Bill Ferrato, 13319 Demeter, suggested that City Council consider creating an ordinance that regulates noise and lighting nuisance.

9. BUSINESS:

A. Consider Bid Acceptance for the East Aviation Street Bond – Operational Roadway Improvements.

Public Works Project Manager Matt Otte stated there were 4 responsive bidders for the East Aviation Street Bond – Operational Roadway Improvements project. The scope of the project includes creating a turning lane, bike lane, sidewalks, and drainage along East Aviation. 69% of this project is funded by the Alamo Area Council of Government Metropolitan Planning Organization and the other 31% is funded by the City through the 2019 Street Bond. City staff recommended accepting the bid from D&D Contractors, Inc in the amount of \$5,881,581.48.

Councilmember Maxwell moved to accept the bid from D&D Contractors Inc in the amount of \$5,881,581.48 for the East Aviation Street Bond – Operational Roadway Improvements. Councilmember Shelby seconded the motion.

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

Motion to approve carried.

B. Consider petition for Preliminary Acceptance of the Public Improvements for the KB Kitty Hawk Subdivision Phase 6.

Development Services Director Michael Cassata explained that this item is for preliminary acceptance of Phase 6 of the Copano Ridge subdivision and that final acceptance will go before council in a year.

Councilmember Goolsby moved to approve the Preliminary Acceptance of the Public Improvements for the KB Kitty Hawk Subdivision Phase 6. Mayor Pro Tem Neville seconded the motion.

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

Motion to approve carried.

C. PUBLIC HEARING: Conduct a Public Hearing to receive testimony and comment regarding the sale of an approximate 32 Acres parcel of parkland located near the intersection of Kitty Hawk and Universal City Blvd.

City Manager Kim Turner presented that the public hearing is being held to obtain public comment and testimony as well as to satisfy a Texas Parks and Wildlife regulation. The purpose of the public hearing is to submit to the qualified voters of the City the question of the sale of an approximately 32-acre tract of land originally acquired by City for park purposes known as the Universal City Sports Park. The land was purchased in 2007 for \$1.76M; part of a \$5M bond issuance approved by voters. The intent was to construct a regional sports park; \$40 million phased in over time. Efforts to find funding, sponsors, or partnerships for a sports park have failed. Completion of Loop 1604, construction of Walmart and new business in Northlake has spurred an increase in queries to purchase the land for retail and commercial development.

Mrs. Turner said that if voters do not approve the authorization to sell the parkland, the property remains with parkland designation and cannot be sold. The City would continue to pay off bonds until 2027, approximately \$3.7M and would seek ways to develop a regional sports park or other public park types; no private investment will occur.

Mrs. Turner explained that if voters do approve the sell of the parkland, the parkland designation will be removed, and the land will be designated as Open Space. Open Space

designation means that any future use of the property would have to have a Zone Change approved by City Council. Once a potential developer is secured, the City will convey some or all land to the Economic Development Corporation for an undetermined amount. The City will use proceeds of sale from the EDC to purchase more parkland or improve existing parkland within 2 years of receipt of funds. The EDC will convey the land to the end user with restricted uses built into a Development Agreement and/or Restricted Covenants. The proceeds of this sale is used to pay off City bond debt; once debt is paid off, EDC will use remaining proceeds for any project or program that serves a public purpose including economic development projects with no time restrictions on the use of the proceeds.

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

There being no public comment, Mayor Williams closed the Public Hearing at 6:53 p.m.

- D. **Discuss & Consider Ordinance 659-A-2020: An Ordinance ratifying Resolution 800 and the Parks, Recreation, and Open Space Master Plan 2013-2023 adopted thereby; removing an approximate 27.0 Acre tract near the intersection of W. Byrd Blvd and Universal City Blvd from the Parks, Recreation, and Open Space Master Plan 2013-2023; and approving an exhibit showing the location of all tracts of land that remain in the Parks, Recreation, and Open Space Master Plan 2013-2023. (First Reading).**

Mrs. Turner informed City Council that the 2013 Parks Master Plan included in its parkland estimation an approximate 27-acre tract from the Northlake Business Park. The 27-acre parcel was gifted to the City with other acreage that compromises the Northlake Business Park. While the property does have a water feature that would be an asset to the City's park system, the inclusion of the 27-acre tract in the Parks Master Plan needs reconsideration. The tract of land does have value and should be utilized first for commercial development. This ordinance would remove that parkland designation and give the City more flexibility to develop it.

Councilmember Shelby moved to approve Ordinance 659-A-2020. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

- E. **Consider Resolution 891: A Resolution of the City Council of the City of Universal City, Texas, calling a General Election and Special Election to be held on Saturday, May 2, 2020 for the purpose of electing a mayor and three councilmembers and authorizing the sale of property designated as parkland; authorizing contracts with the Election Administrator of Bexar County to conduct this election and procedures related thereto.**

Mrs. Turner stated that the General Election for a mayor and 3 councilmembers will be held on May 2, 2020. In addition to the General Election, Universal City will have a Special Election for authorizing the sale of approximately 32-acres of parkland. This Resolution is required by law and sets the election process in motion.

Councilmember Najarian moved to approve Resolution 891. Councilmember Shelby seconded the motion.

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

Motion to approve carried.

- F. **Consider Resolution 892: A Resolution authorizing the defeasance of a portion of the City's outstanding General Obligation Refunding Bonds; Series 2015 with available funds of the City, authorizing the use of certain funds of the City to accomplish such defeasance, and approving other matters related thereto.**

Mrs. Turner informed that in 2007, Universal City voters approved a \$5,010,00 bond package that included, among other things, the purchase of a -acre tract of land identified as potential Sporks Park Land on Loop 1604 and Kitty Hawk. In 212, the voters approved the sale of 6.22-acres to the Economic Development Board. Later in 2013, the EDC sold the property to Walmart.

On the 2012 ballot to sell the property, it indicated that the proceeds would be used to purchase parkland elsewhere in the City. Since then, staff has made multiple attempts to purchase land near existing parkland to no avail. Therefore, to satisfy the IRS, it is paramount that the proceeds that the City has set aside from the sale of the 6.22-acres, \$471,441.17, plus interest earned since January 2013, \$4,822.23, be set aside and eventually used to pay down the remaining outstanding debt in the amount of \$2,490,000.

Mrs. Turner said that this Resolution authorizes the defeasance, that is, set aside cash to pay off a portion of the 2015 refunding bonds, and all the legal steps that it takes to carry out this action.

Financial Advisor Noel Valdez stated that the bonds are callable in August 2025.

Councilmember Maxwell moved to approve Resolution 892. Mayor Pro Tem Neville seconded the motion.

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

Motion to approve carried.

10. CITY MANAGER COMMENTS:

Mrs. Turner:

1. Invited all to attend Hempinar; the ABC's of CBD—6:00 PM on Sunday, February 9th at Your CBD Store located at 617 Pat Booker;
2. Invited everyone to participate in the It's Time Texas Community Challenge Community work outs;
3. Reminded everyone that Snowfest is Saturday, 15 February, 3:00 to 9:00 PM at UC Park; and
4. Asked Michael Cassata to give an update on development in the City.

11. COUNCILMEMBER COMMENTS:

Councilmember Volle would like to address Mr. Ferrato's concern.

Councilmember Najarian thanked Mr. Ferrato for addressing council and said that he had experienced similar problems. He then invited people to sign up by March 14th to participate in the next Citizens Police Academy. Also, he announced that he is a happy to live in Universal City, he is a first-time grandfather, and his youngest daughter celebrated her 14th birthday.

Councilmember Goolsby made no comments.

Mayor Pro Tem Neville thanked Mr. Ferrato for addressing council and asked for a consensus from council to address his concern at a future meeting.

Councilmember Maxwell said he would agree to discussing Mr. Ferrato's concern at a future meeting. He also said to arrive early at Snowfest to get good parking.

Councilmember Shelby made no comment.

12. MAYORAL COMMENTS:

Mayor Williams reminded everyone in Universal City to participate in the It's Time Texas Community Challenge; Universal City is in 8th place. He also announced that he will be attending a luncheon on base for the BASH program as well as an Association of Defense Community reception next Monday evening where they will be discussing the Interlocal Agreement.

13. ADJOURNMENT: Mayor Williams adjourned the meeting at 7:25 p.m.

ATTEST:

John Williams, Mayor

Kristin Mueller, City Clerk