

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, February 21, 2017

1. **CALL TO ORDER:** Mayor John Williams at 6:31 p.m.
2. **QUORUM CHECK:** Kristin Mueller, City Clerk

Present:

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

Present:

Ken Taylor, City Manager
Jameene Williams, City Attorney
Kim Turner, Asst. City Manager
Manuel Casarez, Fire Chief
Patricia Collins, Finance Director
Randy Luensmann, Public Works Director
Kristin Mueller, City Clerk
Gary Speer, Police Chief

Mayor Williams noted a quorum was present.

3. **INVOCATION:** Councilmember Tom Maxwell introduced Lenny Dagg, Lay Minister at Universal City United Methodist Church. Mr. Dagg gave the invocation.
4. **PLEDGE OF ALLEGIANCE TO THE US 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/INTRODUCTIONS OF GUESTS:**

Mayor Williams and councilmembers read the proclamation declaring Universal City as a *Purple Heart City*. Mayor Williams recognized the following members of The Military Order of the Purple Heart: Chapter 1836 Commander Lorenzo Rodriguez, Bill Crumlett, Joe Hernandez, Rupert Cruz, Luis Reyna, Narciso Pulido, Manuel Soto, and Porfirio (Tony) Quesada. Mayor Williams thanked each of the members present for their service. Mr. Lorenzo Rodriguez presented Mayor Williams with the Purple Heart Shield.

7. **MINUTES OF PREVIOUS MEETING:**

Mayor Pro Tem Neville moved to approve the minutes from the Tuesday, February 7, 2017 Regular Meeting. Councilmember Goolsby seconded the motion.

Vote: Yeas: Neville, Goolsby, England, Maxwell, Shelby, Volle
Nays: None.

Motion to approve carried.

8. **CITIZENS TO BE HEARD:**

Lori Putt, 114 Fox Glove, spoke as the President of Parks Partners. Parks Partners is a nonprofit organization that supports the parks and green spaces through fundraising and working with Public Works Department. She explained that in 5 square miles there are only 7 developed parks in Universal City, several of which have aging playground equipment. Universal City does not have the parks that Live Oak has because the city does not get the funds from growth and development like the surrounding cities. She used the development of Sunrise Canyon as an example to show that there is a price for progress; the land that it was developed used to be green space, but the economic impact that the development has brought to the city has been great. Speaking for all residents of Universal City, she would like to see parks become a priority.

9. NEW BUSINESS:

A. Consider the Increase in Rates and Contract Extension for Johnny’s Wrecker Service.

City Manager Ken Taylor stated that the City currently has a contract with Johnny’s Wrecker Service. The contract is up for renewal. The City is satisfied with the service and is recommending the extension.

Randy Wells, with Johnny’s Wrecker Service, mentioned that the rates have been the same for twenty years. He is asking for the rate increase because the expense over the last twenty years has increased.

Councilmember England moved to approve the contract and rate increase for Johnny’s Wrecker Service. Councilmember Maxwell seconded the motion.

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

Motion to approve carried.

B. Discuss & Consider Ordinance 198-C-2017: An Ordinance of Universal City, Texas, Amending Ordinance 198-B, Increasing the Fee for the Impounding of Abandoned Vehicles. (First Reading).

Mr. Taylor called on Police Chief Gary Speer to elucidate.

Chief Speer stated that the current ordinance calls for a \$10 fee for non-consent tow. The revised ordinance is requesting a \$15 fee in lieu of the \$10. The fee is to help recuperate the administrative costs associated with the towing and auctioning of vehicles.

Councilmember Maxwell moved to approve Ordinance 198-C-2017. Mayor Pro Tem Neville seconded the motion.

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

Motion to approve carried.

C. Consider Bid Acceptance for the New 16” Water Line Project – from Pat Booker Road Standpipe to Coronado Boulevard.

Mr. Taylor stated that this is an item that is in this year’s budget and asked Public Works Director Randy Luensmann to present more information.

Mr. Luensmann stated that there were eight responsive bidders. The lowest bid was \$235,398.48 by M&C Fonseca Construction Co. He has not worked with that company before but the engineer did an extensive background check and it came back favorable. He recommends council’s approval of the low bid.

Councilmember Goolsby moved to approve the low bid of M&C Fonseca Construction Co. in the amount of \$235, 398.48 for the new 16” water line project – from Pat Booker Road Standpipe to Coronado Boulevard. Councilmember Shelby seconded the motion.

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

Motion to approve carried.

D. Consider Approval of Pay Estimate #1 Invoice for the Parkview Estates Drainage Improvements Phase 11 – Construction.

Mayor Williams explained that this is part of the Community Development Block Grant project. The city receives federal funding from the county in the form of a reimbursement.

Mr. Luensmann recommended approval of the reimbursement for pay estimate #1 in the amount of \$18,908.10 to E-Z Bel Construction for Phase 11. He anticipates having another pay estimate at the next council meeting.

Councilmember Maxwell moved to approve the invoice. Councilmember Goolsby seconded the motion.

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

Motion to approve carried.

E. Consider the UCIDC Board's Recommendation to Expend up to \$150,000 for an Economic Development Incentive at 3150 Pat Booker Road.

Assistant City Manager Kim Turner reminded council that the IDC sets aside funding for multiple categories – one being for businesses that are already here that want to expand. Tuesday Morning is currently located in the Triangle Shopping Center. They are looking to move to 3150 Pat Booker Road, which is next to Mega Furniture. In doing so, they will expand their footprint up to 15,000 sq. ft. They are anticipating that the interior and exterior renovation will cost them \$1,000,000. They are requesting a \$150,000 reimbursement from the UCIDC. In order to receive the reimbursement, Tuesday Morning has to receive a Certificate of Occupancy and they have to employ ten full time employees.

Councilmember Goolsby mentioned that by Tuesday Morning moving into the Mega Furniture shopping center, it will be easier for the owners to lease the other suites in the center. Ms. Turner confirmed that was true. The square footage next to Mega Furniture is 40,000 sq. ft. There are not many businesses with that big of a footprint anymore so by taking the 15,000 sq. ft. for Tuesday Morning, there is a higher probability that they will be able to lease the 25,000 sq. ft. space.

Councilmember Maxwell asked how the City will verify and enforce that they will employ 10 full time employees and for what length of time are they held responsible for that. Ms. Turner said that they are held accountable for a one year period. Tuesday Morning has to turn employment reports into the state and Ms. Turner can get copies of them.

Councilmember Shelby asked if the City has run into the issue of a business not complying with the terms of the UCIDC incentive program. Ms. Turner confirmed that the City has not encountered that issue.

Mayor Pro Tem Neville commented that this is not a payment upfront but a reimbursement process.

Councilmember Shelby moved to approve the UCIDC to expend up to \$150,000 for an economic development incentive at 3150 Pat Booker Road. Councilmember England seconded the motion.

Councilmember England stated that several of the IDC members have served on the committee for a very long time and are very knowledgeable on how the process works and the council trusts them to spend the incentive program money well.

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

Motion to approve carried.

F. Consider the UCIDC Board's Recommendation to Expend up to \$180,000 for Reconstruction of Hole 14 at 12900 Mt. Olympus.

Mrs. Turner explained that for the last several years the IDC has been working to attract a hotel development on Hole 14 at the Olympia Hills Golf Course, the only IH-35 frontage owned by the City of Universal City. In order to develop a hotel, Hole 14 has to be relocated. The IDC is making the recommendation to expend up to \$180,000 to reconstruct Hole 14.

Mayor Williams stated that the IDC will proceed with building Hole 14 contemplating the finalization of the hotel contract. The golf course will build a temporary green on Hole 14 and it will become a par 3 instead of a par 5.

Mayor Pro Tem Neville moved to approve the UCIDC Board's recommendation to expend up to \$180,000 for reconstruction of Hole 14 at 12900 Mt. Olympus. Councilmember Volle seconded the motion.

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

Motion to approve carried.

G. PUBLIC HEARING on P.C. 501 -- Proposed amendments to the Future Land Use Plan as authorized by Local Government Code Chapter 213. Specific request is to reclassify approx. 40.907 acres located at 25 Kitty Hawk (CB 5046 P-10 ABS 309 REFER TO: 05046-013-0361) from P+FP-Parks/Future Parks to MDR-Medium Density Residential.

Mr. Taylor stated that this item has to do with a single-family residential property on what is called the Siebel property. It has been in the Siebel family for generations but they are looking to sell it. The City has had several inquiries from several types of users i.e.; apartments, an orphanage, home for unwed mothers but believes that a single-family development would suit the property best.

Ms. Turner explained the agenda and the public hearing procedure. Then she described the Future Land Use Plan (FLUP). A FLUP is used to guide the city's vision. It is done by classification and is a placeholder only. It is not a law or ordinance. There will be two FLUP public hearings this evening; the first for 25 Kitty Hawk and the second for 121 Kitty Hawk. There will also be two zoning hearings. The zoning ordinance is a legal document and its primary purpose is to group and separate land uses as needed. A zoning ordinance can be changed as long as it follows the procedures identified in state law and local law. The first zoning hearing will be regarding 25 Kitty Hawk. It currently has the placeholder on the FLUP as Parks/Future Park. The request is to reclassify it to medium-density residential. The zoning on the property has a placeholder of Open Space and the request is to change it to R3 Medium Density Residential.

According to state law, City staff is required to send a letter to the property owners that are within a 200 ft. boundary of the property to be rezoned. Within that letter is a response letter that the property owners are able to respond with their objections. There

were 29 notices sent out and 23 were returned; 2 with no objections and 21 with objections. Ms. Turner also noted that there were several objections turned in from property owners outside of the 200 ft. boundary and their remarks are included in the objections summary.

The summary of the objections are; they did not want a bridge over Cibolo Creek, there was concern about increased traffic on Kitty Hawk and endangered species, concern over the decrease of property values, and the density of the houses in the proposed development. Ms. Turner explained that the bridge over Cibolo Creek is not related to this project. The bridge over Cibolo Creek is already in long-term planning because of the annexation of the ETJ. In terms of the increased traffic on Kitty Hawk, the developer is required to do a traffic impact analysis (TIA). The TIA looks at the current traffic flow at peak hours and determines how much more traffic will be added to the roadway during peak hours. The TIA showed that the proposed development would add one additional car every 72 seconds at the intersection of Kitty Hawk and Sunrise Canyon during peak hours. In addition, any time a new development is constructed a drainage study must be completed. By law, drainage from one property cannot be pushed onto someone else's property - it must be contained in the subdivision. Also, state law mandates that an endangered species study be completed for new developments. There were no endangered species found on either of the Kitty Hawk properties. Ms. Turner then identified the amount of open space in the proposed development. Of the 55 acres, 28 acres cannot be developed because it is either a flood plain, a natural drainage channel, or it has topography that is so steep that it cannot be developed. In addition to that, there is a 52 acre conservation easement which is connected to other parcels that amounts to 238 acres of open space/linear trails for the displaced wildlife.

Ms. Turner explained how the rating of R3 Medium Density Residential would affect the proposed development. Because only 27 of the 55 acres can be developed, the proposed development could not have more than 175 homes. Then, she discussed the potential change in property values due to the development. It was determined that the values of the homes in the immediate area are \$170,000 - \$225,000. The values of the homes of the proposed development will be an average of \$300,000. Because the new housing will be more expensive than the existing houses, it is probable that the value of the existing homes will increase. Ms. Turner then described the difference between the R-2 zoning classification and the R3 zoning classification and how the amount of impervious coverage allowed in the R3 zoning is more conducive to the proposed development. Finally, she detailed how the City would benefit from the proposed project. Those benefits included increased ad valorem taxes, utility revenue and impact fee, permit fees, detention fees, parkland dedication or the fee in lieu of, and the additional revenue sales tax.

Ms. Turner introduced Steve Brown, with Jones & Carter Engineering. Mr. Brown stated the proposed development will have an additional 30 ft. between the existing homes in Sunrise Canyon and the proposed homes, bringing the total to a 60 ft. buffer. That area is covered with trees and mountain laurels. He also mentioned buying homes with big yards used to be the market trend, it is shifting to people buying big homes with smaller yards and more communal green space so that the resident is not responsible for the maintenance. He does not think that the development will attract first time home buyers as much as it will attract more seasoned families.

Mayor Williams opened the public hearing at 7:42pm. He requested that all comments be limited to five minutes or less and reminded citizens that council is not allowed to discuss what is presented in the public hearing.

Sid Dukes, 102 Fire Sage, expressed his concerns about the medium density residential zoning and noted that even the Planning and Zoning Committee had a split vote. He stated that the development would put a stress on city services and asked that council consider the opinions of the property owners and consider a different alternative than the R3 zoning.

John Shuler, 106 Silver Springs, is concerned with the destruction of the trees on the property, the length of the potential bridge over Cibolo Creek, and that the current condition of Kitty Hawk could not accommodate the traffic increase caused by the proposed development.

J. Svalberg, 207 Forrest Trail, bought her home on Forrest Trail because of its remote location, its indigenous wildlife, and it was quiet. She does not want to lose those benefits. In addition, the soil in the area is highly permeable and absorbs flood water. If that soil is removed it will affect the Cibolo Creek, which already floods more than once every 100 years. She request that council gather independent research and make an informed decision.

Duane Ryan, 107 Oak Circle, was concerned about flooding. He explained that Universal City, in conjunction with Alamo Area Council of Governments, completed a comprehensive regional hazard mitigation plan. It was determined that the properties being discussed warranted a regional plan rather than individual county or community based plan. He stated that the current risk of flooding for the proposed area was considered moderate and that if there is the amount of impervious coverage allowed by the R3 zoning, it could increase the risk of flooding.

Rebecca Ryan, 107 Oak Circle, voiced that the proposed zoning change will affect the health and welfare of the current residents because of the increased traffic, increase in number of homes, and the increased flooding potential. She disagrees with the Traffic Impact Analysis and believes that the development will lead to an increase in crime. She opposes the R3 zoning and if the area must be rezoned she would like to see it rezoned to R-1.

Patricia DePasquale, 146 Broken Spur, deferred her comments to another time.

Vern Handel, 130 Broken Spur, stated that he would like to see the lot size increased to match the lot sizes in Sunrise Canyon. He encouraged council to ask about the impact on the development if it was zoned R-2 and what the impact on the taxes would be. He does support development but cannot support the R3 zoning.

Rhonda M. Calvaresi, 115 Forrest Trail, indicated that the increased traffic would be problematic and as well as the displacement of the animals. She stated that council is to represent the people and the people do not want the zone change.

Rick Moench, 110 Laurel Lane, expressed that he did not agree with the traffic impact study, that Kitty Hawk is too narrow and is a safety hazard in its current state because it doesn't have sidewalks, and development will cause the destruction of trees as well as erosion issues.

Charmaine A. Connally, 111 Laurel Lane, is opposed to the development because of the potential increase in traffic, noise, and crime rates, as well as the decrease in safety for the current residents.

Albert Boos, 130 Surrey Lane, questioned the traffic impact analysis and stated that there is not a reasonable thoroughfare for that many homes. He does not support the R3 zoning.

Jim Strand, 135 Forrest Trail, noted that his property is zoned R3 but does not reflect it. He requests that Universal City be more consistent in the quality from one neighborhood to the other. He urged council to turn down the proposal as submitted and requested that they look for a solution that better matches the values of the current property owners.

Heidi Sobotik, 111 Oak Circle, stated that she believes that the rezoning is not in the

best interest of the current residents and negatively impacts the quality of life of all the current property owners in the immediate area. She was led to believe that the area would never be developed because of the open space FLUP. She requested that council truly consider the quality of life, traffic and flooding impact of the proposed development.

Jacqueline Sanner, 311 Forrest Trail, thanked council for their public service. She is concerned with the potential change in property value, the loss of the charm of Cibolo Creek as the undeveloped space would be decreased. She asked that council listen to the residents' requests and consider a less dense development.

Patricia Depasquale, 146 Broken Spur, stated that the petition was signed by many residents opposing the rezoning. If the area must be rezoned, she would like to see a proposal for something other than R3.

Mayor Williams closed the Public Hearing at 8:44 p.m.

Mayor Williams called for a five minute recess and stated that the meeting would reconvene at 8:50 p.m.

Mayor Williams reconvened the meeting at 8:52 p.m.

H. Discuss & Consider P.C. 501 -- Proposed amendments to the Future Land Use Plan as Authorized by Local Government Code Chapter 213. Specific request is to reclassify approx. 40.907 acres located at 25 Kitty Hawk (CB 5046 P-10 ABS 309 REFER TO: 05046-013-0361) from P+FP-Parks/Future Parks to MDR-Medium Density Residential; and Ordinance 632-PC 501 FLUP 2017: An Ordinance of the City of Universal City Approving an Amendment to the Future Land Use Plan to Reclassify Approximately 40.907 Acres Located at 25 Kitty Hawk (CB 5046 P-10 ABS 309 REFER TO: 05046-013-0361) from P+FP-Parks/Future Parks to MDR-Medium Density Residential. (First Reading).

Councilmember Maxwell asked if the number of lots in the proposed development would change based on the zoning. Ms. Turner explained the difference in the zoning designations. The biggest difference was the amount of impervious coverage allowed.

Mayor Williams reminded council that the agenda item being discussed at the time was the Future Land Use Plan designation change, not the zone change.

Councilmember Goolsby asked about the options for designation of the land on the Future Land Use Plan (FLUP). Ms. Turner mentioned that the FLUP residential designation could accommodate a R-2 or R3 zoning.

Councilmember Shelby asked if the property was sold to a family could they just cut down all the trees. Ms. Turner confirmed that they could. He also asked if the majority of the development was in the 40 acre property and Ms. Turner stated that it was because the property was not developable due to the topography, drainage, etc.

Councilmember England asked about the lot sizes allowed by each of the zoning designations. Ms. Turner informed that R-1 is 3 units per acre and 7,500 sq. ft. R-2 is 6,500 sq. ft. and R3 is 6,000 sq. ft. He also asked what firm did the endangered species study. Mr. Brown from Jones Carter Engineering revealed that it was Terracom. Furthermore, Councilmember England asked if the projected ad valorem tax of \$264,000 was annually. Ms. Turner confirmed that is an annual projection of what the city would obtain in ad valorem tax because of the proposed development.

Councilmember Shelby asked what the timeline would be for the City to feel the impact of maintaining the development. Public Works Director Randy Luensmann explained that the ground in that area is rock and is much easier to maintain than the roads built

on the clay soil.

Councilmember Maxwell questioned if the City would be able to maintain or develop the property if it kept the designation of open space on the FLUP. Ms. Turner stated that the City did research on purchasing the property but found that it was not conducive to city use because it was not flat and could not handle high capacity usage. She stated that just because it was designated open space on the FLUP it was not actually parkland because the City did not own it.

Councilmember Volle asked if by designating the property from open space to medium density residential, it would preclude the ability to rezone the area to an R1.

Councilmember Goolsby asked if council was able to determine a minimum house size. Ms. Turner informed that it was not possible. Mr. Goolsby also said that the developers typically follow the minimum lot size allowed by the zoning. Mr. Brown commented that he believes this development was designed responsibly and the lot sizes are appropriate for the market.

Councilmember Maxwell asked that if council does not approve the FLUP change are they restricting the owners ability to make a sale. Mr. Taylor stated that as a practical matter it may restrict her ability to sell the property but as a legal matter it has no impact.

Councilmember England asked what precludes the property owner from coming back to request another zone change. Ms. Turner said nothing would stop her from coming back to request a different zone change.

Councilmember England moved to approve the Ordinance 632-PC 501 FLUP 2017. Councilmember Shelby seconded the motion.

Ms. Turner informed council that because more than 20% of the affected property owners return with objections, council must approve the motion by a $\frac{3}{4}$ vote. For the ordinance to pass, it must be a at least a 5-1 vote.

**Vote: Yeas: England, Shelby, Goolsby, Maxwell, Volle
Nays: Neville**

Motion to approve carried.

I. PUBLIC HEARING on P.C. 501 (ZC 203)-2017 -- A Request for Amendments to the Zoning Map as Authorized by Local Government Code Chapter 211 and Zoning Ordinance 581. Specific Request is to Rezone Approximately 40.907 Acres Located at 25 Kitty Hawk (CB 5046 P-10 ABS 309 REFER TO: 05046-013-0361) from OS-Open Space to R3-Medium Density Residential.

Mayor Williams opened the Public Hearing at 9:26 p.m.

Dustin Collins, 144 Forest Trail, stated that the lot size should be manipulated to accommodate an R-1 zone designation. He feels that the City has the most to gain from the zone change at the expense of the current residents.

Rhonda M. Calvaresi, 115 Forrest Trail, opposes the medium density residential and would like council to consider other choices.

Barbara Kelley, 106 Wildridge Trail, opposes the zoning change because she would not want two story homes impeding current residents' privacy by looking into their backyards. She also mentioned that Kitty Hawk needs bike paths to make it safer for residents.

Jo Scott, 9114 Gothic, chose his current residence because of the bigger lot size and opposes the smaller lots allowed by the R3 zone designation.

Vern Handel, 130 Broken Spur, would like the proposed lot sizes to increase and the property be rezoned to R-2.

Patricia Depasquale, 146 Broken Spur, asked what it would cost the city to make Kitty Hawk able to accommodate the additional traffic.

Rebecca Ryan, 107 Oak Circle, asked council to require the development have reasonable lot sizes based on the neighborhoods that already exist in the surrounding areas.

Heidi Sobotik, 111 Oak Circle, informed that the golden cheek warbler may be found in Universal City and it is a migratory species that would not be present until March. She does not believe that the green space in the proposed development is accessible for residents to use because of the topography. She is also concerned with the noise level associated with the building of the new homes and the erosion and flooding that could occur because of it.

Glen Putt, 114 Fox Glove, noted that there a very few cars out in the morning. He feels like council needs to consider the community of 19,000 people not just the neighborhood surrounding the property.

Mayor Williams closed the Public Hearing at 9:48 p.m.

J. Discuss & Consider P.C. 501 (ZC 203)-2017 -- A Request for Amendments to the Zoning Map as Authorized by Local Government Code Chapter 211 and Zoning Ordinance 581. Specific Request is to Rezone Approximately 40.907 Acres Located at 25 Kitty Hawk (CB 5046 P-10 ABS 309 REFER TO: 05046-013-0361) from OS-Open Space to R3-Medium Density Residential; and Ordinance 581-PC 501 (ZC 203)-2017: An Ordinance of the City of Universal City Approving a Zone Change for an Approximate 40.907 Acres Located at 25 Kitty Hawk (CB 5046 P-10 ABS 309 REFER TO: 05046-013-0361) From OS-Open Space to R3-Medium Density Residential. (First Reading).

Ms. Turner clarified that conditional use applies to commercial zoning, not to residential. Conditional use does not apply to this subdivision. She also stated that the houses on Gothic are zoned R3.

Mr. Brown stated that he is confident that there is not an adverse effect on flooding from the proposed project. He reminded council that in addition to all of the studies and tests that have been done to this point, there are still more to be done during the platting process. If sidewalks are needed or Kitty Hawk needs to be widened, the City can call for that in the platting process. He also spoke on the amount of homes in Sunrise Canyon and compared the flow of the proposed development.

Councilmember Goolsby stated that he lives on Sunrise Canyon and has counted traffic. On average, he has noticed that there is about 4 football fields between cars passing.

Councilmember Goolsby asked if the R3 could be restricted

Councilmember England asked Mr. Brown how many other projects has the developer designed. Mr. Brown mentioned several neighborhoods and noted that the developer is also an engineer.

Discussion continued on the traffic impact, the ability of the city to provide utilities, the topography of the green space, the width of Kitty Hawk, and the impact of an R2 versus R3 zoning designation.

Ms. Turner clarified that in a zone change conditions are not allowed. The recommendation would be to table the item and allow for the City to create a new zoning designation that would better match the desire of the council. Another option would be to do a deed restricted neighborhood, similar to Olympia Hills, which gives the ability to require much stronger regulations.

City Attorney Jameene Williams said that the only action that can be completed currently is to approve the zoning as requested, deny the request as requested and offer a more restrictive zoning designation, or table the item.

Councilmember England motioned to approve a request for amendments to the zoning map as authorized by Local Government Code Chapter 211 and Zoning Ordinance 581. Specific request is to rezone approximately 40.907 acres located at 25 Kitty Hawk (CB 5046 P-10 ABS 309 REFER TO: 05046-013-0361) from OS-Open Space to R1-Low Density Residential. Mayor Pro Tem Neville seconded the motion.

Councilmember Goolsby asked if the item could be tabled at this point.

Mayor Williams said the motion made must be voted on at this point unless it is withdrawn.

Councilmember Maxwell stated that by limiting the development to a R1 zoning designation it is forcing the new homes to be two story homes.

Councilmember England withdrew his motion.

Mayor Williams noted that the motion has been withdrawn.

Ms. Turner said if the item is tabled they can then go back and change the definition of the R3 zoning designation to exclude condos, townhomes, and garden homes. It would only require a public hearing. Then, the developer could come back and request R3 zoning again and that would tie him into single family residential. Mr. Brown asked if it was possible to deed restrict the property prior to the next meeting so that it better meets the desires of council for the property.

Mayor Williams tabled the discussion and passage of the motion.

K. PUBLIC HEARING on P.C. 502 -- Proposed Amendments to the Future Land Use Plan as Authorized by Local Government Code Chapter 213. Specific Request is to Reclassify Approximately 16.185 Acres Located at 121 Kitty Hawk [(CB: 5046G BLK 1 LOT: 1 HOTCHKISS SUBD (2.831AC) and CB: 5046 P-13 (3.506AC) & P-13A (10.00AC) ABS: 309] from Open Space to MDR-Medium Density Residential.

Ms. Turner noted that of the 25 notices that were sent out to affected property owners, 23 were returned; 2 with no objections and 21 with objections.

Mayor Williams opened the Public Hearing at 11:10 p.m.

J. Svalberg, 207 Forrest Trail, stated that she disagrees with the statement that the drainage and flooding would not be affected by the development.

Heidi Sobotik, 111 Oak Circle, reiterated that flooding is a significant issue. She feels like the current residents are being penalized by the development and she would like to know where the sidewalk on Kitty Hawk would be placed because the road is narrow and has no shoulder currently.

Duane Ryan, 107 Oak Circle, requested that city council complete a cost and benefit analysis and that they consider an alternate plan.

John Shuler, 106 Silver Springs, would like to know where the unusable 25 acres mentioned by Ms. Turner is located on the map of the current plan.

Mayor Williams closed the public hearing at 11:17 p.m.

- L. Discuss & Consider P.C. 502 – Proposed Amendments to the Future Land Use Plan as Authorized by Local Government Code Chapter 213. Specific Request is to Reclassify Approximately 16.185 Acres Located at 121 Kitty Hawk [(CB: 5046G BLK 1 LOT: 1 HOTCHKISS SUBD (2.831AC) and CB: 5046 P-13 (3.506AC) & P-13A (10.00AC) ABS: 309] from Open Space to MDR-Medium Density Residential; and Ordinance 632-PC 502 FLUP-2017: An Ordinance of the City of Universal City Approving An Amendment To The Future Land Use Plan to Reclassify Approximately 16.185 Acres Located at 121 Kitty Hawk [(CB: 5046G BLK 1 LOT: 1 HOTCHKISS SUBD (2.831AC) and CB: 5046 P-13 (3.506AC) & P-13A (10.00AC) ABS: 309] from Open Space to MDR-Medium Density Residential. (First Reading).**

Councilmember Shelby moved to approve Ordinance 632-PC 502 FLUP-2017.
Councilmember Volle seconded the motion.

Mr. Brown illustrated where the 25 acres of undevelopable property is located on the map.

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

Motion to approve carried.

- M. PUBLIC HEARING on P.C. 502 (ZC 204)-2017 – A Request for Amendments to the Zoning Map as Authorized by Local Government Code Chapter 211 and Zoning Ordinance 581. Specific Request is to Rezone Approximately 16.185 Acres Located at 121 Kitty Hawk [(CB: 5046G BLK 1 LOT: 1 HOTCHKISS SUBD (2.831AC) and CB: 5046 P-13 (3.506AC) & P-13A (10.00AC) ABS: 309] from Open Space to MDR-Medium Density Residential.**

Mayor Williams opened the Public Hearing at 11:24 p.m.

Mayor Williams closed the Public Hearing at 11:26 p.m.

- N. Discuss & Consider P.C. 502 (ZC 204)-2017 – A Request for Amendments to the Zoning Map as Authorized by Local Government Code Chapter 211 and Zoning Ordinance 581. Specific Request is to Rezone Approximately 16.185 Acres Located at 121 Kitty Hawk [(CB: 5046G BLK 1 LOT: 1 HOTCHKISS SUBD (2.831AC) and CB: 5046 P-13 (3.506AC) & P-13A (10.00AC) ABS: 309] from Open Space to MDR-Medium Density Residential; and Ordinance 581-PC502 (ZC 204)-2017: An Ordinance of the City of Universal City Approving a Zone Change for an Approximate 16.185 Acres Located at 121 Kitty Hawk [(CB: 5046G BLK 1 LOT: 1 HOTCHKISS SUBD (2.831AC) and CB: 5046 P-13 (3.506AC) & P-13A (10.00AC) ABS: 309] from Open Space to MDR-Medium Density Residential. (First Reading).**

Mayor Williams tabled the discussion and passage of the motion.

10. **OLD BUSINESS:** None.

11. **CITY MANAGER COMMENTS:**

Mr. Taylor commended council on their thoroughness of the deliberation in this meeting.

12. COUNCILMEMBER COMMENTS:

Councilmember Maxwell stated that he appreciated the citizens showing up. He does respond to e-mail and voicemails as they are received.

Councilmember Shelby said that he checks his voicemails every Monday and thanked all the citizens, staff, and the developer for their hard work.

Councilmember England thanked the citizens for their input and for the e-mail that was sent as it provided great insight into the residents' stance on the matter.

Councilmember Volle appreciated the citizens' input and wished them a goodnight.

Councilmember Goolsby thanked Ms. Mueller for her work on getting Universal City declared a Purple Heart City and he thanked the citizens for attending the meeting.

Mayor Pro Tem Neville stated that he thought this meeting is the longest meeting in over twenty years. He also mentioned that he had not been able to get into his council voicemail box until earlier that afternoon and will return his calls. He reiterated that council is not allowed to discuss city business outside of an open meeting as it is a criminal offense. He thanked all the citizens, staff, attorney, and the developer for staying through the whole meeting.

13. MAYORAL COMMENTS:

Mayor Williams echoed that council does not have the authority to discuss city business outside of the council meeting. He also thanked the citizens for their attendance. Then, he commended Regina Carmona, the Public Works Department, city staff, and all the volunteers for making Snowfest a huge success.

14. ADJOURNMENT: Mayor Williams adjourned the meeting at 11:29 p.m.

ATTEST:

Kristin Mueller, City Clerk

John Williams, Mayor

