

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, September 28, 2021

1. CALL TO ORDER: Mayor John Williams at 6:33 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
Regina Carmona, Public Relations Specialist
Jessica Moore, Finance Director
Kristin Mueller, City Clerk/Economic Dev Director

Mayor Williams noted a quorum was present.

5. PURPOSE OF THE SPECIAL MEETING:

A. Consider Ordinance 656-B-2021: An Ordinance setting the Ad Valorem Tax Rate for 2021 at \$0.589398 per \$100 of appraised value; appointing a Tax Assessor/Collector. (2nd Reading).

Mayor Williams asked if there was anyone in the audience that would like to address council regarding Ordinance 656-B-2021.

Bernie Rubal, 635 Balboa, said he has showed the relationship between unemployment rates in the City and tax rates. The City shows a 10% unemployment rate and the highest tax rates possible. Because we are still in COVID-19 recovery, he implored the council to do their due diligence and let residents hold onto their money so that they can recover. He said that expenses are controllable, income is not. It is up to the Council to hold the line and asked them to lower tax rates like surrounding communities.

Phil Vaughn, , said he was not able to find a good reason to justify the increased tax rate according to his review of the City's financials. He said that there is a surplus projected in the proposed budget of \$156,000. The increased tax rate would provide an additional \$130,000 in revenue. Even without the increase, the City would have a surplus in the General Fund. Last year, there was surplus, indicating that there is not a need for that money. Especially since the Reserve Fund as about \$15M, or over one and a half years of operating expenses, which is excessive. Additionally, he believes taxpayers have been overbilled for the City's debt service. He asked that Council consider utilizing the surplus in next budget year and lower the burden of the taxpayers.

City Manager Kim Turner said there were no changes made to Ordinance 656-B-2021 since the last reading.

Councilmember Shelby moved to approve Ordinance 656-B-2021, and ordinance setting the Ad Valorem Tax Rate for 2021 at \$0.589398 (M&O \$0.4888861, Debt Service \$0.100537) per \$100 of appraised value. Councilmember Maxwell seconded the motion.

Councilmember Goolsby asked if the City was to consider the total tax rate of \$0.585000, would it drastically reduce the budget.

City Manager Kim Turner said that it would change things by 4-thousandths of a penny. She also noted that the public hearings and meetings would have to reoccur.

Councilmember Maxwell commented that the Council has worked this budget for six months and that there are still unfunded projects and events out there.

Councilmember Goolsby noted that the high reserves does help the City get great bond rating, but he was hoping for a negotiation. He liked the tax rate ending in 3 zeros.

Councilmember Shelby said that this is his 7th year on Council. Last year the City raised the tax rate 1.5%, prior to that was 7.9% five years in a row. In the last two years, the City has reduced the tax increase by substantial amounts because the State capped it at 3.5%. He also reminded Council that staff did not get cost-of-living increases last budget year. He believes this raise is reasonable.

Councilmember Najarian mentioned that the cost of items and shipping has increased for everyone, the City included. He believes the budget is fair.

Mayor Pro Tem Neville said that the amount of money set aside for Debt Service can not be changed. The cut would come from maintenance and operation. While he is not a supporter of tax raises, he believes it is what is needed.

Mayor Williams said that the budget workshop happened in May and citizen attendance was low. He encouraged citizens to attend the budget and tax rate process from the beginning. He said that the City keeps reserves so that it could fund a catastrophic event, like if a train derailed on Pat Booker.

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

Motion to approve carried.

- B. Discuss & Consider Ordinance 663-2021: An Ordinance of the City of Universal City providing for a reasonable limit on the amount of time to be spent without charge for the repeat Public Information requestors; requiring payment for the time and expenditures incurred beyond this limit; providing for expectations; providing for an Open Meeting Clause; and providing an effective date. (1st Reading).**

Mrs. Turner stated that the amount of public information requests has increased by 141% in the last 3 years. The staff time spent in this fiscal year responding to requests was 1,186 hours, or 148 workdays. There are 260 workdays in a year. Each item that is requested has a general amount of time spent by staff to fulfill.

By state law, the maximum that the City can charge to fulfill requests is \$15/hour. The City needs to balance the need to provide information to the public and the human capital so that day to day operations are not halted. This ordinance will limit the amount of free time the City can spend on any one requester to 36 hours per year, up to 15 hours per month.

After that, the City would begin charging based on the state's fee schedule. In hopes that requestors will be more succinct in their requests.

Mayor Pro Tem Neville asked why the cost and fees are not enumerated in the Ordinance. Mrs. Turner clarified that the fees are found in the fee schedule and are set by the State.

Mayor Williams asked if there was anyone in the audience that would like to address council regarding Ordinance 663-2021.

Kim Igleheart, 736 Garden Meadows, said she has been submitting records requests for 15 years. She is surprised that UC does not charge for records and understands the amount of time it takes to handle this request and is not opposed a modest fee structure. Compared to most agencies, Ms. Mueller does an outstanding job of fulfilling open records requests very promptly. She could use help by acquiring a software to help handle requests, using an e-mail archiver that makes the e-mail server searchable, posting City documents online in a library repository, and by making the website more user family. She stated that the City is asking to adopt the most stringent restrictions by adopting this ordinance, setting the wrong term and suggesting that the City is trying to restrict access to records. She asked that Council consider less restrictive numbers first, like 30 hours per month and 80 hours per year. She also said that the fee structure can be found in the Texas Administrative Code, Title 1, Section 70.3. Specifically, the fee structure permits an overhead fee but does not require it and she asked that the proposed ordinance excludes this fee as well as the CPU use-fee.

Bernie Rubal, 635 Balboa, ask Council to try a records request review. He believes there is an issue with the number of requests because the City is not transparent online. He said he asked for a list of sole-source contracts per year. He is told it was difficult to do and the list does not exist. He asked why it could not be posted monthly. He said the only access to financial information is FY19-20 Annual Audit. He said it was important for City Council to realize that there is an issue with transparency.

Councilmember Maxwell said he is confused because at the beginning of the meeting residents were asking to cut spending and the budget and now they are asking for the City to spend more money to make things more transparent. He agrees that the records and website are not 100% virtual but has drastically improved. Everything costs money and the City is trying to recoup the cost for hours above a certain level.

Councilmember Maxwell moved to approve Ordinance 663-2021. Councilmember Shelby seconded the motion.

Councilmember Shelby echoed Councilmember Maxwell and said he heard a lot of ideas, but those ideas cost money. And will continue to cost money. The City is doing the best that it can with the equipment that it has.

Councilmember Volle commented that she has heard complaints that the minutes are not posted timely. She noted that the person who does the minutes is the person who handles the information requests.

Mayor Pro Tem Neville said there is a reasonable amount of privacy with the contracts that the City enter into and sometimes will not be included in records requests so that it does not deter businesses to pull out of those contracts.

Councilmember Najarian said that this is the first reading, and it will be considered further at the next City Council meeting.

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

Motion to approve carried.

Ms. Turner announced that the Tuesday, October 5th City Council meeting has been cancelled. The next regularly scheduled meeting is Tuesday, October 19, 2021.

14. ADJOURNMENT: Mayor Williams adjourned the meeting at 7:25 P.M.

ATTEST:

John Williams, Mayor

Kristin Mueller, City Clerk