

AGENDA
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
2150 Universal City Blvd, Universal City, TX 78148
Regular Meeting, Tuesday, April 7, 2020 @ 6:30 P.M.

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, April 7, 2020 at 6:30 P.M.

The public may participate in this meeting by dialing US Toll-free to 877-853-5247 (Meeting ID: 498 098 954) or by joining the Zoom meeting at <https://zoom.us/j/498098954>.

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:**
3. **INVOCATION and PLEDGE OF ALLEGIANCE:**
4. **VOTE TO CONSIDER THE EXCUSE OF ABSENT MAYOR/COUNCILMEMBERS (if applicable):**
5. **AWARDS/PROCLAMA/INTRODUCTION OF GUESTS:**
6. **MINUTES OF PREVIOUS CITY COUNCIL MEETINGS:**

TAB A: Consider City Council Minutes for the Tuesday, March 17, 2020 City Council Regular Meeting and the Monday, March 30, 2020 City Council Special Meeting.

7. **CITIZENS TO BE HEARD:** This time is provided for citizens to address city council on issues or concerns and must be *INFORMATIVE ONLY. NO CITY COUNCIL DISCUSSION OR ACTION WILL BE TAKEN.* Please limit your comments to three minutes.

8. **BUSINESS:**

TAB B: Consider Approval of Pay Estimate #7 invoice for the Parkview Estates Drainage Improvements Phase 14 – Construction.

TAB C: Consider Resolution 878-B-2020: A Resolution by the City of Universal City, Texas (“City”) responding to the application of CenterPoint Energy Resources Corp., South Texas Division, to increase rates under the Gas Reliability Infrastructure Program; suspending the effective date of this rate application for forty-five days; authorizing the City to continue to participate in a coalition of cities known as the “Alliance of CenterPoint Municipalities”; determining that the meeting at which the resolution was adopted complied with the Texas Open Meetings Act;

making such other findings and provisions related to the subject; and declaring an effective date.

TAB D: Consider Resolution 897: A Resolution of the City Council of the City of Universal City, Texas, approving the submission of the grant application for SAUASI Supported Soft Target and Special Event Response Power and Light Project to the Office of the Governor; designating the City Manager as the authorizing official; and setting an effective date.

TAB E: Consider the Second Amendment to the Performance Agreement between the Universal City Economic Development Corporation and Universal City Affiliates, LTD.

TAB F: Consider the revised Escrow Agreement between the Universal City Economic Development Corporation and Universal City Affiliates, LTD.

9. OLD BUSINESS

TAB G: Consider Ordinance 581-P-2020: An Ordinance amending certain sections of Ordinance 581, Chapter 4-5 Zoning, related to the Use Table, Specific Uses and Events Centers, and amending a certain section of Ordinance 361, Chapter 1-4 Finance, related to certain fees of the Code of Ordinances, revising certain sections and paragraphs accordingly, providing severability, and setting an effective date. (2nd Reading).

10. CITY MANAGER'S COMMENTS:

- a) Dates and times of local meetings;
- b) Items for future council discussion or consideration;
- c) Status of city projects;
- d) Receipt of city awards;
- e) Recognition of citizen achievements.

11. COUNCILMEMBERS' COMMENTS:

12. MAYOR'S COMMENTS:

This facility is wheelchair accessible & accessible parking spaces are available. Request for accommodations or interpretive services must be made 72 hours prior to this meeting. Please contact the city clerk's office at (210) 659-0333 if these services are needed.

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Tuesday, March 17, 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
Michael Cassata, Development Services Director
Pat Collins, Finance Director
Matthew Longoria, City Attorney
Kristin Mueller, City Clerk

Mayor Williams noted a quorum was present.

3. INVOCATION:

Councilmember Goolsby 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:

Utilities Superintendent Blake Partridge announced that the City of Universal City won the *2019 Best Tasting Water in Texas* award and presented City Council with the award.

7. Consent Agenda:

Mayor Williams announced that the following item will be pulled from the consent agenda as the event has been cancelled:

- b.) Consider a request from the Universal City Professional Firefighters Association Local 4073 to waive the \$100 Parade Permit Fee for the 5k Run/Walk on March 21, 2020, benefiting Lt. Edui Tijerina Family.

Councilmember Maxwell moved to approve the following consent agenda items:

- a). Consider City Council Minutes for the Tuesday, March 3, 2020 City Council Regular Meeting;
- c.) Consider a petition for Final Acceptance of Public Improvements of the KB Kitty Hawk Subdivision Phase 3.

- d). Consider a petition for Final Acceptance of Public Improvements of the KB Kitty Hawk Subdivision Phase 4.
- e.) Consider Ordinance 660: An ordinance authorizing the issuance of City Of Universal City, Texas Waterworks And Sewer System Revenue Refunding Bonds, Series 2020; approving and authorizing an Official Statement; authorizing the execution of a Purchase Contract; an Escrow Agreement, And A Paying Agent/Registrar Agreement; Delegating Authority To Certain City Officials To Select Outstanding Bonds To Be Refunded And Approve All Final Terms Of The Bonds; And Approving And Authorizing Other Instruments And Procedures Related Thereto. (2nd Reading).

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: None.

9. BUSINESS:

A. Consider the Financial Audit Report for Fiscal Year 2019.

Janet Pitman, C.P.A with ABIP, gave the Financial Audit Report for Fiscal Year 2019 and answered questions accordingly. The City received an “Unmodified” opinion, which is the best opinion possible. Additionally, Mrs. Pitman stated that the City saved \$428,000 by refinancing bonds.

Mayor Williams thanked Mrs. Pitman for her report and gave kudos to the Finance Department and City staff for being fiscally responsible.

Councilmember Shelby moved to approve the Financial Audit Report for Fiscal Year 2019. Councilmember Goolsby seconded the motion.

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

Motion to approve carried.

B. PUBLIC HEARING: Conduct a Public Hearing to receive testimony and comment regarding P.C. 527 and Zone Change 212 -- the request for text amendments to the various portions of the Code of Ordinances related to Specific Use Permits and Events Centers.

Development Services Director Michael Cassata stated that because this zone change has the potential to affect every property in Universal City, every Universal City resident received a notice of the zone change request. Out of the 6,025 notices sent out, Universal City received 102 responses; 26 opposed to the changes and 76 not opposed. Additionally, approximately 15 people came into City Hall asking questions about the proposed changes and 105 people called in with questions.

Mr. Cassata explained that the Specific Use Permit would replace the Conditional Use Permit that is currently in the zoning ordinance. A Conditional Use Permit (CUP) allows a business to

request to locate in an area that is not a perfect fit for that business. For example, a physical therapy office in a retail shopping center. If the CUP is authorized, then it remains with the land and is transferable from business to business and property owner to property owner. A Specific Use Permit (SUP) is non-transferable, thereby eliminating any grandfathering claims and requiring each new business or property owner to reapply for a SUP and demonstrate the proposed use is a good fit for that area.

The other change this amendment is making is to add a definition for “Events Center” into the zoning code. Mr. Cassata said that by using the same definition across the board, it will eliminate confusion. The new definition includes several proposed potential uses for an Events Center and requires applicants to identify at least two Events Center uses. Because all Event Centers require a SUP, the Planning & Zoning Commission would have to consider all requests.

Mayor Williams opened the Public Hearing at 7:01 P.M.

Byron Nichols, 102 Parkview, stated that this appears to be a case of too much government. He would like there to be a list of approved uses for an Events Center and not require the approval of the Planning and Zoning Commission. He also voiced that he was only attending to be sure that the zoning code changes would not affect his personal residence.

There being no other comments, Mayor Williams closed the Public Hearing at 7:04 P.M.

C. Discuss & Consider Ordinance 581-P-2020: An Ordinance amending certain sections of Ordinance 581, Chapter 4-5 Zoning, related to the Use Table, Specific Uses and Events Centers, and amending a certain section of Ordinance 361, Chapter 1-4 Finance, related to certain fees of the Code of Ordinances, revising certain sections and paragraphs accordingly, providing severability, and setting an effective date. (1st Reading).

Councilmember Goolsby voiced that this amendment no longer permits-by-right a church to establish in a commercially zoned area and he did not approve of that change.

Councilmember Shelby asked about the formatting of the use table. Because they were provided a black and white copy, it was difficult for them to understand the changes made.

Councilmember Shelby moved to approve Ordinance 581-P-2020. Mayor Pro Tem Neville seconded the motion.

Vote: Yeas: Shelby, Neville, Maxwell, Najarian, Volle

Nays: Goolsby

Motion to approve carried.

D. Consider Resolution 812-A-2020: A Resolution of the City Council of the City of Universal City, Texas, authorizing the City Manager to enter into a Finance Agreement with TexStar National Bank for a three-year loan on seventy-five golf cars and one beverage cart for a total amount of \$329,099.60; and establishing an effective date.

City Manager Kim Turner explained that the City has four loans with PNC Finance, LLC that finances 75 golf cars and one beverage cart. The PNC Finance loan is at 8.0% for five years, plus they charge the City for insurance on the cars even though the City already has them insured. The attached Resolution is to refinance the PNC Finance loans with TexStar Bank, which will be at 4.25% for three years and there will be no additional insurance charge by the bank. The City can pre-pay the TexStar Bank loan without penalty. She said that moving forward, staff will

recommend that all golf car leases be financed through conventional financing rather than the finance company that has a fiduciary relationship with the golf car vendor.

Councilmember Shelby moved to approve Resolution 812-A-2020. Councilmember Goolsby seconded the motion.

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

Motion to approve carried.

- E. Consider Resolution 895: A Resolution ratifying the personnel policy for the City of Universal City passed by the City Council of the City of Universal City; establishing legislative findings; providing amendments; and setting an effective date.**

Mrs. Turner stated that this Resolution ratifies the personnel policy for the City of Universal City as well as makes four changes to the policy: 1.) adds details about certification pay; 2.) changes the sick leave policy to include the donation pool; 3.) makes changes to the FMLA section as required by federal law; and 4.) gives the definition of "light duty".

Councilmember Maxwell moved to approve Resolution 895. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

- F. Consider the Financial Report for FY2020 First Quarter (Oct 1 – Dec 31, 2019).**

Finance Director Pat Collins gave the Financial Report for First Quarter of Fiscal Year 2020 and answered questions accordingly.

Mayor Pro Tem Neville moved to approve the FY2020 First Quarter Financial Report. Councilmember Goolsby seconded the motion.

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

Motion to approve carried.

- G. Consider Resolution 896: A resolution of the City of Universal City, Texas, authorizing the filing of a grant application with the Bexar County Community Development Block Grant; authorizing Kim Turner, City Manager of said City to act on behalf of the City of Universal City, Texas, in all matters related to the application and pledging that if a grant is received, the City of Universal City will comply with the grant requirements of the Community Development Block Grant.**

Mrs. Turner stated that the City must adopt a resolution authorizing the City Manager to submit the application and granting signatory authorization for the City of Universal City to be considered for Bexar County Community Development Block Grant funding for program year 2020.

Councilmember Goolsby moved to approve Resolution 896. Councilmember Maxwell seconded the motion.

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

Motion to approve carried.

H. Presentation: Warrant Update

Mrs. Turner gave an update on warrant collections in 2020. Since contracting with Perdue, Brandon, Fielder, Collins & Mott, LLP, the rate of collection has increased. In the last 45 days, there have been 11,155 notices mailed, 1,372 phone contacts made, 6,041 addresses updated, 4,714 phone numbers updated, and 165 deceased cases removed. Additionally, there has been approximately \$70,000 more collected this year than at this time last year.

10. CITY MANAGER COMMENTS:

Mrs. Turner:

1. Invited everyone to participate in the Head for the Hills Golf Tournament at Olympia Hills at the end of the month. Cost is \$60 per player;
2. Reminded that the Census starts April 1st and encouraged residents to complete their survey;
3. Announced that the General Election will be cancelled because the incumbents ran unopposed but that the Special Election will still be held in May; and
4. Shared that Olympia Hills has recently remodeled inside and that the remodel has already paid for itself because they had a facility showing for four brides and all of them booked on site.

11. COUNCILMEMBER COMMENTS:

Councilmember Goolsby thanked Mrs. Collins and staff for doing a great job.

Councilmember Najarian thanked City staff for pushing out current COVID-19 information and agreed that the Olympia Hills Golf Course remodel looks great.

Councilmember Shelby made no comments.

Councilmember Volle thanked Mrs. Collins for a great Financial Report.

Councilmember Maxwell recommended that City Council write a letter to businesses for being proactive and self-policing and abiding by the Center for Disease Control recommendations on their own.

Mayor Pro Tem Neville thanked Mrs. Collins for good financial practices and the City Staff for spending their budgets wisely. He also stated that due to the current circumstances, it is likely that local Sales Tax revenue will take a hit.

12. MAYORAL COMMENTS:

Mayor Williams thanked City staff for providing COVID-19 updates and said that after this pandemic is over, it is likely that we will all have better hygiene and change some common practices. Also, he said that he recently completed his Census 2020 survey and that it only took

him two minutes to do so. He asked everyone to be sure to complete their survey as it helps provide critical funding to the county.

- 13. ADJOURNMENT:** Mayor Williams adjourned the meeting at 8:07 p.m.

ATTEST:

John Williams, Mayor

Kristin Mueller, City Clerk

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Special Meeting, Monday, March 30, 2020

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of the City of Universal Council conducted a telephonic and videoconference meeting on Monday, March 30, 2020 at 6:00 P.M. 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 public was invited to participate in this meeting by dialing US Toll-free to 888-788-0099 (Meeting ID: 779 805 189) or by joining the Zoom meeting at <https://zoom.us/j/779805189>.

The public was 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 were able to 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 was made and is available to the public in accordance with the Texas Public Information Act upon written request.

1. CALL TO ORDER: Mayor John Williams at 6:00 P.M.
2. QUORUM CHECK: Kristin Mueller, City Clerk

Present on the video conference:

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

Present on the video conference:

Kim Turner, City Manager
Kristin Mueller, City Clerk

Mayor Williams noted a quorum was present.

3. PURPOSE OF THE SPECIAL MEETING

- A. Discuss & Consider Resolution 894-A-2020: A Resolution of the City Council of the City of Universal City, Texas, authorizing the City Manager to enter into a Finance Agreement with Frost Bank for a five-year loan on 2020 International 4300 Tymco Model 600 Street Sweeper for a total amount of \$263,870.00; and establishing an effective date.

City Manager Kim Turner said that the City of Universal City Public Works Department sweeps every street in the City at least two times a year. The City would like to purchase of a 2020 International 4300 Tymco Model 600 Street Sweeper for \$263,870. After purchase, the City will be reimbursed \$112,462. The financing would be done through Frost Bank. Mrs. Turner asked that City Council approve Resolution 894-A-2020 pending legal review of the financing agreement.

Councilmember Shelby asked how many street sweepers the City has in operation. Mrs. Turner said that they have one currently. The City would use both until the old one became unusable, then it would scrap or sell it.

Mayor Williams asked if the reimbursement was par of the VW settlement and Mrs. Turner confirmed that it was part of that settlement and that TCEQ was responsible for administering the funds.

Mayor Pro Tem Neville moved to approve Resolution 894-A-2020. Councilmember Shelby seconded the motion.

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

Motion to approve carried.

- B. Discuss & Consider Resolution 898: A Resolution of the City Council of the City of Universal City, Texas, declaring unopposed candidates in the May 2, 2020, General City Election, elected to office; canceling the election; providing a severability clause; and providing an effective date.

City Manager Kim Turner stated that the City Clerk has certified that no person has made a declaration of write-in candidacy and the following candidates are unopposed:

Mayor: John Williams
Councilmember: Tom Maxwell, Paul Najarian, Beverly Volle

Resolution 898 cancels the Universal City May 2, 2020 General City Election and declares the unopposed candidates elected.

Councilmember Tom Maxwell moved to approve Resolution 898. Councilmember Najarian seconded the motion.

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

Motion to approve carried.

- C. Discuss & Consider Resolution 899: A Resolution of the City Council of the City of Universal City, Texas, ordering the Special Election for the City of Universal City be moved from May 2, 2020 to November 3, 2020.

Mrs. Turner stated that Governor Greg Abbot issued a proclamation on March 18, 2020 suspending provisions of the Texas Election Code to allow political subdivisions to postpone their May 2020 local elections until November 3, 2020. This Resolution authorizes moving the ballot measure regarding authorizing the sale of 32 acres of parkland near Kitty Hawk and Universal City Blvd to the November 3, 2020 ballot.

Mayor Pro Tem Neville moved to approve Resolution 899. Councilmember Goolsby seconded the motion.

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

Motion to approve carried.

4. ADJOURNMENT: Mayor Williams adjourned the meeting at 6:12 P.M.

ATTEST:

John Williams, Mayor

Kristin Mueller, City Clerk

CITY OF UNIVERSAL CITY

DATE: 3/23/20

TO: Members of City Council

FROM: Kim Turner, City Manager

COPY:

SUBJECT: Consider Approval of Pay Estimate #7 invoice for the Parkview Estates Drainage Improvements Phase 14 - Construction

The attached pay estimate #7 invoice requires the approval of City Council for the City to receive federal funding reimbursement from the Bexar County Community Development Block Grant (CDBG).

Staff recommends approval of pay estimate #7 in the amount of \$20,912.85 to EZ Bel Construction LLC for the Parkview Estates Phase 14 construction.

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER: Universal City Public Works
265 Kitty Hawk
Universal City, TX 78148

PROJECT: Parkview Estates Drainage Improvements Phase 14

APPLICATION PERIOD TO: 7R1
2/1/2020- 2/29/2020

Distribution to:
 OWNER

OWNER'S P.O. NO:

ENGINEER

MANAGER

FROM CONTRACTOR: E-Z Bel Construction LLC.
203 Recoleta
San Antonio, TX 78216

VIA ENGINEER: GEI Givler Engineering, Inc.
515 Busby Drive
San Antonio, Texas 78209

CONTRACT DATE: 07/02/19

CONTRACT FOR: Universal City Public Works

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

- 1. ORIGINAL CONTRACT SUM \$ 777,079.73
- 2. NET CHANGE BY CHANGE ORDERS \$ 3,282.40
- 3. CONTRACT SUM TO DATE (LINE 1 +2) \$ 780,362.13
- 4. TOTAL COMPLETED & STORED TO DATE \$ 779,956.23
- 5. RETAINAGE:
 - a. 10 % Of Completed Work \$ 77,995.62
(Column D + E on G703)
- Total Retainage
(Total in Column I of G703) \$ 77,995.62
- 6. TOTAL EARNED LESS RETAINAGE
(Line 4 less Line 5 Total) \$ 701,960.61
- 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT
(Line 6 from prior Certificate) \$ 681,047.76
- 8. CURRENT PAYMENT DUE \$ 20,912.85
- 9. BALANCE TO FINISH, INCLUDING RETAINAGE
(Line 3 less Line 6) \$78,401.62

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$ 3,282.40	\$ -
Total approved this month:	\$ -	\$ -
TOTALS:	\$ 3,282.40	\$ -
NET CHANGES by Change Order	\$ 3,282.40	\$ -

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by the Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

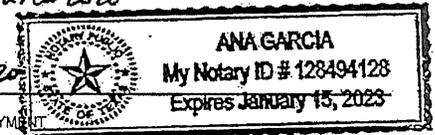
CONTRACTOR:

By: [Signature] Date: 3/13/2020

State of: Texas at Large

Subscribed and sworn to before me this 13th day of March 2020

Notary Public: [Signature]
My Commission expires: 3/13/2020



ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED: \$ 20,912.85

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ENGINEER: [Signature] Date: 3/16/2020

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

[Signature] 3/16/2020
Kim Turner
City Manager

Acct# 09-5345-4700-4809

CONTINUATION SHEET

AIA DOCUMENT G702, APPLICATION AND CERTIFICATE FOR PAYMENT, CONTAINING CONTRACTOR'S SIGNED CERTIFICATION IS ATTACHED.

APPLICATION NUMBER: 7R1
APPLICATION DATE: 3/5/20

PERIOD TO: 2/1/2020-2/29/2020

OWNER'S PURCHASE ORDER NO:

ITEM NO.	SPEC	DESCRIPTION OF WORK	UNIT	QTY	UNIT PRICE	SCHEDULED VALUE (AMOUNT)	D		D		E		F	G	H	I		
							Quantities Last period	Quantities this period	FROM PREV APPS (D+E)	THIS PERIOD	MATERIALS PRESENTLY STORED (NOT IN D+E+F)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)					% (G/C)	BALANCE TO FINISH (C-G)
1	0100.1000	MOBILIZATION	LS	1.00	\$25,000.00	25,000.00	1							25,000.00	100%	\$	-	\$ 2,500.00
2	0100.2000	INSURANCE & BONDS	LS	1.00	\$5,000.00	5,000.00								5,000.00	100%	\$	-	\$ 500.00
3	0103.1000	REMOVE WOOD FENCING	LF	134.00	\$2.00	268.00	134							268.00	100%	\$	-	\$ 28.80
4	0103.1000	REMOVE HEADER CURB	LF	628.00	\$0.01	6.28	628							6.28	100%	\$	-	\$ 0.83
5	0103.2000	REMOVE CURB & GUTTER	LF	15.00	\$0.01	0.15	15							0.15	100%	\$	-	\$ 0.02
6	0103.3000	REMOVE & STORE TRAFFIC SIGNS	EA	3.00	\$40.00	240.00	3							240.00	100%	\$	-	\$ 24.00
7	0103.4000	REMOVE DRIVEWAY	EA	1.00	\$200.00	200.00	1							200.00	100%	\$	-	\$ 20.00
8	0103.5000	REMOVE SIDEWALK RAMP	LF	3.00	\$100.00	300.00	3							300.00	100%	\$	-	\$ 30.00
9	0103.6000	REMOVE SIDEWALK OVER CHANNEL	LF	5.00	\$50.00	250.00								-	0%	\$	250.00	\$ -
10	0103.7000	REMOVE TEMPORARY 18" CULV & FILL	LF	20.00	\$60.00	1,200.00								-	0%	\$	1,200.00	\$ -
11	0540.7000	PLACE TEMPORARY PERIMETER FENCING	LF	1943.00	\$7.00	13,601.00	1943							13,601.00	100%	\$	-	\$ 1,360.10
12	0103.8000	REMOVE & HAUL ASPHALT AND BASE	LF	667.00	\$3.00	2,001.00	667							3,335.00	100%	\$	-	\$ 333.50
13	0307.1000	CONC RAWALLS (18"SP) INCL. WEEPHOLES (28" WIDE)	CY	28.00	\$1.00	28.00	28							28.00	100%	\$	-	\$ 2.80
14	0205.1000	28" WIDE CONC CHANNEL RIP RAP INCL. WEEPHOLES	SY	188.70	\$180.00	33,966.00	188.7							33,606.00	100%	\$	-	\$ 3,360.80
15	0307.2000	CONC RAWALLS (2-3") INCL. WEEPHOLES (FOR 12" WIDE CHANNEL)	CY	22.00	\$1.00	22.00	22							22.00	100%	\$	-	\$ 2.20
16	0505.2000	1/2" WIDE CONC CHANNEL RIP RAP	SY	193.30	\$120.00	23,196.00	193.3							23,497.20	100%	\$	85.40	\$ 2,349.72
17	0399.1000	BASE SEAL WATER STOP	LF	254.00	\$7.00	1,778.00	254							7,920.00	100%	\$	-	\$ 792.00
18	0399.2000	45 MIL POOL LINER	SY	181.00	\$30.00	5,430.00	181							5,430.00	100%	\$	-	\$ 543.00
19	0410.2000	ASTM C-33 SAND	SY	15.00	\$300.00	4,500.00	15							4,500.00	100%	\$	-	\$ 450.00
20	0410.3000	AASHTO #57 STONE	CY	15.00	\$300.00	4,500.00	15							4,500.00	100%	\$	-	\$ 450.00
21	0107.1000	MOISTURE-CONDITIONED SUBGRADE (6" DEPTH)	SY	659.00	\$1.00	659.00	659							659.00	100%	\$	-	\$ 65.90
22	0812.1000	4" PERFORATED PIPE	LF	212.00	\$10.00	2,120.00	212							10,600.00	100%	\$	-	\$ 1,060.00
23	0525.3000	FRENCH DRAIN FOR 12" WIDE CHANNEL	LF	282.00	\$6.00	1,692.00	282							16,920.00	100%	\$	-	\$ 1,692.00
24	0502.1000	INSTALL 6" WIDE SIDEWALK ADJOINING CHANNEL	LF	178.00	\$60.00	10,680.00	178							10,680.00	100%	\$	-	\$ 1,068.00
25	0309.3000	INSTALL 5 X 2 PCB & TRANSPORT FROM STOCKPILE	LF	8.00	\$50.00	400.00	8							400.00	100%	\$	-	\$ 40.00
26	0522.1000	INSTALL SIDEWALK PIPE RAILING	LF	20.50	\$180.00	3,690.00	20.5							2,040.00	100%	\$	-	\$ 206.00
27	0500.1000	SAW TOOTH CURB	LF	12.00	\$100.00	1,200.00	12							1,200.00	100%	\$	-	\$ 120.00
28	0507.1000	6" FT WOODEN PRIVACY FENCE (ON RETAINING WALL)	LF	205.00	\$40.00	8,200.00	205							8,200.00	100%	\$	-	\$ 820.00
29	0507.2000	6" FT CHAINLINK FENCE (ON RETAINING WALL)	LF	248.00	\$13.00	3,224.00	248							3,720.00	100%	\$	-	\$ 372.00
30	0309.2000	PROVIDE & INSTALL 8X 2 PCB	LF	104.20	\$715.00	74,503.00	104.2							74,503.00	100%	\$	-	\$ 7,450.30
31	0309.1000	PROVIDE & INSTALL 5X 2 PCB	LF	290.00	\$400.00	116,000.00	290							116,000.00	100%	\$	-	\$ 11,600.00
32	0309.4000	PROVIDE & INSTALL 4 X 2 PCB	LF	73.00	\$300.00	21,900.00	73							29,200.00	100%	\$	-	\$ 2,920.00
33	0525.4000	PROV & INST 24" WIDE PRECAST CONC TRENCH DRAIN & V	EA	3.00	\$20,000.00	60,000.00	3							60,000.00	100%	\$	-	\$ 6,000.00
34	0403.7000	PROVIDE & INSTALL 5" TYPE BB CURB INLET	EA	3.00	\$4,500.00	13,500.00	3							13,500.00	100%	\$	-	\$ 1,350.00
35	0403.8000	PROVIDE & INSTALL 10" CURB INLET	EA	2.00	\$3,500.00	7,000.00	2							11,000.00	100%	\$	-	\$ 1,100.00
36	0401.1000	PROVIDE & INSTALL 24" RCP TIE IN TO CONC BOX	LF	34.00	\$140.00	4,760.00	34							4,760.00	100%	\$	-	\$ 476.00
37	0407.4000	PROVIDE & INSTALL 24" CONC COLLAR FOR BOX	EA	2.00	\$500.00	1,000.00	2							1,000.00	100%	\$	-	\$ 100.00
38	0405.6000	PROV & INST MIDDLE & CHECK VALVE FOR LIBRARY FREN	EA	2.00	\$300.00	600.00	2							600.00	100%	\$	-	\$ 60.00
39	0812.3000	PROV & INST 6" PVC FOR LIBRARY FRENCH DRAIN TIE IN	EA	2.00	\$400.00	800.00	2							1,520.00	100%	\$	-	\$ 152.00
40	0502.2000	REPLACE SIDEWALK RAMP	EA	3.00	\$300.00	900.00	3							900.00	100%	\$	-	\$ 90.00
41	0300.1000	INSTALL BOLLARDS & STEEL PIPING	EA	2.00	\$3,360.00	6,720.00	2							7,000.00	100%	\$	-	\$ 700.00
42	0502.2000	REPLACE HEADER CURB	EA	2.00	\$412.00	824.00	2							12,360.00	100%	\$	-	\$ 1,236.00
43	0500.4000	REPLACE CURB & GUTTER	LF	15.00	\$60.00	900.00	15							900.00	100%	\$	-	\$ 90.00
44	0503.1000	REPLACE DRIVEWAY	SY	12.00	\$125.00	1,500.00	12							1,500.00	100%	\$	-	\$ 150.00
45	0205.2000	ASPHALT TREATED BASE (2" TO 10")	SY	667.00	\$60.00	40,020.00	667							41,220.00	100%	\$	(1,200.00)	\$ 4,122.00
46	0200.1000	CRUSHED LIMESTONE FLEXIBLE BASE (8.5")	SY	667.00	\$120.00	80,040.00	667							13,340.00	100%	\$	-	\$ 1,334.00
47	0202.1000	PRIME COAT	SY	667.00	\$1.00	667.00	667							-	0%	\$	1,020.00	\$ -
48	0205.4000	TYPE D HMAO (1.5")	SY	667.00	\$150.00	100,050.00	667							15,300.00	153%	\$	(353.00)	\$ 1,530.00
49	0518.1000	SOD (INCL TOP SOIL) (RESIDENTIAL PROPERTIES & ROW)	SY	237.00	\$4.00	948.00	237							1,600.00	169%	\$	(656.00)	\$ 160.00
50	0531.1000	RESTORE TRAFFIC SIGNS	EA	1.00	\$125.00	125.00	1							1,250.00	100%	\$	-	\$ 125.00
51	0505.5000	CONC V-CHANNEL TIE INTO CHANNEL WORK	LF	328.00	\$30.00	9,840.00	328							9,840.00	100%	\$	-	\$ 984.00
52	0505.6000	CONC APRON	LF	24.50	\$90.00	2,205.00	24.5							2,205.00	100%	\$	-	\$ 220.50
53	0505.7000	HEADER CURB	LF	32.00	\$30.00	960.00	32							960.00	100%	\$	-	\$ 96.00
54	0505.7000	SIDEWALK DRAIN	EA	1.00	\$1,500.00	1,500.00	1							1,500.00	100%	\$	-	\$ 150.00
55	0518.2000	SOD (INCL TOP SOIL) (CHANNEL)	SY	1119.00	\$1.00	1,119.00	1119							2,362.50	211%	\$	8,827.50	\$ 236.25
56	0531.2000	RESTORE SIGNS	EA	2.00	\$125.00	250.00	2							250.00	100%	\$	-	\$ 25.00
57	0530.1000	BASE BID TRAFFIC CONTROL	LS	1.00	\$5,000.00	5,000.00	1							5,000.00	100%	\$	-	\$ 500.00
58	0540.1000	SWPPP	LS	1.00	\$500.00	500.00	1							500.00	100%	\$	-	\$ 50.00
59	0552.1000	REMOVE & REPLACE IRRIGATION SYSTEMS	LS	1.00	\$750.00	750.00	1							750.00	100%	\$	-	\$ 75.00
60	0531.2000	PROJECT SIGN	LS	1.00	\$750.00	750.00	1							750.00	100%	\$	-	\$ 75.00
61	A100.1000	MOBILIZATION	LS	1.00	\$10,000.00	10,000.00	1.00							10,000.00	100%	\$	-	\$ 1,000.00
62	A100.2000	INSURANCE & BONDS	LS	1.00	\$2,500.00	2,500.00	1.00							2,500.00	100%	\$	-	\$ 250.00
63	A102.1000	REMOVE WOOD FENCING	LF	158.00	\$2.00	312.00	158							312.00	100%	\$	-	\$ 31.20
64	A103.1000	REMOVE HEADER CURB	LF	628.00	\$0.01	6.28	628							6.28	100%	\$	-	\$ 0.63
65	A103.3000	REMOVE & STORE TRAFFIC SIGNS	EA	3.00	\$78.66	235.98	3							156.12	100%	\$	-	\$ 15.61
66	0540.7000	PLACE TEMPORARY PERIMETER FENCING	LF	230.00	\$7.00	1,610.00	230							1,810.00	100%	\$	-	\$ 181.00
67	0103.8000	REMOVE & HAUL ASPHALT AND BASE	SY	148.50	\$3.00	445.50	148.5							732.50	100%	\$	-	\$ 73.

85	A552.1000	REMOVE & REPLACE IRRIGATION SYSTEMS	LS	1.00	\$325.00	525.00	\$	1.00	\$	525.00	\$	-	525.00	100%	\$	-	\$	52.50
87	A531.3000	PROJECT SIGN	LS	1.00	\$750.00	750.00	\$	1.00	\$	750.00	\$	-	750.00	100%	\$	-	\$	75.00
85	PARK0001	CHANGE ORDER	CY	180.00	\$33.00	4,750.00		180	\$	4,750.00	\$	-	4,750.00	100%	\$	-	\$	475.00
85	PARK0001	EMBANKMENT (ORD COMP)	EA	1.00	(\$1,500.00)	(1,500.00)			\$	-	\$	-	-	0%	\$	(1,500.00)	\$	-
85	PARK0001	SIDEWALK DRAIN	LS	1.00	\$32.40	32.40		1	\$	32.40	\$	-	32.40	100%	\$	-	\$	3.24
85	PARK0001	INSURANCE/BOND 1%	LS	1.00	\$32.40	32.40		1	\$	32.40	\$	-	32.40	100%	\$	-	\$	3.24
85	PARK0002	28"-WIDE CONC CHANNEL RIPRAP INCL WEEPHOLES	SY	13.30	\$180.00	2,394.00		13.3	\$	2,394.00	\$	-	2,394.00	100%	\$	0.00	\$	239.40
85	PARK0002	BASE SEAL/WATER STOP	LF	-156.00	\$33.00	(4,880.00)		-156	\$	(4,880.00)	\$	-	(4,880.00)	100%	\$	-	\$	(488.00)
85	PARK0002	45 MIL POND LINER	SY	82.00	\$30.00	1,860.00		82	\$	1,860.00	\$	-	1,860.00	100%	\$	-	\$	186.00
85	PARK0002	ASTM C-33 SAND	SY	197.28	\$300.00	59,187.00		197.28	\$	59,187.00	\$	-	59,187.00	100%	\$	-	\$	5,918.70
85	PARK0002	AASHTO #57 STONE	OY	4.00	\$300.00	1,200.00		4	\$	1,200.00	\$	-	1,200.00	100%	\$	-	\$	120.00
85	PARK0002	MOISTURE-CONDITIONED SUBGRADE (6" DEPTH)	SY	-209.00	\$1.00	(209.00)		-209	\$	(209.00)	\$	-	(209.00)	100%	\$	-	\$	(20.90)
85	PARK0002	FRENCH DRAIN FOR 12" WIDE CHANNEL	LF	-82.00	\$60.00	(3,720.00)		-82	\$	(3,720.00)	\$	-	(3,720.00)	100%	\$	-	\$	(372.00)
85	PARK0002	ASPHALT TREATED BASE (2" TO 10')	SY	-87.00	\$60.00	(5,220.00)		-87	\$	(5,220.00)	\$	-	(5,220.00)	100%	\$	-	\$	(522.00)
85	PARK0002	CRUSHED LIMESTONE FLEXIBLE BASE (8.5')	SY	-87.00	\$30.00	(1,740.00)		-87	\$	(1,740.00)	\$	-	(1,740.00)	100%	\$	-	\$	(174.00)
85	PARK0002	SOD (INCL TOPSOIL) (RESIDENTIAL PROPERTIES & ROW)	SY	-101.00	\$4.00	(404.00)		-101	\$	(404.00)	\$	-	(404.00)	100%	\$	-	\$	(40.40)
85	PARK0002	SIDEWALK DRAIN	EA	-1.00	\$1,500.00	(1,500.00)		-1	\$	(1,500.00)	\$	-	(1,500.00)	100%	\$	-	\$	(150.00)
85	PARK0002	REMOVE HEADER CURB	LF	-463.00	\$9.01	(4,163.00)		-463	\$	(4,163.00)	\$	-	(4,163.00)	100%	\$	-	\$	(416.30)
85	PARK0002	REMOVE & STORE TRAFFIC SIGNS	EA	-1.00	\$78.00	(78.00)		-1	\$	(78.00)	\$	-	(78.00)	100%	\$	-	\$	(7.81)
85	PARK0002	REMOVE & HAUL ASPHALT AND BASE	SY	-79.50	\$3.00	(238.50)		-79.5	\$	(238.50)	\$	-	(238.50)	100%	\$	-	\$	(23.85)
85	PARK0002	INSTALL 6X3 PCB, -W/ TRANSPORT FROM STKPILE	LF	-96.00	\$175.00	(16,800.00)		-96	\$	(16,800.00)	\$	-	(16,800.00)	100%	\$	-	\$	(1,680.00)
85	PARK0002	PROVIDE & INSTALL 5" TYPE BB CURB INLET,	EA	-4.00	\$3,500.00	(14,000.00)		-4	\$	(14,000.00)	\$	-	(14,000.00)	100%	\$	-	\$	(1,400.00)
85	PARK0002	INSTALL 24 IN RCP,	LF	-7.00	\$300.00	(2,100.00)		-7	\$	(2,100.00)	\$	-	(2,100.00)	100%	\$	-	\$	(210.00)
85	PARK0002	REPLACE HEADER CURB	LF	-463.00	\$5.00	(2,315.00)		-463	\$	(2,315.00)	\$	-	(2,315.00)	100%	\$	-	\$	(231.50)
85	PARK0002	ASPHALT TREATED BASE (2" TO 10" DEPTH)	SY	-79.50	\$75.00	(5,962.50)		-79.5	\$	(5,962.50)	\$	-	(5,962.50)	100%	\$	-	\$	(596.25)
85	PARK0002	CRUSHED LIMESTONE FLEXIBLE BASE-(8.5" DEPTH)	SY	-79.50	\$3.00	(238.50)		-79.5	\$	(238.50)	\$	-	(238.50)	100%	\$	-	\$	(23.85)
85	PARK0002	PRIME COAT	SY	-79.50	\$1.00	(79.50)		-79.5	\$	(79.50)	\$	-	(79.50)	100%	\$	-	\$	(7.95)
85	PARK0002	TYPE D HMA (1.5')	SY	-79.50	\$30.00	(2,385.00)		-79.5	\$	(2,385.00)	\$	-	(2,385.00)	100%	\$	-	\$	(238.50)
85	PARK0002	SOD (INCL TOPSOIL) (RESIDENTIAL PROPERTIES)	SY	-81.00	\$6.00	(486.00)		-81	\$	(486.00)	\$	-	(486.00)	100%	\$	-	\$	(48.60)
85	PARK0002	RESTORE TRAFFIC SIGNS	EA	-1.00	\$125.00	(125.00)		-1	\$	(125.00)	\$	-	(125.00)	100%	\$	-	\$	(12.50)
85	PARK0002	CONC RWALLS (3'-5') INCL WEEPHOLES (FOR 12" WID	OY	12.00	\$496.89	5,962.69		12	\$	5,962.69	\$	-	5,962.69	100%	\$	-	\$	596.27
						780,382.13			\$	766,719.73	\$	21,147.00	\$	-	\$	-	\$	777,866.57

To: City Council

From: Kim M. Turner, City Manager

Consider: RESOLUTION NO. 878-B-2020: A RESOLUTION BY THE CITY OF UNIVERSAL CITY, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., SOUTH TEXAS DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "ALLIANCE OF CENTERPOINT MUNICIPALITIES;" DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

ALLIANCE OF CENTERPOINT MUNICIPALITIES

The City is a member of the Alliance of CenterPoint Municipalities ("ACM"). The ACM group was organized by a number of municipalities served by CenterPoint Energy Resources Corp., South Texas Division ("CenterPoint") and has been represented by the law firm of Herrera Law & Associates, PLLC (through Mr. Alfred R. Herrera) to assist in reviewing applications to change rates submitted by CenterPoint.

"GRIP" RATE APPLICATION

Under section 104.301 of the Gas Utility Regulatory Act ("GURA"), a gas utility is allowed to request increases in its rates to recover a return on investments it makes between rate cases. This section of GURA is commonly referred to as the "GRIP" statute, that is, the "Gas Reliability Infrastructure Program."

Under a decision by the Supreme Court of Texas, the Court concluded that a filing made under the GRIP statute permitted gas utilities the opportunity to recover return on capital expenditures made during the interim period between rate cases by applying for interim rate adjustment and that proceedings under the GRIP statute did not contemplate either adjudicative hearings or substantive review of utilities' filings for interim rate adjustments. Instead, the Court concluded, the GRIP statute provides for a *ministerial* review of the utility's filings to ensure compliance with the GRIP statute and the Railroad Commission's rules, and that it is within the Railroad Commission's authority to preclude cities from intervening and obtaining a hearing before the Railroad Commission.

CENTERPOINT'S "GRIP" APPLICATION

On or about March 5, 2020 CenterPoint Energy Resources Corp., South Texas Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"). CenterPoint proposes an effective date of May 4, 2020 for the increase in

rates. CenterPoint’s application if approved by the Commission will result in an increase in the monthly customer charges as shown below:

Rate Schedules	Current Customer Charge	2020 “GRIP” Adjustment	Adjusted Charge	Increase Per Bill
R-2097-I-GRIP 2020; R-2097-U-GRIP 2020 - Residential	\$21.04 per customer per month	\$1.55 per customer per month	\$22.59 per customer per month	\$1.55 per customer per month
GSS-2097-I-GRIP 2020; GSS-2097-U-GRIP 2020 General Service Small	\$29.16 per customer per month	\$3.11 per customer per month	\$32.27 per customer per month	\$3.11 per customer per month
GSLV-628-I-GRIP 2020; GSLV-628-U-GRIP 2020 General Service Large Volume	\$126.70 per customer per month	\$18.74 per customer per month	\$145.44 per customer per month	\$18.74 per customer per month

CenterPoint’s proposed increases represent an increase in annual revenue of about \$3.0 million. Also, CenterPoint’s proposed increase in revenue results in the following percentage increases in a customer’s base rate bills. Base rates recover CenterPoint’s costs excluding the cost of gas and are the costs that are directly within CenterPoint’s control:

Residential Customer: 5.41% increase in average customer’s bill
Commercial Customer: 5.30 % increase in average customer’s bill
General Service – Large Volume: 5.62% increase in average customer’s bill

REVIEW AND ACTION RECOMMENDED

In light of the Texas Supreme Court’s opinion, the City’s ability to review and effectuate a change in CenterPoint’s requested increase is limited. Nonetheless, to allow for a limited review of CenterPoint’s GRIP application, it is recommended that the City suspend CenterPoint’s proposed effective date of May 4, 2020 for forty-five days, so that the City may evaluate whether the data and calculations in CenterPoint’s rate application are correctly done.

Therefore, ACM’s Special Counsel, the law firm of Herrera Law & Associates, PLLC (through Alfred R. Herrera) recommends that the City adopt a resolution suspending CenterPoint’s proposed effective date for 45 days. Assuming a proposed effective date of May 4, 2020 CenterPoint’s proposed effective date is suspended until June 18, 2020.

RESOLUTION NO. 878-B-2020

A RESOLUTION BY THE CITY OF UNIVERSAL CITY, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., SOUTH TEXAS DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "ALLIANCE OF CENTERPOINT MUNICIPALITIES;" DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on or about March 5, 2020 CenterPoint Energy Resources Corp., South Texas Division (“CenterPoint”) filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program (“GRIP”), which if approved, results in an increase in the monthly customer charges as follows:

Rate Schedules	Current Customer Charge	2020 “GRIP” Adjustment	Adjusted Charge	Increase Per Bill
R-2097-I-GRIP 2020; R-2097-U-GRIP 2020 - Residential	\$21.04 per customer per month	\$1.55 per customer per month	\$22.59 per customer per month	\$1.55 per customer per month
GSS-2097-I-GRIP 2020; GSS-2097-U-GRIP 2020 General Service Small	\$29.16 per customer per month	\$3.11 per customer per month	\$32.27 per customer per month	\$3.11 per customer per month
GSLV-628-I-GRIP 2020; GSLV-628-U-GRIP 2020 General Service Large Volume	\$126.70 per customer per month	\$18.74 per customer per month	\$145.44 per customer per month	\$18.74 per customer per month

and

WHEREAS, the City has a special responsibility to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS, the application to increase rates by CenterPoint is complex; and

WHEREAS, CenterPoint proposed an effective date of May 4, 2020 for the increase in rates; and

WHEREAS, it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in CenterPoint's rate application are correctly done and are in conformity with section 104.301 of the Gas Utility Regulatory Act; and

WHEREAS, the effective date proposed by CenterPoint is May 4, 2020 but a suspension by the City will mean that the rate increase cannot go into effect prior to June 18, 2020.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS THAT:

Section 1. That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City suspends the requested effective date by CenterPoint for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code. The City finds that additional time is needed in order to review the data and calculations that provide the basis for the rate increase application.

Section 3. The City shall continue to act jointly with other cities that are part of a coalition of cities known as the Alliance of CenterPoint Municipalities ("ACM").

Section 4. The City authorizes the law firm of Herrera Law & Associates, PLLC, to act on its behalf in connection with CenterPoint's application to increase rates.

Section 5. To the extent CenterPoint's application to increase rates under section 104.301 of the Gas Utility Regulatory Act ("GURA") is considered a ratemaking proceeding, CenterPoint is ordered to reimburse the City's reasonable rate case expenses incurred in response to CenterPoint's rate increase application within 30 days of receipt of invoices for such expenses to the extent allowed by law.

Section 6. A copy of this resolution shall be sent to Mr. Keith L. Wall, Director of Regulatory Affairs, CenterPoint Energy, 1111 Louisiana Street, CNP Tower 19th Floor, Houston, Texas 77002; and to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 4400 Medical Pkwy, Austin, Texas 78756.

Section 7. The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 8. This resolution shall be effective immediately upon passage.

PASSED AND APPROVED this _____ day of _____ 2020.

JOHN WILLIAMS, MAYOR

ATTEST:

KRISTIN MUELLER, CITY CLERK

TO: City Council

FROM: Kim Turner, City Manager

DATE: April 3, 2020

SUBJECT: Resolution 897: A Resolution of the City Council of the City Of Universal City, Texas, approving the submission of the grant application for the San Antonio Urban Area Security Initiative Supported Soft Target And Special Event Response Power And Light Project to the Office of the Governor; designating the City Manager as the authorizing official; and setting an effective date.

The Universal City Fire Department is submitting an application for San Antonio Urban Area Security Initiative (SAUASI) supported Soft Target and Special Event Response Power and Light Project to the Office of the Governor. If won, it could help provide a light and power source to City sponsored events.

RESOLUTION NO. 897

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS, APPROVING THE SUBMISSION OF THE GRANT APPLICATION FOR THE SAN ANTONIO URBAN AREA SECURITY INITIATIVE SUPPORTED SOFT TARGET AND SPECIAL EVENT RESPONSE POWER AND LIGHT PROJECT TO THE OFFICE OF THE GOVERNOR; DESIGNATING THE CITY MANAGER AS THE AUTHORIZING OFFICIAL; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Universal City, in the best interest of the citizens of Bexar County, recommends the San Antoni Urban Area Security Initiative (SAUASI) Supported Soft Target & Special Event Response Power & Light Project be operated for the 2021; and

WHEREAS, the City of Universal City agrees that in the event of loss or misuse of the Office of the Governor funds, The City of Universal City will return the funds to the Office of the Governor; and

WHEREAS, The City of Universal City designates the City Manager as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the application agency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

That the City of Universal City approves the submission of the grant application for the SAUASI Supported Soft Target & Special Event Response Power & Light Project to the Office of the Governor.

PASSED AND APPROVED this 7th day of April 2020.

City of Universal City, Texas

Mayor, John Williams

ATTEST:

Kristin Mueller, City Clerk

GRANT #: 4118401

The Performance Agreement ("**Agreement**"), by and between, the Universal City Economic Corporation (hereinafter "**Corporation**") and Universal City Affiliates, Ltd., (hereinafter "**Developer**") is hereby amended as follows:

Section 4. (entitled "**Definitions**") is hereby amended by replacing the existing language for the term "**Projected Hotel Completion Date**" with the language that follows:

"Projected Hotel Completion Date" means the date Developer shall receive a final certificate of occupancy, and be open for business to the general public, which shall occur no later than seventeen (17) months from either: (i) the date Developer receives a building permit, allowing Developer to proceed with the construction of the Hotel; or, (ii) December 31, 2020, whichever occurs first.

EXCEPT AS HEREBY MODIFIED OR AMENDED, the remaining provisions of the Agreement not inconsistent with the terms hereof shall remain in full force and effect for all purposes.

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;
SIGNATURE PAGE FOLLOWS**

Executed as of the dates stated below and to be effective the latter date so executed:

DEVELOPER:

Universal City Affiliates, Ltd.
a Texas limited partnership

By: Universal City Affiliates GP, LLC,
a Texas limited liability company
Its: General Partner;

By: _____
Michael Fallek, Manager

Date: _____

CORPORATION:

Universal City Economic Corporation

BY: _____
Richard Crow, President

Date: _____

APPROVED:

City of Universal City, Texas

BY: _____
John H. Williams, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Kristin Mueller, City Clerk

City Attorney

STATE OF TEXAS §

§

COUNTY OF BEXAR §

SECOND AMENDMENT TO ESCROW AGREEMENT

The Escrow Agreement, hereinafter so identified, entered into on the 27th day of February, 2018, by and between the Universal City Economic Development Corporation, located in Bexar County, Texas (hereinafter called “Seller”), a Texas non-profit corporation incorporated under the TEX. LOC. GOV. CODE chapters 501, 502 and 505 and the Texas Non-Profit Corporation Act, and Boulevard Development Company, L.C., a limited liability company formed under the laws of the State of Texas (hereinafter called “Buyer”), is hereby amended as follows:

- 1) Pursuant to the terms of a certain assignment agreement Buyer’s name is:

UNIVERSAL CITY AFFILIATES, LTD., a Texas limited partnership.

- 2) Section 3 (entitled “*Release of Escrowed Funds*”) is amended by adding the language in italics (*italics*) that is underlined (underlined) as follows:

Release of Escrowed Funds. Buyer is obligated to expend not less than \$7,000,000.00 to build, finish out, furnish and equip the Hotel. As Buyer spends these funds, the Escrow Agent will release a comparable percentage of the escrowed Funds to Buyer. On a monthly basis, within ten (10) days after the end of each month, as the Hotel is constructed, Buyer will submit to the Escrow Agent and to Seller a written certification which shall certify the aggregate amount spent by Buyer during the preceding calendar month to build, finish out, furnish and equip the Hotel. Buyer’s independent CPA will sign each Certification as well. Attached as Exhibit “A” is a copy of the form of Certification Buyer will submit each month. This written Certification shall be accompanied by copies of the checks and other materials evidencing and confirming these expenditures. The total amount spent in a given month will then be compared to the \$7,000,000.00 Buyer is obligated to spend on the Hotel to determine the percentage of escrowed Funds that is to be distributed to the Buyer by the Escrow Agent. Escrow Agent agrees to release the amount requested in Buyer’s monthly Certification report within five (5) business days after the receipt of each report. This release process shall continue monthly until all funds have been released. As and when Buyer provides the Escrow Agent and Seller with a copy of the certificate of occupancy for the Hotel, any remaining funds still on deposit with the Escrow Agent will be released to Buyer, provided, however, if Buyer fails to deliver to the Escrow Agent a certificate of occupancy for the Hotel prior to the expiration of eighteen (18) months after either: (i) the date Buyer receives a building permit, allowing Buyer to proceed with the construction of the Hotel; or, (ii) December 31, 2020, whichever occurs first, any remaining Funds still on deposit with the Escrow Agent shall be released to Seller.

EXCEPT AS HEREBY MODIFIED OR AMENDED, the remaining provisions of the Escrow Agreement not inconsistent with the terms hereof shall remain in full force and effect for all purposes.

SIGNATURE PAGE TO FOLLOW

This Second Amended to Escrow Agreement is effective as of the last date executed below:

SELLER
UNIVERSAL CITY ECONOMIC
DEVELOPMENT CORPORATION, a Texas
development corporation,

By: _____
RICHARD CROW, President

Date: _____

BUYER

UNIVERSAL CITY AFFILIATES, LTD.,
a Texas limited partnership

By: Universal City Affiliates GP, LLC,
a Texas limited liability company
Its: General Partner

By: _____
MICHAEL FALLEK, Manager

FIRST AMENDMENT TO ESCROW AGREEMENT RECEIPT

Receipt of the Second Amendment to Unimproved Property Contract is acknowledged.

Escrow Agent: Angela Sanchez, Alamo Title Company

Date: April ____, 2020

By: _____
Alamo Title Company
434 N. Loop 1604 West, Suite 2208
San Antonio, TX 78232

CITY OF UNIVERSAL CITY

Date 30 March 2020

File P.C. 527 & ZC 212

TO: City Council

FROM: Kim Turner, City Manager

SUBJECT: P.C. 527 & ZC 212—A request for text amendments to various portions of the Code of Ordinances related to Specific Use Permits and Events Centers.

City Council on March 17th – *New Information Below*

Based on City Council comments at the March 17th meeting, staff has included a modified Use Table to more clearly identify the proposed changes. Please note the following:

1. All proposed changes are in red.
2. An 'X' means the use is being eliminated.
3. If a use is being eliminated and replaced with either a Specific Use or a Permitted Use, then either an 'S' or 'P' has been written **below** the crossed-out use.
4. If a Specific Use or a Permitted Use is being proposed in a zoning district that currently does not allow either, then an 'S' or 'P' has been written in that box.

Please note that based on advice from the City's attorney related to the Religious Land Use and Institutionalized Person Act (RLUIPA), the proposed Use Table includes Religious Assembly as a Specific Use in the C3-Commercial Services District. By allowing Religious Assembly in the C3 District as a Specific Use, churches are being treated on the same terms as other comparable uses in commercial districts, such as Cultural Services and Club or Lodge, which both require a Specific Use in the C3 District.

Regarding Events Centers, an excellent point was raised by Council regarding Mobile Food Trucks and whether or not those constitute a stand-alone use. This is not the intent since the actual facility is intended to have multiple uses. Therefore, the ordinance has been revised to state the following:

In accordance with Sections 4-5-52 and 4-5-54, an Events Center petitioner shall submit an application that identifies at least two and any combination of the following uses, as well as hours of operation, a site plan and/or floor plan, and requisite State licenses, if any. Note, if a Mobile Food Truck is identified as one of the uses, then at least a total of three of the following uses needs to be identified in the application:

Specific Request

The City is recommending the following text amendments to the Zoning and Finance sections of the Code of Ordinances:

- A. Chapter 4-5 – Zoning, Appendix B: to establish a Specific Use definition
- B. Chapter 4-5 – Zoning, Section 4-5-54: to establish Specific Use Permits purpose, scope, process, approval standards, no presumption of approval, revocation, and limitations of denials
- C. Chapter 1-4 – Finance, Section 1-4-40(I): to establish Specific Use application fee
- D. Chapter 4-5 – Zoning, Appendix B: to establish an Events Center definition

- E. Chapter 4-5 – Zoning, Section 4-5-55: to establish Events Center Uses and Application Process
- F. Chapter 4-5 – Zoning, Section 4-5-51 – Zoning Use Table: to include Specific Use Permit Required
- G. Chapter 4-5 – Zoning, Section 4-5-52 – Use Table: to modify the Residential Uses, Civic Uses, Commercial Uses, and Industrial Uses, including certain definitions, related to Permitted Uses, Conditional Uses, and Specific Uses.

Zoning Authority

Section 4-5-21 of the Zoning Code provides the Planning and Zoning Commission the authority to review and recommend to City Council applications for text amendments to the Zoning Code. Section 4-5-22 of the Zoning Code provides City Council the authority to take final action on proposed text amendments.

Specific Use Permit

The current zoning ordinance allows for a Conditional Use Permit (CUP) to be requested if a business is not a perfect fit for an area zoned for businesses. For example, think of the physical therapy CUP request for the commercial building in the Forum shopping center. If a CUP is authorized, then it remains with the land. If the business that received the CUP moves out, then another similar business can move in even if the City believes that specific business use is no longer beneficial for that area. This process can go on for years or even decades because the CUP stays with the property and is transferable from business to business and property owner to property owner. Note this is often referred to as grandfathering. To ensure business uses fit the intended zoning district over the long-term, Staff is proposing to do away with the CUP and replace it with a Specific Use Permit (SUP).

A Specific Use Permit is non-transferable, thereby eliminating any grandfathering claims. A SUP is granted to one specific business or property owner; however, if they move on or go out of business, then the SUP goes away. If the same or similar type of business wants to move in, then that business must request its own SUP and demonstrate the proposed use is a good fit for that area of the business district.

Specific Use Definition: Specific Use means a use that owing to some special characteristics attendant to its operation or installation is permitted in a zoning district only after review and is subject to approval by City Council and memorialized by an ordinance and/or development agreement.

Specific Use Permit Process: The SUP process will follow the same process that a CUP has to follow. That is, after an application is submitted, along with a fee, public hearing dates will be scheduled for the Planning & Zoning Commission and City Council. Prior to the public hearings, a notice will be published in the newspaper and notices will be sent to property owners within 200 feet of the subject property. The Planning and Zoning Commission will consider the proposed SUP and make a recommendation to City Council, which will make the final determination.

Some notable proposed Use Table changes include:

1. Auto Rental & Sales would now require a SUP in C3, C4 and C5 districts.
2. Auto Repair would now require a SUP in the C3 and would no longer be permitted in the C5 district.
3. Religious Assembly would now require a SUP in all residential districts and would no longer be allowed in commercial districts.

Please see the attached Use Table with proposed changes (Attachment A).

Events Center

The current zoning code does not provide a definition for Events Center, which creates a grey area and difficulty for Staff in determining what uses are appropriate for a facility being used as an “Events Center”. While some think an events center is appropriate for sports, others think these types of facilities are suited for parties, and then there are those that see it for community outreach. Adding the proposed definition will result in everyone using the same language and terms for an Events Center.

Events Center Definition: A multi-use facility either run by a nonprofit or for-profit entity consisting of a building, group of buildings and/or outdoor areas intended for individuals and/or groups to gather and promote common interests, celebrations and events for commercial, civic, educational, political or social purposes. A proposed Events Center will be vetted for conformance with State and local Code requirements, including, but not limited to, distance requirements from schools, churches and hospitals.

Events Center Uses: The following uses are being proposed as potential activities for an Events Center:

- Club or Lodge
- Indoor Entertainment
- Banquets/Parties
- Group Events
- Awards Ceremonies
- Corporate Events
- Wedding Receptions
- Dances/Shows
- Training Events
- Business Meetings
- Socialization
- Amusement Redemption
- Game Room
- Bingo
- Restaurant
- Cocktail Lounge
- Guidance Services
- Education Classrooms
- Psychological Services
- Counseling
- Social Services
- Economic Empowerment
- Fitness & Health
- Nourishment & Nutrition
- Spiritual Services
- Health Care Office
- Medical Assistance-clinic
- Cultural Services
- Community Recreation
- Food Pantry
- Mobile Food Truck
- Economic Empowerment
- Indoor Sports & Rec

Note the uses identified above meet a definition currently in the Zoning Code or State Code. Also note that Religious Assembly is not included in the above list since Staff does not believe this type of use is beneficial to commercial districts and is more appropriately suited in residential districts.

Events Center Use Table Classification: An Events Center would require a Specific Use Permit (SUP) in the C3 and C5 commercial districts.

Events Center Process: Since an Events Center would require a SUP, then the same process would be required; that is, after an application is submitted, along with a fee, public hearing dates will be scheduled for the Planning & Zoning Commission and City Council. Prior to the public hearings, a notice will be published in the newspaper and notices will be sent to property owners within 200 feet of the subject property. The Planning and Zoning Commission will consider the proposed SUP and make a recommendation to City Council, which will make the final determination.

However, note the applicant must identify at least two and any combination of the Events Center Uses identified above, along with any other relevant information, such as hours of operation, site plan and/or floor plan, and requisite State licenses, if any.

Legal Notices

Per State law, legal notices were mailed to all property owners in the City of Universal City. As of this letter, please see below for the breakdown:

- Notices sent = 6,025
- Notices returned = 102
- Opposed = 26
- Not Opposed = 76
- Phone calls = 105 (approximately)
- City Hall visits = 15 (approximately)

P&Z Commission

At its regular meeting held 2 March 2020, members of the Planning & Zoning Commission considered the request for text amendments to portions of the Code of Ordinances and recommended approval by a vote of 9 – 0.

The attached unapproved minutes reflect the discussion and consideration. Below is the Planning & Zoning Commission's motion:

Motion to Approve:

PC 527 & ZC 212

Per Section 4-5-21 of the Zoning Code, the Planning and Zoning Commission has reviewed and considered the following proposed text amendments to the Zoning and Finance Codes of the Code of Ordinances of the City of Universal City, Texas:

- a. Chapter 4-5 – Zoning, Appendix B: to establish a Specific Use definition
- b. Chapter 4-5 – Zoning, Section 4-5-54: to establish Specific Use Permits purpose, scope, process, approval standards, no presumption of approval, revocation, and limitations of denials
- c. Chapter 1-4 – Finance, Section 1-4-40(l): to establish Specific Use application fee
- d. Chapter 4-5 – Zoning, Appendix B: to establish an Events Center definition
- e. Chapter 4-5 – Zoning, Section 4-5-55: to establish Events Center Uses and Application Process
- f. Chapter 4-5 – Zoning, Section 4-5-51 – Zoning Use Table: to include Specific Use Permit Required
- g. Chapter 4-5 – Zoning, Section 4-5-52 – Use Table: to modify the Residential Uses, Civic Uses, Commercial Uses, and Industrial Uses, including certain definitions, related to Permitted Uses, Conditional Uses, and Specific Uses. Note this includes modifications to the Cultural Services and Gas Stations/Service Stations uses and other uses as discussed and agreed to by the Commission.

Therefore, I move to recommend to City Council approval of PC 527 and ZC 212 related to the above text amendments.

Attachments:

Proposed Use Table (modified)
P&Z Minutes (Draft)
Motion

PROPOSED USE TABLE

Sec. 4-5-51. - Zoning use table.

(1) *Authority.* The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapter 211 and the City Charter.

(2) *Types of Use.* All of the uses listed in the following use Table summary are defined and described in Appendix A: Definitions. The following paragraphs serve as a key to the summary table and indicate how each specific use is treated.

(a) *Uses Permitted By Right.* A "P" indicates that a use is allowed by right. Such uses are subject to all other applicable Ordinances.

(b) *Conditional Use Permit Required.* A "C" indicates that a use is allowed only if approved by a Conditional Use Permit by the City Council in accordance with the procedures in Section 4-5-53. Conditional Uses are subject to all other applicable regulations of this chapter, including the additional listed standards contained in Section 4-5-53.

(c) *Specific Use Permit Required.* An "S" indicates that a use is allowed only if approved by a Specific Use Permit by the City Council in accordance with the procedures in Section 4-5-54. Specific Uses are subject to all other applicable regulations of this chapter, including the additional listed standards contained in Section 4-5-54.

(d) *Uses Not Allowed.* A cell with the symbol "-" indicates that a use is not allowed.

(e) *Uses Not Listed.* The City Manager or his/her designee shall use the district purpose statements in Article IV to determine the proper placement of a use that is not listed. The addition of a use and definition shall require an amendment to the text of the zoning ordinance.

Sec. 4-5-52. - Use table.

The following table (Table 1) presents the uses that are allowed in each Zoning District, in accordance with all standards and regulations of this chapter.

Table 1: Uses

Key:

- P = Permitted use
- C = Conditional use
- S = Specific use
- = Not permitted

RESIDENTIAL USES

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2
Single-family residential.	P	P	P	P	P	-	-	-
The use of a site for only one (1) dwelling unit.								
Duplex residential.	-	C S		P	S	-	-	-
The use of a site for two (2) dwelling units within a single building.								
4-Plex residential.	-	-	S	P	S	P	-	-
The use of a site for four (4) or more dwelling units, within a single building.								

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2
Townhouse residential. The use of a site for two (2) or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site, together with or without common area serving all dwelling units.	-	-	S	P	S	P	-	-
Condominium residential. The use of a site for three (3) or more dwelling units intended for separate ownership, together with common area serving all dwelling units.	-	-	S	P	S	P	-	-
Apartment residential. The use of a site for three (3) or more dwelling units, within one (1) or more buildings.	-	-	-	C	S	P	-	-
Group residential. The residential occupancy of living accommodations by groups of more than five (5) persons (not defined as a family) on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding house.	C	C	-	C	-	P	-	-
Manufactured Home Residential The residential occupancy of manufactured homes on small lots owned by residents and are typically meant for more permanent habitation than the following mobile home use.	-	-	-	-	-	-	P	P
Mobile home residential. The residential occupancy of mobile homes by families on a weekly or longer basis. Typical uses include mobile home parks or mobile home subdivisions.	-	-	-	-	-	-	-	P
Accessory Residential Units—Residential District The residential occupancy of a portion of the principal use, not exceeding one-third (1/3) of the gross floor area, and is owner-occupied. Commonly referred to as "mother-in-law flat", it may include a full kitchen and must comply with all building and fire codes. One (1) additional off-street parking space is required.	P	P	P	P	P	-	-	-

CIVIC USES

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park
Administrative services.	-	-	-	-	-	-	-	-	P	-	C	C	-	-
Offices, administrative, clerical or public contact services that											S	S		

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park
deal directly with the citizens, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices. (Subject to site plan review.)														
Aviation facilities.	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Landing fields, aircraft parking service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Subject to site plan review.												S		
Campground.	-	-	-	-	-	-	-	-	-	-	C	-	-	P
Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks. Subject to site plan review.														
Cemetery.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.														
Club or lodge.	-	-	-	-	-	-	-	-	C	-	C	P	-	-
A use providing meeting, recreational, or social facilities for a private or nonprofit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.									S		S	S		
College and university facilities.	-	-	-	-	-	-	-	-	C	-	C	P	P	-
An academic institution of higher learning, accredited or									S		S			

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park
recognized by the state and offering a program or series of programs of academic study.														
Community recreation.	-	-	-	-	-	-	-	-	P	-	-	-	-	P
A nonprofit recreational facility for use by residents and guests of a particular residential development or limited residential neighborhood, including both indoor and outdoor facilities.														
Convalescent services.	-	-	-	-	-	C	-	-	P	-	C	-	-	-
A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care for alcoholism, drug addition, mental disease, or communicable disease.						S					S			
Cultural services.	-	-	-	-	C		-	-	P	-	C	-	-	-
A library, museum, art gallery, or similar non-profit use affording display, preservation and exhibition of objects of permanent interest in one (1) or more of the arts and sciences.						S					S			
Day care services (Family).	P	P	P	P	P	C	P	-	P	C	C	-	-	-
A Family Day Care home provides regular care to no more than four (4) children under fourteen (14) years of age, excluding children related to the caretaker, and provides care after school hours for not more than six (6) additional elementary school children, but the total number of children, including those related to the caretaker, shall not exceed twelve (12) at any given time. Subject to regulations of Sections 4-5-66 and 4-5-67.						S								
Day care services (Group).	C	C	C	C	C	C	-	-	P	C	P	-	-	-
A Group Day Care home provides regular care for	S	S	S	S	S	S								

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park
between five (5) and twelve (12) adults or children for less than twenty-four (24) hours a day. Subject to the regulations of Sections 4-5-66 and 4-5-67.														
Day care services (Commercial)	-	-	-	-	-	P	-	-	C	C	P	-	P	-
A Commercial Day Care center provides regular care to any number of adults or children for less than twenty-four (24) hours a day. Subject to the regulations of Section 4-5-67.						S			P					
Detention facilities.	-	-	-	-	-	-	-	-	C	-	-	C	-	-
A publicly operated use providing housing and care for individuals confined by law.												S		
Guidance services.	-	-	-	-	-	-	-	-	C	-	C	-	X	-
A use providing counseling, guidance, recuperative, vocational or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, family violence or similar conditions, either on a residential or daytime care basis.													P	
Hospital services.	-	-	-	-	-	-	-	-	-	-	P	-	P	-
A facility providing medical, psychiatric or similar service for sick or injured persons primarily on an inpatient basis including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration and services to patients, employees or visitors.											S			
Life care services.	-	-	-	C	-	P	-	-	C	-	P	-	-	-
Retirement housing for the elderly providing residential housing and care for retired, elderly, and/or disabled people including congregate housing with common meals and/or community facilities for social events, community recreation, convalescent services,				S					S					

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park	
guidance services, personal services and personal improvement services, or self-contained dwelling units specifically designated for the needs of the elderly, either rented or owner-occupied. To qualify as life care housing or facilities, a minimum of eighty (80) percent of the total units shall have a household head fifty-five (55) years of age or greater and no long term or permanent skilled nursing care or related services are provided.															
Local utility services.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Services which are necessary to support principal development and involve only minor structures such as lines and poles which are necessary to support principal development.															
Maintenance and service facilities.	-	-	-	-	-	-	-	-	-	-	P	C	-	-	
A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage and similar activities, including corporation yards, equipment service centers and similar uses having characteristics of commercial services or contracting or industrial activities.													S		
Major utility facilities.	-	-	-	-	-	-	-	-	-	-	C	C	-	C	
Generating plants, electrical switching facilities and primary substations, refuse collection or disposable facilities, water and wastewater treatment plants and similar facilities of public agencies or public utility firms having potentially significant impact upon surrounding uses. (Subject to site plan review.)													S		
Park and recreation services.	X	P	X	X	X	X	P								
Publicly owned and operated parks, playgrounds, recreation facilities and open spaces.	P	P	P	P	P	P	P	P	P		P	P	P	P	

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park
Postal facilities.	-	-	-	-	-	-	-	-	C	-	P	-	C	-
Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service or private enterprise.									P				P	
Primary educational facilities.	-	C	P	P	P	C	C	C	P	-	C	-	-	-
A public, private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the State of Texas.	S	S	S	S	S	S								
Public assembly.	-	C	-	-	P									
Publicly owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds and exhibition facilities.	S	S	S	S	S	S	S	S	S	P	P	P	P	P
Railroad facilities.	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Railroad yards, equipment servicing facilities, and terminal facilities. (Subject to site plan review.)												S		
Religious assembly.	-	-	-	C	C	C	-	-	P	-	C	-	-	-
The use of a permanent location providing regular organized religious worship and religious education incidental thereto, but excluding primary or secondary education facilities.	S	S	S	S	S	S	S	S				S		
Safety services.	-	P	C	P	C	-	-							
Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Secondary educational facilities.	-	P	-	C	-	-	-							
A public, private or parochial school offering instruction at the middle, junior and senior high school levels in the branches of	S	S	S	S	S	S								

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park
learning and study required to be taught in a public school of the State of Texas.														
Transportation terminal.	-	-	-	-	-	-	-	-	-	-	C	C	-	-
A facility for loading, unloading, and/or interchange of passengers, baggage and incidental freight or package express between modes of transportation, including bus terminals, railroad stations, airport terminals and public transit facilities.									S	S	S	S	S	

COMMERCIAL USES

Use	C1	C2	C3	C4	C5
Administrative and business offices.	C	C	P	P	P
Offices or private firms or organizations which are primarily used for the provision of executive, management or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices or public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.	P	S	S		
Agricultural sales and services.	-	-	-	C	-
Establishments or places of business engaged in sale (from the premises) of feed, grain, fertilizers, pesticides and similar goods or in the provision of agricultural related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores and tree service firms.				S	
Automotive washing.	C	-	P	P	-
Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes, not collocated with a gas station.	S				
Service Gas station.	C	-	P	P	P
An establishment for retail sale of petroleum products, automobile accessories and/or minor auto tune-ups. All services provided and all storage supplies, parts, equipment and accessories are indoors. collocated with a local convenient store. Local convenient store collocation is required. May also be collocated with automotive washing with automotive washing as a secondary or ancillary use.	S			S	
Commercial off-street parking.	-	C	C	P	-
	S	S	S	S	

Use	C1	C2	C3	C4	C5
Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.					
Automotive rentals.	-	-	P	C	C
Rental of automobiles, noncommercial trucks, trailers and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies and taxi-cab parking and dispatching.			S	S	S
Automotive sales.	-	-	C	P	P
Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance and servicing. Typical uses include new and used car dealerships, motorcycle dealerships and boat, trailer and recreational vehicle dealerships.			S	S	S
Equipment sales.	-	-	C	P	-
Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, similar heavy equipment, including incidental storage, maintenance and servicing. Typical uses include truck dealerships, construction equipment dealerships and mobile home sales establishments.			S		
Automotive repair services.	-	-	P	C	C
Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops and similar repair and service activities, but excluding dismantling or salvage.			S	P	
Equipment repair services.	-	-	-	P	-
Repair of trucks, tractors, construction equipment, agricultural implements and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services and machine shops, but exclude dismantling or salvage.					
Building maintenance services.	C	-	P	P	-
Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance or window cleaning services.					
Business support services.	P	C	P	P	P
Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.			S		S
Business or trade school.	C	-	P	-	C
A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a	S				S

Use	C1	C2	C3	C4	C5
home occupation, college or university or public or private educational facility.					
Cocktail lounge.	C	P	P	-	P
A use engaged in the preparation and retail sales of alcohol beverages for consumption on the premises, including taverns, bars, cocktail lounges and similar uses.	S				
Indoor sports and recreation.	C	C	P	X	P
Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks and arcades.		S		P	
Outdoor sports and recreation.	C	-	P	C	P
Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, racquetball courts and marinas.				S	
Indoor entertainment.	C	X	P	-	P
Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.		S			
Outdoor entertainment.	-	-	-	-	P
Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities and amusement parks. Subject to site plan review.					S
Communications services.	-	-	P	C	C
Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as major utility facilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.				P	S
Construction sales and services.	C	C	P	P	C
Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings to other structures other than retail sale of paint, fixtures and hardware excluding those classified as one of the automotive and equipment services use types. Typical uses included building materials stores, tool and equipment rental or sales or building contractors.			S		S
Consumer repair services.	P	P	P	P	P
Establishments primarily engaged in the provision or repair services to individuals and households rather than firms, but excluding automotive and equipment use types. Typical uses included appliance repair shops, watch or jewelry repair or musical instrument repair firms. All incidental storage shall be enclosed.	S	S			
Financial services.	C	C	P	P	P
Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities and similar services.	S		S		

Use	C1	C2	C3	C4	C5
Food sales.	C	P	P	-	P
Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries and candy shops.	S				
Funeral services.	-	-	P	P	X
Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals.	S S				
Events Center	-	-	S	-	S
A multi-use facility either run by a nonprofit or for-profit entity consisting of a building, group of buildings and/or outdoor areas intended for individuals and/or groups to gather and promote common interests, celebrations and events for commercial, civic, educational, political or social purposes.					
General retail sales.	X	P	P	-	P
Sales or rental of commonly used goods and merchandise for personal or household use. Typical uses include department stores, apparel stores, furniture stores, mail order stores or establishments providing the following products: alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, medical supplies, musical instruments, pet food and/or pets, pharmaceuticals, photo finishing, picture frames, plants, printed material, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos. Retail sale of petroleum products; that is, a gas station, is not considered General retail sales (see Gas station).	P				
Kennels and Pet Services.	C	X	P	X	C
Boarding and care services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, or dog training centers. Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons or pet grooming shops.	S S P P				
Laundry services.	-	-	-	P	-
Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.					
Limited manufacturing.	C	-	P	P	-
Establishments primarily engaged in the on-site, indoor production and storage of goods by hand manufacturing equipment not exceeding two (2) HP or a single kiln not exceeding eight (8) kilowatts. On-site retail sale of these products is permitted. Basic industrial processing activities are excluded.					
Liquor sales.	C	P	P	-	P
Establishments or places of business engaged in retail sale for consumption (off the premises) of alcoholic beverages. Typical uses include liquor stores, bottle shops or any licensed sales for off-site	S				

Use	C1	C2	C3	C4	C5
consumption.					
Health care offices.	P	C	P	-	P
A use providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by physicians, dentists, medical and dental laboratories and similar practitioners of medical and healing arts, including emergency clinics.		S			
Personal improvement services.	C	P	P	-	P
Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.	S			P	
Personal services.	P	P	P	-	P
Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops and self-service laundry or self-service apparel cleaning services.					
Pet services.	C	P	P	-	P
Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons or pet grooming shops.					
Professional office.	P	C	P	P	P
A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions.		S			
Restaurant-convenience.	P	P	P	-	P
A use engaged in the preparation and retail sale of food and beverages (excluding alcoholic beverages), for on-premises consumption only. Typical uses include soda fountains, ice cream parlors, sandwich shops and coffee shops.					
Restaurant-general.	C	P	P	-	P
A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty (50) percent of the gross income. A general restaurant may include live entertainment. Typical uses include restaurants, both full service and fast food, coffee shops, dinner houses and similar establishments with incidental alcoholic beverage service.	S				
Veterinary services.	C	-	P	C	-
Veterinary service for all animals. Typical uses include animal clinics and hospitals. Veterinary services shall not include the boarding of large animals.	S			P	
Hotel-motel.	C	C	P	-	P
Lodging services involving the provision of room and/or board. Typical uses include hotels and motels or transient boarding houses.		S			
Local convenience store.	C	P	P	-	P
	S			S	

Use	C1	C2	C3	C4	C5
A commercial activity engaged in the sale of commonly used goods and merchandise, including petroleum products , for personal or household use. May be collocated with a gas station with the gas station as the secondary or ancillary use. However, even as a secondary or ancillary use, a gas station is not permitted in the C2 District and may not be located in the C2 District. in a structure three thousand (3,000) square feet or less in size.					
Artisan sales.	P	P	P	-	-
The manufacture and retail sale of hand-crafted wares such as pottery, jewelry, art, and similar products of craftsmanship.	S			P	S
Restaurant-neighborhood.	C	P	P	-	P
A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than twenty-five (25) percent of the gross income. A neighborhood restaurant does not include outdoor entertainment. Typical uses include restaurants, both full service and fast food, coffee shops, dinner houses, and similar establishments with incidental alcoholic beverage service.	S				
Accessory Residential Units—Commercial District	P	C	C	-	-
The residential occupancy of a portion of the principal use, not exceeding one-third (1/3) of the gross floor area, and is owner-occupied. Intended to serve for security it may include a full kitchen and must comply with all building and fire codes. One (1) additional off-street parking space is required.	S		P		

INDUSTRIAL USES

Use	C1	C2	C3	C4	C5
Basic industry.	-	-	-	C	-
A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use utilizing flammable explosive or commonly recognized offensive conditions or materials.				S	
Custom manufacturing.	-	-	-	P	-
Establishments primarily engaged in the on-site, indoor production and storage of goods by hand manufacturing which involves only the use of hand tools or mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts . The direct sale to consumers of those goods produced on-site is prohibited. Basic industrial processing activities in Section 481 [501] [sic] are excluded.					
Light manufacturing.	-	-	-	P	-
A use engaged in the manufacture, predominantly from previously prepared materials, or finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and storage, sales and distribution of such products, but excluding basic industrial processing. Refer to Section 481 [501].					

Use	C1	C2	C3	C4	C5
Warehousing and distribution.					
A. <i>Convenience storage.</i> Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.	-	-	C S	P	X S
B. <i>General warehousing and distribution.</i> Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, or open storage yards.	-	-	-	P	-
C. <i>Limited warehousing and distribution.</i> Wholesaling, storage and warehousing services within enclosed structures. Typical moving and storage firms and now retail mail order distribution centers.	-	-	-	P	X S
Research services.	-	-	C	P	X
Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.					S
Scrap and salvage services.	-	-	-	C	-
Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards or paper salvage yards. (Subject to site plan review.)				S	
Vehicle storage.	-	-	-	P	-
Long term storage of operating or nonoperating vehicles. Typical uses include storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.				S	

MINUTES
PLANNING & ZONING COMMISSION OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 02 March 2020

1. CALL TO ORDER: Chairman Ron Jackson at 6:00 p.m.
2. QUORUM CHECK: Michael J. Cassata, Development Services Director

Commission Members present:	Also present:
Ron Jackson, Chairman	None
Sally Cook, Vice-Chairman	
Scott Dagg, Secretary	
Elizabeth Dixon, Member	
Christina Fitzpatrick, Member	
J Svalberg, Member	
Ron Hannan, Member	
Shelly Reynolds, Member	
Zach Carlton, Member	

Commission Members Absent:
None

3. MINUTES OF PREVIOUS MEETING:

Regular Meeting – 03 February 2020

Ms. Dixon moved to accept the minutes as presented. Ms. Svalberg seconded the motion. The motion was approved on a 9-0 vote.

4. NEW BUSINESS:

- A. **Consider:** P.C. 527 & ZC 212—A request for text amendments to the following portions of the Code of Ordinances of the City of Universal City, Texas:
 - a. Chapter 4-5 – Zoning, Appendix B: to establish a Specific Use definition
 - b. Chapter 4-5 – Zoning, Section 4-5-54: to establish Specific Use Permits purpose, scope, process, approval standards, no presumption of approval, revocation, and limitations of denials
 - c. Chapter 1-4 – Finance, Section 1-4-40(l): to establish Specific Use application fee
 - d. Chapter 4-5 – Zoning, Appendix B: to establish an Events Center definition
 - e. Chapter 4-5 – Zoning, Section 4-5-55: to establish Events Center Uses and Application Process
 - f. Chapter 4-5 – Zoning, Section 4-5-51 – Zoning Use Table: to include Specific Use Permit Required
 - g. Chapter 4-5 – Zoning, Section 4-5-52 – Use Table: to modify the Residential Uses, Civic Uses, Commercial Uses, and Industrial Uses, including certain definitions, related to Permitted Uses, Conditional Uses, and Specific Uses.

Chair Jackson explained the rules and procedures for the evening's meeting, introduced the agenda item and called on Mr. Cassata to make a presentation.

Mr. Cassata noted that he would speak to both the commission members and the audience to clarify the proposed text amendments since there was a lot of confusion based on the notice letter mailed to all property owners in the City.

Mr. Cassata stated that 6,025 notice letters had been mailed and 93 letters were returned with 23 in opposition and 70 not opposed to the proposed text amendments. Additionally, he and Ms. Turner fielded approximately 90 phone calls and spoke to approximately 10 people who came into City Hall. He further explained that based on the returned letters, the majority of people opposed did so because they were unclear as to the changes being proposed, while others stated opposition based on a property owner's rights.

Mr. Cassata also stated since 2000, the City approved 206 conditional use permits and disapproved 13 requests.

Mr. Cassata proceeded to make a PowerPoint presentation. He started by stating that there is no specific development being proposed in town and the proposed changes do not directly impact any single-family residential properties. He explained State law required that all property owners be notified since there could be a potential impact to their properties in the future.

Mr. Cassata explained that certain users, mainly in commercial districts, are required to obtain a conditional use permit, which runs with the land and the City is proposing to change this by tying the permit to the specific user or tenant in the form of a specific use permit. He explained the required public hearing process, which includes noticing the newspaper and nearby property owners followed by hearings before the Planning and Zoning Commission and City Council. He emphasized the main change is that the specific use permit would not run with the land.

Mr. Cassata showed the proposed specific use definition and pointed out the differences between a conditional use permit and specific use permit. He then explained that the specific use permitting process would be the same as the process for a conditional use permit with regards to noticing and public hearing requirements.

Mr. Cassata provided some examples of proposed changes to the Zoning Code Use Table, including Religious Assembly no longer being permitted in any commercial districts, gas stations no longer allowing tune-ups, and auto rental, sales and repair requiring a specific use permit in certain commercial districts. He then explained potential impacts to residential properties and provided an example of a proposed duplex in the R3 District requiring a specific use permit. He also explained that apartments in the R4 District and a group residential use in the R1, R2 and R4 Districts would require a specific use permit. As a result, a specific use permit requirement potentially impacts all residential and commercial districts and, therefore, property owners in the entire City had to be mailed notices of the proposed text amendments.

He reiterated that the proposed text amendments do not directly impact any residential properties and that there isn't a specific development being proposed in the City.

Ms. Cook asked if a specific use permit were issued for a duplex, which was then built and subsequently sold, would the new owner be required to obtain another specific use permit.

Mr. Cassata explained that the new owner would not be required to obtain a new specific use permit if the building remained; however, if the building was torn down and a new duplex were proposed, then a specific use permit would be required.

Mr. Cassata pointed out which types of residential uses in which residential districts would require a specific use permit. He also pointed out that the Planning and Zoning Commission and City Council would take into consideration the makeup of the neighborhood and whether the proposed development would change the character of the neighborhood. He also explained that the proposed development would have to comply with the bulk requirements in the Zoning Code, such as height and setback requirements.

Mr. Cassata stated that allowing a duplex, 4-plex or condominium in the higher dense R-OT District would play into the City's vision of revitalizing the downtown area.

Upon inquiry from Ms. Reynolds, Mr. Cassata explained that the property at 401 W. Byrd Boulevard that was formerly a school and was recently proposed for Group Residential by VisionQuest, would still be required to go through the public hearing process to rezone to the R4 District and would no longer be allowed to use the Religious Assembly approach in the current C1 District since that use would no longer be permitted in any commercial district.

Responding to an audience member's question regarding the potential to notice property owners beyond the 200-foot requirement, Mr. Cassata explained that it could be considered on a case by case basis; however, the City needs to ensure that it is being equitable to all applicants; that is, the City would not want to send out notices to property owners within 200 feet for one application and 400 feet for another application if both applications are similar in nature.

Upon inquiry from Ms. Svalberg, Mr. Cassata explained the proposed requirements for day care services and kennels.

Chair Jackson provided a specific example involving a law firm in a retail district to clarify the difference between a conditional use permit and specific use permit.

Mr. Cassata then transitioned into explaining the events center proposal. He stated that the City does not currently have a definition of an events center and the Zoning Code does not provide sufficient guidance for staff on what types of uses can be part of an events center.

Mr. Cassata provided the proposed events center definition and explained that it combines both civic and business types of uses. He pointed out that the proposal does not include religious assembly; that is, a church service with a pastor and parishioners that normally takes place on Sundays. However, other services a church may provide could be allowed, such as counseling services.

Mr. Cassata showed the list of proposed uses for an events center and explained that an applicant would need to choose at least two or more uses when applying. He also stated that an events center would require a specific use permit in the C3 and C5

Districts that would require noticing and public hearings before the Planning and Zoning Commission and City Council.

Mr. Cassata addressed several events center questions from the audience revolving around specific types of uses that could take place in an events center. He also mentioned that the City does not have any specific plans at this point to establish a community center tailored to events for senior citizens.

Mr. Cassata explained that the current events center on Kitty Hawk Road and Pat Booker Road is operating under a certificate of occupancy in one of the buildings based on current permitted uses in the Zoning Code.

Upon inquiry from an audience member, Mr. Cassata provided a brief history and explained the current operations at the old school at 401 W. Byrd Boulevard. Answering another audience question, he stated that the City is not aware of any change in use at the Rose Garden Elementary school.

Mr. Cassata clarified that the specific use permit would be issued to the applicant, which can be either the tenant or the property owner. Regardless, once the use is terminated, the specific use permit would also expire.

Chair Jackson opened the public hearing at 6:47 p.m.

Chair Jackson called the names of those who signed up to provide public comment; however, no one on the list elected to speak.

Upon inquiry from an audience member, Mr. Cassata confirmed there were a few proposed changes that would change a currently non-permitted use to a specific use.

No one else from the public provided comment.

Mr. Dagg made a motion by stating: Per Section 4-5-21 of the Zoning Code, the Planning and Zoning Commission has reviewed and considered the following proposed text amendments to the Zoning and Finance Codes of the Code of Ordinances of the City of Universal City, Texas:

- a. Chapter 4-5 – Zoning, Appendix B: to establish a Specific Use definition
- b. Chapter 4-5 – Zoning, Section 4-5-54: to establish Specific Use Permits purpose, scope, process, approval standards, no presumption of approval, revocation, and limitations of denials
- c. Chapter 1-4 – Finance, Section 1-4-40(l): to establish Specific Use application fee
- d. Chapter 4-5 – Zoning, Appendix B: to establish an Events Center definition
- e. Chapter 4-5 – Zoning, Section 4-5-55: to establish Events Center Uses and Application Process
- f. Chapter 4-5 – Zoning, Section 4-5-51 – Zoning Use Table: to include Specific Use Permit Required
- g. Chapter 4-5 – Zoning, Section 4-5-52 – Use Table: to modify the Residential Uses, Civic Uses, Commercial Uses, and Industrial Uses, including certain definitions related to Permitted Uses, Conditional Uses, and Specific Uses. Note this includes modifications to the Cultural Services and Gas Stations/Service Stations uses and other uses as discussed and agreed to by the Commission.

Therefore, I move to recommend to City Council approval of PC 527 and ZC 212 related to the above text amendments.

Ms. Reynolds seconded the motion.

Ms. Svalberg stated she appreciated the presentation and the fact that the PowerPoint script was large enough to read.

Mr. Dagg said he believed the proposed changes might incentivize the City to grant more specific use permits since they would be tied to the tenant or user and not run with the land.

Ms. Fitzpatrick asked whether the proposed text amendments would impact someone running a business out of their home. Mr. Cassata explained the City Code already contains provisions outlining requirements for home occupations.

Upon inquiry from Ms. Svalberg, Mr. Cassata confirmed the proposed text amendments would not impact Airbnb or home rentals.

Mr. Cassata confirmed that the Olympia Hills Golf Club clubhouse would not be impacted by the proposed text amendments.

Upon inquiry from Mr. Carlton, Mr. Cassata confirmed that a change in ownership would not require a new specific use permit but would require a new certificate of occupancy.

Chair Jackson asked whether the conditional use definition and provisions need to stay in the Code. Mr. Cassata explained staff would prefer it to prevent having to reinvent the wheel at a later time if the City wanted to reinstitute conditional use permits. Additionally, as pointed out by Mr. Carlton, it's important to keep those provisions in the Code since there are existing or active conditional use permits.

With no further discussion, the motion was approved on a 9-0 vote.

Mr. Cassata provided an update on the status of the QT gas station and Seibel Crossing subdivision.

Chairman Jackson thanked everyone and adjourned the meeting.

5. ADJOURNMENT: The meeting adjourned at 6:59 p.m.

Ronald N. Jackson
Chairman

Motion to Approve – Text Amendments:

PC 527 & ZC 212

After conducting a public hearing on the request for certain text amendments to the Zoning and Finance Codes of the Code of Ordinances of the City of Universal City, Texas, and receiving the Planning and Zoning Commission’s recommendation, City Council has considered the request and moves to approve PC 527 and ZC212 and to grant the following text amendments to the Zoning and Finance Codes _____ (with or without) conditions.

- a. Chapter 4-5 – Zoning, Appendix B: to establish a Specific Use definition
- b. Chapter 4-5 – Zoning, Section 4-5-54: to establish Specific Use Permits purpose, scope, process, approval standards, no presumption of approval, revocation, and limitations of denials
- c. Chapter 1-4 – Finance, Section 1-4-40(l): to establish Specific Use application fee
- d. Chapter 4-5 – Zoning, Appendix B: to establish an Events Center definition
- e. Chapter 4-5 – Zoning, Section 4-5-55: to establish Events Center Uses and Application Process
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- g. Chapter 4-5 – Zoning, Section 4-5-52 – Use Table: to modify the Residential Uses, Civic Uses, Commercial Uses, and Industrial Uses, including certain definitions, related to Permitted Uses, Conditional Uses, and Specific Uses.

ORDINANCE 581-P-2020

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE 581, CHAPTER 4-5 ZONING RELATED TO THE USE TABLE, SPECIFIC USES AND EVENTS CENTERS, AND AMENDING A CERTAIN SECTION OF ORDINANCE 361, CHAPTER 1-4 FINANCE RELATED TO CERTAIN FEES, OF THE CODE OF ORDINANCES, REVISING CERTAIN SECTIONS AND PARAGRAPHS ACCORDINGLY, PROVIDING SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

Section 1. Amendments. That Chapter 4-5 – Zoning, Appendix B of the Universal City Code of Ordinances be amended to the identified sections or paragraphs as follows:

- I. Amend Appendix B. – Definitions by adding the following definition:

Specific Use: A use that owing to some special characteristics attendant to its operation or installation is permitted in a zoning district only after review and is subject to approval by City Council and memorialized by an ordinance and/or development agreement.

Section 2. Amendments. That Chapter 4-5 – Zoning, Section 4-5-54 of the Universal City Code of Ordinances be amended to the identified sections or paragraphs as follows:

- I. Amend Section 4-5-54 by replacing the Reserved section with the following:

Sec. 4-5-54. – Specific Use Regulations

- (1) Purpose. The development and execution of a zoning ordinance is based upon the division of the City into zoning districts. Within each zoning district, the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without special consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- (2) Scope. A Specific Use is not considered a zoning change and does not require a zoning map amendment (rezoning). A Specific Use Permit may be subject to stated conditions required to make the use compatible with other uses permitted in the same zone or vicinity, as determined by City Council. A Specific Use Permit is NOT considered to be transferable from property owner to property owner or tenant to tenant and cannot be transferred from property to property. In other words, a Specific Use Permit is only issued to a specific tenant or user of the property and/or facility for that tenant or user's use.

The difference between a Specific Use and Conditional Use is that a Conditional Use allows a parcel of land or property to be used in a manner that deviates from normally accepted activities in that area; whereas, a Specific Use allows a parcel

of land or property to be used in a manner that DOES NOT deviate from normally accepted activities in that area, but which activities at that specific property may require more restrictive control or oversight by the governing authority; for example, although the type of use or combination of uses meets the criteria and general definition of that zoning district, the use or combination of uses at that SPECIFIC property may not meet the criteria and general definition of that zoning district due to safety concerns and, therefore, requires certain conditions, if permitted at all.

(3) Process.

(a) Application.

1. An owner of the subject property or other person expressly authorized in writing by the owner of property in the City may file an application to use such land for one or more of the specific uses authorized within the zoning districts of this title.
2. An application for a specific use shall be filed with the zoning administrator. All applications for a specific use shall be filed in accordance with City filing requirements, including Section 4-5-55. Once it is determined by the zoning administrator that the application is complete, the zoning administrator shall schedule the application for consideration by the Planning and Zoning Commission.

(b) Action by the Planning and Zoning Commission.

1. Required Notice and Hearings. The Planning and Zoning Commission shall consider the specific use no more than thirty days of receipt of a complete application. The Planning and Zoning Commission shall then conduct a public hearing on the requested specific use. Written notice of any such public hearing shall be mailed to all owners of real property, according to the most current County tax rolls, lying within two hundred (200) feet of the property for which a specific use is proposed. Such notice shall be mailed not less than ten (10) days before the date set for hearing. A legal notice giving the time and place of such hearing shall be published not less than fifteen (15) days before the date set for hearing. If an application or petition has been filed, the party responsible shall appear in person or by agent. The Commission shall act upon the specific use request as originally submitted or modified. If, in the Planning and Zoning Commission's judgment, the application does not contain sufficient information to enable the Planning and Zoning Commission to properly discharge its responsibilities, the Planning and Zoning Commission may request additional information from the applicant. In that event, the thirty-day period shall be suspended pending receipt of all requested information and/or the public hearing may be continued.

2. Planning and Zoning Commission Action. Upon consideration, the Planning and Zoning Commission shall vote to recommend either approval, approval with conditions or denial of the specific use, and such recommendation shall be forwarded to the City Council. The Planning and Zoning Commission shall make findings, based upon the evidence presented at the public hearing, pursuant to each of the applicable standards in Subsection (4) below.

(c) Action by City Council.

1. Required Notice and Hearings. A public hearing shall be held by the City Council before adopting any proposed specific use request. Notice of such hearing shall be given by publication in the official publication of the City of Universal City, Texas, stating the time and place of such hearing, which time

shall not be earlier than fifteen (15) days from the first day of such publication. If an application or petition has been filed, the owner shall appear in person or by agent.

2. City Council Action. After receiving a recommendation from the Planning and Zoning Commission, and upon consideration, if the City Council is satisfied that a proposed specific use request is justified, it shall approve the proposed specific use request. If modifications are required, such modifications shall be conditions to approval and clearly stated in writing. If the City Council is satisfied that the proposed specific use request is not justified, it shall disapprove the proposed specific use request. If an application or petition has been denied, the reasons for disapproval shall be clearly stated in writing and reflected in the official minutes of the meeting.

(d) Conditions on Specific Uses.

1. The Planning and Zoning Commission may recommend, and the City Council may impose, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the specific use as may be deemed necessary for the protection of the public interest.

2. Upon approval of a specific use by City Council, the City shall issue a specific use permit to the applicant stating the scope of approval, including conditions, if any, as required by City Council.

- (4) Approval Standards for Specific Use Permits. No specific use shall be recommended for approval by the Planning and Zoning Commission and approved by the City Council unless it has made findings, based upon the evidence presented at the public hearing, to support each of the following conclusions:
- (a) The proposed use is in accord with the objectives of these regulations and the purposes of the district in which the site is located.
 - (b) That the proposed use will comply with each of the applicable provisions of these regulations.
 - (c) That the proposed use and site development, together with any modifications applicable thereto, will be completely compatible with existing or permitted uses in the vicinity.
 - (d) That the conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and ensure compatibility with existing or permitted uses in the same district and the surrounding area, and that the prescribed zoning standards do not provide enough mitigation of the impacts identified, thus warranting stricter standards, if so recommended.
 - (e) The Commission has given due consideration to all technical information supplied by the applicant.
 - (f) That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
- (5) No Presumption of Approval. The listing of a use as a specific use within a zoning district does not constitute an assurance or presumption that such specific use will be approved. Rather, each proposed specific use shall be evaluated on an individual basis, in relation to all applicable standards of this title. Such

evaluation will determine whether approval of the specific use is appropriate at the particular location and in the particular manner proposed.

- (6) Revocation of Specific Use. A specific use may be revoked by the City Council after a finding of the existence of any one of the following conditions or of the occurrence of any of the following events:
 - (a) Any of the provisions of this section or the zoning ordinance, or any of the terms and conditions of the specific use permit are violated.
 - (b) A building permit for the construction of the structure(s) for which a specific use permit was granted is not issued, through no fault of the City, within one year of the granting of the specific use permit by the City Council, and the erection or alteration of a building is not started or the use is not commenced within such one-year period.
 - (c) Whenever an existing specific use is discontinued, changed to or replaced by a permitted use.
- (7) Limitations on Denials. No application for a specific use, which has been denied by the City Council, shall be reconsidered for a period of one year from that date of denial.

Section 3. Amendments. That Ordinance 361-X-2019 and Section 1-4-40 of the Universal City Code of Ordinances be amended to the identified sections or paragraphs as follows:

- I. Amend in its entirety subsection (I) *Conditional Use/Zoning Charge* and replace it with the following:
 - (I) Specific Use/Conditional Use/ Zoning Charge.

Class I, Residence/Nonprofit ...	150.00
All Others/Commercial ...	200.00
Postponement by Applicant ...	Same as application fee

Section 4. Amendments. That Chapter 4-5 – Zoning, Appendix B of the Universal City Code of Ordinances be amended to the identified sections or paragraphs as follows:

- I. Amend Appendix B. – Definitions by adding the following definition:

Events Center: A multi-use facility either run by a nonprofit or for-profit entity consisting of a building, group of buildings and/or outdoor areas intended for individuals and/or groups to gather and promote common interests, celebrations and events for commercial, civic, educational, political or social purposes. A proposed Events Center will be vetted for conformance with State and local Code requirements, including, but not limited to, distance requirements from schools, churches and hospitals.

Section 5. Amendments. That Chapter 4-5 – Zoning, Section 4-5-55 of the Universal City Code of Ordinances be amended to the identified sections or paragraphs as follows:

- I. Amend Section 4-5-55 by replacing the Reserved section with the following:

Sec. 4-5-55. – Events Center Uses & Application Process

In accordance with Sections 4-5-52 and 4-5-54, an Events Center petitioner shall submit an application that identifies at least two and any combination of the following uses, as well as hours of operation, a site plan and/or floor plan, and requisite State licenses, if any. Note, if a Mobile Food Truck is identified as one of the uses, then at least a total of three of the following uses needs to be identified in the application:

- Club or Lodge – see Definitions section, including definition for Cocktail Lounge
- Indoor Entertainment – see Definitions
- Banquets & Parties – see definitions for Indoor Entertainment and Cocktail Lounge
- Group Events – see definitions for Indoor Entertainment and Cocktail Lounge
- Awards Ceremonies – see definitions for Indoor Entertainment and Cocktail Lounge
- Corporate Events – see definition for Indoor Entertainment
- Wedding Receptions - see definitions for Indoor Entertainment and Cocktail Lounge
- Entertainment – Dances & Shows - see definitions for Indoor Entertainment and Cocktail Lounge
- Training Events – see definitions for Business or Trade School and Indoor Entertainment
- Business Meetings – see definitions for Business or Trade School and Indoor Entertainment
- Socialization – see definition for Indoor Entertainment
- Indoor Sports & Recreation – see Definition section, including definition for Cocktail Lounge
- Amusement Redemption – see definition for Indoor Sports & Recreation
- Game Room – see definition for Indoor Sports & Recreation
- Bingo – see definition for Indoor Sports & Recreation
- Restaurant – see definition for Restaurant, General
- Cocktail Lounge – see Definitions section
- Guidance Services – see Definitions section; however, does not allow for residential or full daytime care
- Education Classrooms – see definitions for Business or Trade School, and Guidance Services; however, does not allow for residential or full daytime care
- Psychological Services – see definition for Guidance Services
- Counseling – see definition for Guidance Services
- Social Services – see definition for Guidance Services
- Economic Empowerment – see definition for Personal Improvement Services
- Enrichment – see definition for Personal Improvement Services
- Fitness & Health – see definition for Personal Improvement Services
- Nourishment & Nutrition – see definition for Personal Improvement Services
- Spiritual Services – see definition for Personal Improvement Services
- Health Care Office – see Definitions section
- Medial Assistance (clinic) – see definition for Health Care Office; however, does not include inpatient services
- Cultural Services – see Definitions section
- Community Recreation – see Definitions section
- Food Pantry/Bank – see State statute definition
- Mobile Food Truck – see Definitions section

Section 6. Amendments. That Chapter 4-5 – Zoning, Section 4-5-51 of the Universal City Code of Ordinances be amended to the identified sections or paragraphs as follows:

I. Amend in its entirety subsection 4-5-51. – Zoning Use Table and replace it with the following:

(1) *Authority.* The provisions of this chapter are adopted pursuant to Texas Local Government Code Chapter 211 and the City Charter.

(2) *Types of Use.* All of the uses listed in the following use Table summary are defined and described in Appendix A: Definitions. The following paragraphs serve as a key to the summary table and indicate how each specific use is treated.

(a) *Uses Permitted By Right.* A "P" indicates that a use is allowed by right. Such uses are subject to all other applicable Ordinances.

(b) *Conditional Use Permit Required.* A "C" indicates that a use is allowed only if approved by a Conditional Use Permit by the City Council in accordance with the procedures in Section 4-5-53. Conditional Uses are subject to all other applicable regulations of this chapter, including the additional listed standards contained in Section 4-5-53.

(c) *Specific Use Permit Required.* An "S" indicates that a use is allowed only if approved by a Specific Use Permit by the City Council in accordance with the procedures in Section 4-5-54. Specific Uses are subject to all other applicable regulations of this chapter, including the additional listed standards contained in Section 4-5-54.

(d) *Uses Not Allowed.* A cell with the symbol " - " indicates that a use is not allowed.

(e) *Uses Not Listed.* The City Manager or his/her designee shall use the district purpose statements in Article IV to determine the proper placement of a use that is not listed. The addition of a use and definition shall require an amendment to the text of the zoning ordinance.

Section 7. Amendments. That Chapter 4-5 – Zoning, Section 4-5-52 of the Universal City Code of Ordinances be amended to the identified sections or paragraphs as follows:

I. Amend in its entirety subsection 4-5-52. – Use Table and replace it with the following:

The following table (Table 1) presents the uses that are allowed in each Zoning District, in accordance with all standards and regulations of this chapter.

Table 1: Uses

Key:

- P = Permitted use
- C = Conditional use
- S = Specific use
- = Not permitted

RESIDENTIAL USES

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2
Single-family residential.	P	P	P	P	P	-	-	-
The use of a site for only one (1) dwelling unit.								
Duplex residential.	-	-	S	P	S	-	-	-
The use of a site for two (2) dwelling units within a single building.								
4-Plex residential.	-	-	S	P	S	P	-	-
The use of a site for four (4) or more dwelling units, within a single building.								
Townhouse residential.	-	-	S	P	S	P	-	-
The use of a site for two (2) or more townhouse dwelling units, constructed with common or adjacent walls and each located on a separate ground parcel within the total development site, together with or without common area serving all dwelling units.								
Condominium residential.	-	-	S	P	S	P	-	-
The use of a site for three (3) or more dwelling units intended for separate ownership, together with common area serving all dwelling units.								
Apartment residential.	-	-	-	S	S	P	-	-
The use of a site for three (3) or more dwelling units, within one (1) or more buildings.								
Group residential.	S	S	-	S	-	P	-	-
The residential occupancy of living accommodations by groups of more than five (5) persons (not defined as a family) on a weekly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding house.								
Manufactured Home Residential	-	-	-	-	-	-	P	P
The residential occupancy of manufactured homes on small lots owned by residents and are typically meant for more permanent habitation than the following mobile home use.								
Mobile home residential.	-	-	-	-	-	-	-	P
The residential occupancy of mobile homes by families on a weekly or longer basis. Typical uses include mobile home parks or mobile home subdivisions.								
Accessory Residential Units—Residential District	S	S	S	S	S	-	-	-
The residential occupancy of a portion of the principal								

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2
use, not exceeding one-third (1/3) of the gross floor area, and is owner-occupied. Commonly referred to as "mother-in-law flat", it may include a full kitchen and must comply with all building and fire codes. One (1) additional off-street parking space is required.								

CIVIC USES

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park
Administrative services.	-	-	-	-	-	-	-	-	P	-	S	S	-	-
Offices, administrative, clerical or public contact services that deal directly with the citizens, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices. (Subject to site plan review.)														
Aviation facilities.	-	-	-	-	-	-	-	-	-	-	-	S	-	-
Landing fields, aircraft parking service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Subject to site plan review.														
Campground.	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Campground facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational														

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park
vehicle parks. Subject to site plan review.														
Cemetery.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.														
Club or lodge.	-	-	-	-	-	-	-	-	S	-	S	S	-	-
A use providing meeting, recreational, or social facilities for a private or nonprofit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.														
College and university facilities.	-	-	-	-	-	-	-	-	S	-	S	-	P	-
An academic institution of higher learning, accredited or recognized by the state and offering a program or series of programs of academic study.														
Community recreation.	-	-	-	-	-	-	-	-	P	-	-	-	-	P
A nonprofit recreational facility for use by residents and guests of a particular residential development or limited residential neighborhood, including both indoor and outdoor facilities.														
Convalescent services.	-	-	-	-	-	S	-	-	P	-	S	-	-	-
A use providing bed care and in-patient services for														

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park
persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.														
Cultural services.	-	-	-	-	S		-	-	P	-	S	-	-	-
A library, museum, art gallery, or similar non-profit use affording display, preservation and exhibition of objects of permanent interest in one (1) or more of the arts and sciences.														
Day care services (Family).	P	P	P	P	P	S	P	-	-	-	-	-	-	-
A Family Day Care home provides regular care to no more than four (4) children under fourteen (14) years of age, excluding children related to the caretaker, and provides care after school hours for not more than six (6) additional elementary school children, but the total number of children, including those related to the caretaker, shall not exceed twelve (12) at any given time. Subject to regulations of Sections 4-5-66 and 4-5-67.														
Day care services (Group).	S	S	S	S	S	S	-	-	-	-	-	-	-	-
A Group Day Care home provides regular care for between five (5) and twelve (12) adults or children for less than twenty-four (24) hours a day. Subject to the regulations of Sections 4-5-66 and 4-5-67.														

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park
Day care services (Commercial)	-	-	-	-	-	S	-	-	P	-	P	-	P	-
A Commercial Day Care center provides regular care to any number of adults or children for less than twenty-four (24) hours a day. Subject to the regulations of Section 4-5-67.														
Detention facilities.	-	-	-	-	-	-	-	-	-	-	-	S	-	-
A publicly operated use providing housing and care for individuals confined by law.														
Guidance services.	-	-	-	-	-	-	-	-	-	-	-	-	P	-
A use providing counseling, guidance, recuperative, vocational or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, family violence or similar conditions, either on a residential or daytime care basis.														
Hospital services.	-	-	-	-	-	-	-	-	-	-	S	-	P	-
A facility providing medical, psychiatric or similar service for sick or injured persons primarily on an inpatient basis including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration and services to patients, employees or visitors.														
Life care services.	-	-	-	S	-	P	-	-	S	-	-	-	-	-
Retirement housing for the														

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park
elderly providing residential housing and care for retired, elderly, and/or disabled people including congregate housing with common meals and/or community facilities for social events, community recreation, convalescent services, guidance services, personal services and personal improvement services, or self-contained dwelling units specifically designated for the needs of the elderly, either rented or owner-occupied. To qualify as life care housing or facilities, a minimum of eighty (80) percent of the total units shall have a household head fifty-five (55) years of age or greater and no long term or permanent skilled nursing care or related services are provided.														
Local utility services.	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Services which are necessary to support principal development and involve only minor structures such as lines and poles which are necessary to support principal development.														
Maintenance and service facilities.	-	-	-	-	-	-	-	-	-	-	-	S	-	-
A facility supporting maintenance, repair, vehicular or equipment servicing, materials storage and similar activities, including corporation yards, equipment service centers and similar uses having														

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park
characteristics of commercial services or contracting or industrial activities.														
Major utility facilities.	-	-	-	-	-	-	-	-	-	-	-	S	-	-
Generating plants, electrical switching facilities and primary substations, refuse collection or disposable facilities, water and wastewater treatment plants and similar facilities of public agencies or public utility firms having potentially significant impact upon surrounding uses. (Subject to site plan review.)														
Park and recreation services.	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Publicly owned and operated parks, playgrounds, recreation facilities and open spaces.														
Postal facilities.	-	-	-	-	-	-	-	-	P	-	P	-	P	-
Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service or private enterprise.														
Primary educational facilities.	S	S	S	S	S	S	-	-	-	-	-	-	-	-
A public, private or parochial school offering instruction at the elementary school level in the branches of learning and study required to be taught in the public schools of the State of Texas.														
Public assembly.	S	S	S	S	S	S	S	S	P	P	P	P	P	P

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park
Publicly owned or operated facilities for major public assembly, recreation, sports, amusement or entertainment, including civic or community auditoriums, sports stadiums, convention facilities, fairgrounds and exhibition facilities.														
Railroad facilities.	-	-	-	-	-	-	-	-	-	-	-	S	-	-
Railroad yards, equipment servicing facilities, and terminal facilities. (Subject to site plan review.)														
Religious assembly.	S	S	S	S	S	S	S	S	-	-	S	-	-	-
The use of a permanent location providing regular organized religious worship and religious education incidental thereto, but excluding primary or secondary education facilities.														
Safety services.	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Facilities for conduct of public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.														
Secondary educational facilities.	S	S	S	S	S	S	-	-	-	-	-	-	-	-
A public, private or parochial school offering instruction at the middle, junior and senior high school levels in the branches of learning and study required to be taught in a public school of the State of Texas.														

Use	R1	R2	R3	R4	R-OT	R5	MH1	MH2	C1	C2	C3	C4	C5	Park
Transportation terminal.	-	-	-	-	-	-	-	-	S	S	S	S	S	-
A facility for loading, unloading, and/or interchange of passengers, baggage and incidental freight or package express between modes of transportation, including bus terminals, railroad stations, airport terminals and public transit facilities.														

COMMERCIAL USES

Use	C1	C2	C3	C4	C5
Administrative and business offices.	P	S	S	P	P
Offices or private firms or organizations which are primarily used for the provision of executive, management or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices or public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.					
Agricultural sales and services.	-	-	-	S	-
Establishments or places of business engaged in sale (from the premises) of feed, grain, fertilizers, pesticides and similar goods or in the provision of agricultural related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores and tree service firms.					
Automotive washing.	S	-	P	P	-
Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes, not collocated with a gas station.					
Gas station.	S	-	P	S	P
An establishment for retail sale of petroleum products collocated with a local convenient store. Local convenient store collocation is required. May also be collocated with automotive washing with automotive washing as a secondary or ancillary use.					
Commercial off-street parking.	S	S	S	S	-
Parking of motor vehicles on a temporary basis within a privately-owned off-street parking facility, other than accessory to a principal					

Use	C1	C2	C3	C4	C5
use. Typical uses include commercial parking lots or parking garages.					
Automotive rentals.	-	-	S	S	S
Rental of automobiles, noncommercial trucks, trailers and recreational vehicles, including incidental parking and servicing of vehicles available for rent or lease. Typical uses include auto rental agencies, trailer rental agencies and taxi-cab parking and dispatching.					
Automotive sales.	-	-	S	S	S
Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance and servicing. Typical uses include new and used car dealerships, motorcycle dealerships and boat, trailer and recreational vehicle dealerships.					
Equipment sales.	-	-	S	P	-
Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, similar heavy equipment, including incidental storage, maintenance and servicing. Typical uses include truck dealerships, construction equipment dealerships and mobile home sales establishments.					
Automotive repair services.	-	-	S	P	-
Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including the sale, installation and servicing of equipment and parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops and similar repair and service activities, but excluding dismantling or salvage.					
Equipment repair services.	-	-	-	P	-
Repair of trucks, tractors, construction equipment, agricultural implements and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services and machine shops, but exclude dismantling or salvage.					
Building maintenance services.	-	-	-	P	-
Establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance or window cleaning services.					
Business support services.	-	-	S	P	S
Establishments or places of business primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.					
Business or trade school.	S	-	P	-	S

Use	C1	C2	C3	C4	C5
A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university or public or private educational facility.					
Cocktail lounge.	S	P	P	-	P
A use engaged in the preparation and retail sales of alcohol beverages for consumption on the premises, including taverns, bars, cocktail lounges and similar uses.					
Indoor sports and recreation.	-	S	P	P	P
Uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks and arcades.					
Outdoor sports and recreation.	-	-	-	S	P
Uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, racquetball courts and marinas.					
Indoor entertainment.	-	S	P	-	P
Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.					
Outdoor entertainment.	-	-	-	-	S
Predominantly spectator uses conducted in open facilities. Typical uses include sports arenas, racing facilities and amusement parks. Subject to site plan review.					
Communications services.	-	-	-	P	S
Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as major utility facilities. Typical uses include television studios, telecommunication service centers or telegraph service offices.					
Construction sales and services.	-	-	S	P	S
Establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings to other structures other than retail sale of paint, fixtures and hardware excluding those classified as one of the automotive and equipment services use types. Typical uses included building materials stores, tool and equipment rental or sales or building contractors.					
Consumer repair services.	S	S	P	P	P
Establishments primarily engaged in the provision or repair services to					

Use	C1	C2	C3	C4	C5
individuals and households rather than firms, but excluding automotive and equipment use types. Typical uses included appliance repair shops, watch or jewelry repair or musical instrument repair firms. All incidental storage shall be enclosed.					
Financial services.	S	-	S	P	P
Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities and similar services.					
Food sales.	S	P	P	-	P
Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Typical uses include groceries, delicatessens, meat markets, retail bakeries and candy shops.					
Funeral services.	-	-	S	P	S
Establishments engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals.					
Events Center	-	-	S	-	S
A multi-use facility either run by a nonprofit or for-profit entity consisting of a building, group of buildings and/or outdoor areas intended for individuals and/or groups to gather and promote common interests, celebrations and events for commercial, civic, educational, political or social purposes.					
General retail sales.	P	P	P	-	P
Sales or rental of commonly used goods and merchandise for personal or household use. Typical uses include department stores, apparel stores, furniture stores, mail order stores or establishments providing the following products: alcoholic beverages, antiques, appliances, art, art supplies, baked goods, bicycles, books, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, medical supplies, musical instruments, pet food and/or pets, pharmaceuticals, photo finishing, picture frames, plants, printed material, produce, sporting goods, stationery, tobacco and related products, vehicle parts, and videos. Retail sale of petroleum products; that is, a gas station, is not considered General retail sales (see Gas station).					
Kennels and Pet Services.	S	S	P	P	P
Boarding and care services for dogs, cats and similar small animals. Typical uses include boarding kennels, pet motels, or dog training centers. Retail sales and grooming of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, dog bathing and clipping salons or pet					

Use	C1	C2	C3	C4	C5
grooming shops.					
Laundry services.	-	-	-	P	-
Establishments primarily engaged in the provision of laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.					
Liquor sales.	S	P	P	-	P
Establishments or places of business engaged in retail sale for consumption (off the premises) of alcoholic beverages. Typical uses include liquor stores, bottle shops or any licensed sales for off-site consumption.					
Health care offices.	P	S	P	-	P
A use providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by physicians, dentists, medical and dental laboratories and similar practitioners of medical and healing arts, including emergency clinics.					
Personal improvement services.	S	P	P	P	P
Establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include photography studios, driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.					
Personal services.	P	P	P	-	P
Establishments or places of business primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, seamstress, tailor, shoe repair shops and self-service laundry or self-service apparel cleaning services.					
Professional office.	P	S	P	P	P
A use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions.					
Restaurant-convenience.	P	P	P	-	P
A use engaged in the preparation and retail sale of food and beverages (excluding alcoholic beverages), for on-premises consumption only. Typical uses include soda fountains, ice cream parlors, sandwich shops and coffee shops.					
Restaurant-general.	S	P	P	-	P
A use engaged in the preparation and retail sale of food and beverages, including sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than fifty (50) percent of the gross income. A general restaurant may include live					

Use	C1	C2	C3	C4	C5
entertainment. Typical uses include restaurants, both full service and fast food, coffee shops, dinner houses and similar establishments with incidental alcoholic beverage service.					
Veterinary services.	S	-	P	P	-
Veterinary service for all animals. Typical uses include animal clinics and hospitals. Veterinary services shall not include the boarding of large animals.					
Hotel-motel.	-	S	P	-	P
Lodging services involving the provision of room and/or board. Typical uses include hotels and motels.					
Local convenience store.	S	P	P	S	P
A commercial activity engaged in the sale of commonly used goods and merchandise for personal or household use. May be collocated with a gas station with the gas station as the secondary or ancillary use. However, even as a secondary or ancillary use, a gas station is not permitted in the C2 District and may not be located in the C2 District.					
Artisan sales.	S	P	P	P	S
The manufacture and retail sale of hand-crafted wares such as pottery, jewelry, art, and similar products of craftsmanship.					
Restaurant-neighborhood.	S	P	P	-	P
A use engaged in the preparation and retail sale of food and beverages, including the sale of alcoholic beverages when conducted as an accessory or secondary feature and producing less than twenty-five (25) percent of the gross income. A neighborhood restaurant does not include outdoor entertainment. Typical uses include restaurants, both full service and fast food, coffee shops, dinner houses, and similar establishments with incidental alcoholic beverage service.					
Accessory Residential Units—Commercial District	S	-	P	-	-
The residential occupancy of a portion of the principal use, not exceeding one-third (1/3) of the gross floor area, and is owner-occupied. Intended to serve for security it may include a full kitchen and must comply with all building and fire codes. One (1) additional off-street parking space is required.					

INDUSTRIAL USES

Use	C1	C2	C3	C4	C5
Basic industry.	-	-	-	S	-
A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use utilizing flammable explosive or commonly recognized offensive					

Use	C1	C2	C3	C4	C5
conditions or materials.					
Custom manufacturing.	-	-	-	P	-
Establishments primarily engaged in the on-site, indoor production and storage of goods by hand manufacturing which involves only the use of hand tools or mechanical equipment. The direct sale to consumers of those goods produced on-site is prohibited. Basic industrial processing activities in Section 481 [501] [sic] are excluded.					
Light manufacturing.	-	-	-	P	-
A use engaged in the manufacture, predominantly from previously prepared materials, or finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and storage, sales and distribution of such products, but excluding basic industrial processing. Refer to Section 481 [501].					
Warehousing and distribution.					
A. <i>Convenience storage.</i> Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.	-	-	S	P	S
B. <i>General warehousing and distribution.</i> Open-air storage, distribution and handling of materials and equipment. Typical uses include monument or stone yards, or open storage yards.	-	-	-	P	-
C. <i>Limited warehousing and distribution.</i> Wholesaling, storage and warehousing services within enclosed structures. Typical moving and storage firms and now retail mail order distribution centers.	-	-	-	P	S
Research services.	-	-	-	P	S
Establishments primarily engaged in research of an industrial or scientific nature but excludes product testing. Typical uses include electronics research laboratories, space research and development firms, or pharmaceutical research labs.					
Scrap and salvage services.	-	-	-	S	-
Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards or paper salvage yards. (Subject to site plan review.)					
Vehicle storage.	-	-	-	S	-
Long term storage of operating or nonoperating vehicles. Typical uses include storage of private parking tow-aways or impound yards, but exclude dismantling or salvage.					

Section 8. Unamended. That the remainder of Section 1-4-40 and Chapter 4-5 – Zoning of the Universal City Code of Ordinances not amended hereby remain in full force and effect.

Section 9. Severability. If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

Section 10. Effective Date: This ordinance shall become effective on 08 April 2020.

PASSED on first reading 17 March 2020

PASSED AND ADOPTED ____ day of _____ 2020.

John Williams, Mayor

Attest:

Approved for legal sufficiency:

Kristin Mueller, City Clerk

Matthew J. Longoria, City Attorney