

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LIVE OAK
WILL BE HELD IN CITY HALL
8001 SHIN OAK DRIVE
TUESDAY, JANUARY 27, 2009, AT 7:00 P.M.

1. CALL TO ORDER

Mayor Joe Painter called the January 27, 2009 Regular City Council Meeting to order at 7:00 p.m.

2. INVOCATION/PLEDGE OF ALLEGIANCE

A moment of silence was observed and the Pledge of Allegiance was recited.

3. ROLL CALL

Mayor Joe Painter

Councilwoman Mary Dennis, Place 1

Councilwoman Pat Kauts, Place 2

Councilman Emilio Serrano, Place 3

Councilwoman Anne Jorrie, Place 4

Councilwoman Ann Mancillas, Place 5

4. CITIZENS TO BE HEARD

Bill Umphlett, 7501 Avery Road, Live Oak – Mr. Umphlett came before City Council to remind City Council and staff to speak into the microphones clearly, because voices could not be heard on the DVD. In addition, he mentions the last two Council DVD's and Planning and Zoning meeting DVD the audio was not working. Finally, he wanted to thank Mr. Wayman, Mr. Steiner, and Mr. Dalton for their help with the property on O'Connor.

Andres Meraz, 13818 Biltmore Lakes, Live Oak – Mr. Meraz came before City Council to voice his concern about the answers he was receiving from the Fire Department regarding the fire hydrant issue. He spoke about speed bumps and street repair that was needed in the Bridlewood Subdivision.

Mayor Painter asked the City Manager what steps the City was taking regarding the fire hydrant. Mr. Smith explained the city's procedures regarding fire hydrant checks. However, the Fire Department was reviewing their steps and procedures.

Rebecca Kochan, 13806 Biltmore Lakes, Live Oak – Ms. Kochan came before City Council to voice her concern over how the equal distribution of Stormwater Fees would be initiated.

Ed Cimics, 12214 Brownstone, Live Oak – Mr. Cimics came before City Council to praise Patrick Russell, Animal Control Supervisor for his initiatives to enhance his department, with the new outside telephone. When used, the call would be forwarded to the supervisor cell phone for emergency actions. Additionally he spoke about the traffic light implementation at Forest Bluff and O'Connor, as he felt KB Homes should pay for the traffic signals. In addition, he felt hanging microphones would be a benefit to the Council

meeting. Finally, he spoke about personnel positions, especially unfilled firefighter positions that needed to be advertised.

5. CONSENT AGENDA

A. Approval Of Minutes

1. January 13, 2009

Councilwoman Mancillas made a motion to approve item 5A, under the Consent Agenda; seconded by Councilwoman Jorrie

Vote FOR: Councilmembers Mancillas, Jorrie, Serrano, Kauts and Dennis – passed 5/0

B. Approval Of A Temporary Portable Restroom Facility For The Main City Park For A Trial Period Not To Exceed Six (6) Months – Mr. Wagster

Mayor Painter removed 5B to New Business, with discussion and action. The Minutes will reflect how the Agenda was posted.

Mr. Zech, City Attorney explained why the item was brought back to City Council for action. At the last City Council meeting, the agenda item was to be discussed but no action was to be taken on this item. However, a Council consensus was taken. Therefore, it was brought back for an official vote from City Council.

Both Councilwomen Mancillas and Jorrie voiced their opposition to a portable toilet.

Councilwoman Kauts made a motion for approval; seconded by Councilman Serrano

Vote FOR: Councilmembers Kauts, Dennis, and Serrano – passed 3/2

Vote AGAINST: Councilmembers Jorrie and Mancillas

6. SPECIAL CONSIDERATION

A. Introduction Of New Police Chief – Chief Ron R. Echols

Mr. Smith introduced Chief Ron R. Echols to City Council, staff and citizens.

B. Introduction Of Police Department Officer Of The Year, Police Reserve Of The Year And Police Support Personnel Of The Year

Chief Echols introduced the following personnel, and he and Chief Pue and presented them their awards.

Police Support Personnel of the Year: Valarie Michael and Brian Burdick

Reserve Police Officer of the Year: Jeryl Atkinson

Police Officer of the Year and Top Gun Award: Kent Iglesias

Chief Echols thanked Chief Dan Pue for his duties as Interim Police Chief and all his hard work.

7. NEW BUSINESS

A. Presentation, Discussion and Approval of the 2008 Audit – Mr. Kowalik

1. Presentation Of The 2008 Audit – Ms. Nancy Vaughn, Armstrong, Vaughn & Associates

The City's 2008 Comprehensive Annual Financial Report (CAFR) was presented by Ms. Nancy Vaughn, of Armstrong, Vaughn, and Associates. Items of discussion: Management and Analysis, Schedule of Revenues, Expenditures, and changes in Fund Balance, Statement of Net Asset-Proprietary Funds, Statement of Revenues, Expenses, and Changes in Fund Net Assets, Ad Valorem, and Management Letter to the mayor and City Council. Additionally Ms. Vaughn indicated that her firm had no difficulties with the audit, no additional consultants were needed, capital assets were good, and the cash reconciliation was completed. Also acknowledged was that the City received an award for a Certificate of Achievement for excellence in Financial Reporting for the Fiscal Year ending September 30, 2007, from the Government Finance Officers Association (GFOA). This was the first year that the City had received this prestigious award. In order to receive this award the government has to publish an easily readable and efficiently organized Comprehensive Annual Financial Award (CAFR) that satisfied both generally accepted accounting principles and applicable legal requirements.

2. Comments By City Council

Mayor and City Council congratulated staff on the Audit and Certificate of Achievement. The Mayor and City Council requested a report back to them regarding Financial Analysis, on-going Fund Balance, employment, and outstanding expenses.

Councilwoman Kauts made a motion to accept the 2008 Audit; seconded by Councilwoman Dennis

Vote FOR: Councilmembers Kauts, Dennis, Serrano, Jorrie and Mancillas – passed 5/0

B. Presentation and Discussion Of The First Quarter Financial Report For The Period Ending December 31, 2008

Mr. Kowalik made his presentation to City Council on the financial condition of the City through the first quarter ending December 31, 2008. The report represented three (3) months of the fiscal year, and revenues and expenditures would be targeted at 25 of budget. Although sale tax revenue payments were lower throughout the first quarter, in comparison to last year, they are still at 24 of budget. Items discussed were the General Fund, capital purchases, Utility Operations Fund, and Utility Development and Renewals/Replacement Fund. No further action was taken.

C. Presentation and Discussion Of The First Quarter Investment Report Of The Period Ending December 31, 2008

Mr. Kowalik made his presentation to City Council regarding the Quarterly Investment Report ending December 31, 2008. Presentation consisted of the purchase of some government agency investments average monthly rates and a TexPool.

D. Discussion And Possible Action Regarding The Stormwater Rate, Methodology, Assumptions, and Exemptions – Mr. Kowalik And Mr. Bagwell

Mayor Painter moved this agenda item to 7A – however, the Minutes will reflect how the Agenda was posted.

Tony Bagwell, HDR, Inc. came before City Council to make a presentation the Stormwater Utility charge and rate design concept. This discussion and possible action would be to determine regarding, exemption, discretionary exemptions, and credits. Other items discussed: set rates for all areas, school districts, churches, and school districts teaching Stormwater programs.

Councilwoman Mancillas made a motion for a 100% exemption of school districts if they taught a Water Shed Program; seconded by Councilman Serrano.

Vote FOR: Councilmembers Mancillas, Jorrie, Serrano, Kauts and Dennis – passed 5/0

Councilman Serrano made a motion for a 100% Stormwater Fees exemption for religious organizations and City properties; seconded by Councilwoman Kauts

Vote FOR: Councilmembers Serrano, Kauts, Dennis, Jorrie and Mancillas – passed 5/0

E. Discussion And Possible Action To Authorize The City Manager To Execute A Contract With Bexar County Elections Administrator And Other Various Political Entities For Conducting The 2009 Joint, General And Special Election

Ms. Goza indicated this contract would allow the City to enter a contract with Bexar County to administer the process for the 2009 Joint, General and Special Election. The contract would include not more than thirty-five political entities, with a shared cost.

Councilwoman Mancillas made a motion to allow the City Manager to execute a contract with Bexar County Election Administer; seconded by Councilwoman Dennis

Vote FOR: Councilmembers Mancillas, Jorrie, Serrano, Kauts and Dennis – passed 5/0

F. Discussion And Possible Action Regarding The Waste Management Wheeled Recycling Cart

Mr. Smith explained that there was no formal action to be taken on this item. He introduced Mr. Albert Perez from Waste Management to explain this item and to answer any questions from City Council. Discussion items: Advertisement through the newsletter and website, the cart was an option rather than mandatory, and City usage of wheel cart. Mayor Painter asked if Waste Management could provide carts for each department and for the parks, and Mr. Perez agreed to provide the carts. The optional wheel cart cost for residential customers would be 2.28. No further action was taken.

G. Discussion And Possible Action Regarding The Renewal Of The Waste Management Of Texas, Inc. Contract

Mr. Smith explained to City Council about the renewal of the Waste Management Contract, and that due to the economy waste Management would need to negotiate an increase of fee for their service. Mr. Smith explained to Council that the increase of fees was recently discussed. The contract reads that it began on April 2006, for a three year period, and the franchise period shall be extended for an additional two year unless thirty days before the

anniversary of expiration either party gives written notice of non-renewal to the other party in which case the franchise will continue for one hundred eighty days from the written notice. Mr. Smith proposed that staff work with Waste Management regarding the contract and bring back the proposals for formal action. Mr. Perez explained the increase was due to the economy, cost of fuel and costs involved. This item would be brought back to City Council on the last meeting in February. No further action was taken on this item.

H. Discussion And Possible Action Regarding An Amendment To Section Five (5) Of The City Of Live Oak Safety Program Manual

Mr. Woppert provided a brief explanation of the amendment to the Safety Award Manual. Discussion consisted of: people eligible, cash versus United States Savings Bonds, and the members of Safety Committee.

Councilwoman Mancillas made a motion to approve and adopt Section five of the Safety Award Program; seconded by Councilwoman Jorrie

Vote FOR: Councilmembers Mancillas, Jorrie, Serrano, Kauts and Dennis – passed 5/0

I. An Ordinance Repealing Ordinance Number 1383 Which Authorizes The City Manager Of The City Of Live Oak, To Execute a Contract On Behalf Of The City Of Live Oak, Texas To Provide Dispatch Services To Judson Independent School District

Mr. Smith explained to City Council that Ordinance 1383 would need to be repealed, as it no longer applied, as Judson Independent School District wanted to go out for bid for their Dispatch Service.

Councilwoman Kauts made a motion to repeal Ordinance 1383; seconded by Councilwoman Mancillas

Vote FOR: Councilmembers Dennis, Kauts, Serrano, Jorrie and Mancillas – passed 5/0

J. Discussion And Possible Action To Authorize The City Manager To Sign A Dispatch Contract Between The City Of Live Oak And The Judson Independent School District (JISD) With An Expiration Date Of September 30, 2011

Mr. Smith explained that Judson Independent School District had gone out for bids for their Dispatch Service, and the City of Live Oak had submitted a bid of \$35,000 and awarded the Dispatch Service Contract.

Councilwoman Dennis made a motion to authorize the City Manager to sign a contract with Judson Independent School; seconded by Councilwoman Mancillas

Vote FOR: Councilmembers Dennis, Kauts, Serrano, Jorrie and Mancillas – passed 5/0

K. Update Regarding The Live Oak Police Department –

Chief Echols provided the following information to City Council: Project is within budget, and the first week in March would be the move in timeframe. He added there was a meeting on January 29 to discuss telephone, electrical and security issues; the building was currently secured and locked down by 6:00 p.m. every night. It was determined that a dedication ceremony was fluid at present time.

8. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS – NO DISCUSSION OR ACTION

A.. Councilwoman Dennis – Report regarding IH35 and right turn traffic onto Shin Oak, and a Report regarding unused business space in the City.

Councilwoman Mancillas – Report on fire hydrants corrective issues and how are the citizens being informed. Report to be placed on the Consent Agenda

Mayor Painter – Report on purchasing water rights for the City, and discussion and possible action regarding adopting the City Council Workshop Goals

9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

A. City Council:

Councilwoman Mancillas – She had a contact notebook for Senior Services and if Mr. Woppert needed some assistance with senior resources to please contact her for the information.

Councilwoman Jorrie – Reminded everyone about the Cowboy Breakfast and that the Rodeo will begin February 5 through February 22, 2009.

Mayor Painter – Regional Library meeting with A Dr. Reno and the mayors from Universal City and Converse. He informed all the Disc Golf Ice Bowl was a success and the proceeds went to GRASP.

Staff:

Mr. Wayman – Joint Public Hearing with Planning and Zoning on February 19, 7:00 p.m., APA Conference for Planning and Zoning Commission will be in El Paso beginning February 4 through 6, 2009.

Ms. Goza – Reminded Councilmembers Dennis, Jorrie, Mancillas and Mayor Painter about the Elected Officials/TML Legislative Conference beginning February 6 through February 9, 2009.

10. ITEMS FOR FUTURE AGENDA – NO DISCUSSION OR ACTION

A. Update On Our Ordinances Regarding Application Fees – Councilwoman Jorrie

B Rules And Regulations Relating To Wireless Communication Towers, Antennas And Related Facilities – Councilwoman Jorrie

C. Discussion Of A Youth Council/Committee – Councilwoman Kauts

D. Discussion And Possible Action Regarding A Freeze On Further Bond Expenditures Until After City Council Sets Its Goals – Mayor Painter

E. Discussion And Possible Action Regarding Economic Development Corporation Vacancy And Other Vacancies In The City – Mayor Painter

F. Live Oak Beautification Committee In Conjunction With Code Enforcement - Councilwoman Jorrie

G. Traffic Signal At Forest Bluff And O'Connor and New World And O'Connor- Councilman Serrano

H. Review The Sexual Oriented Businesses Ordinance -- Councilwoman Kauts

I. Discussion Regarding A Future Library -- Mayor Painter

J. Discussion Regarding The Bridlewood Subdivision Entrance And Exit -- Councilwoman Kauts

11. ADJOURNMENT

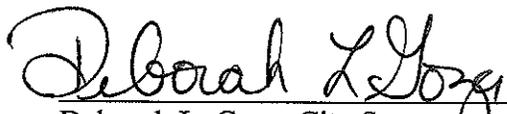
As there was no further business, Councilwoman Dennis made a motion to adjourn; seconded by Councilwoman Jorrie. The Special City Council meeting adjourned at 9:30 p.m.

APPROVED:



Joseph W. Painter, Mayor

ATTEST:



Deborah L. Goza, City Secretary