

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LIVE OAK
WILL BE HELD IN CITY HALL, 8001 SHIN OAK DRIVE,
TUESDAY, FEBRUARY 13, 2007, AT 7:00 P.M.

1. CALL TO ORDER

Mayor Edwards called the February 13, 2007 City Council Meeting to order at 7:00 p.m.

2. INVOCATION/PLEDGE OF ALLEGIANCE

Completed

3. ROLL CALL

Mayor Henry O. Edwards, Jr.
Councilmember Suzanne S. Hildebrand, Place 1
Councilmember Pat Kauts, Place 2
Councilmember Debbie McFarland, Place 3
Councilmember Anne Jorrie, Place 4
Councilmember Loretta Kusek, Place 5

4. ANNOUNCEMENT OF VIP/DV AND COMMENTS BY VIP/DV

Mayor Edwards recognized former councilmember Roy Schaufele

5. CITIZENS TO BE HEARD

Roy Schaufele, 8108 Forest Dawn, Live Oak, TX – came before City Council to discuss and update City Council, staff and citizens concerning the new Public Safety Building (Police Station). He explained to City Council the advertisement had been placed in our local newspaper, the Herald, on February 8 and 15. Additionally the project had been placed in many planning rooms for advertisement. Also noted was the Pre-proposal Meeting on February 13, 2007 at 2 p.m., seven general contracting firms were in attendance. He reminded the City Council of the February 27, 2007 deadline for bids on the project and provided information concerning the procedures of the bidding process and holding a Special City Council Meeting.

LaVaughn Standridge, 13004 Welcome Drive, Live Oak, TX – came before the City Council asking them to consider a Banning Ordinance concerning the chaining of animals, especially dogs. She provided handouts to the City Council for their review and consideration.

Bill Umphlett, 7501 Avery Rd, Live Oak, TX – came before City Council to ask the City Council to consider an additional video camera for the City Council Chamber. Additionally, he believed this would assist City Council, court and all boards and commissions with their presentations and other issues.

John Heberling, 8430 Ulysses, Universal City TX – came before the City Council to inform them he no longer works for the Herald newspaper due to Live Oak City Council complaint/interference. Despite the complaint/interference he wished the City of Live Oak well and bid them farewell.

Mark Granados, Fountains at Live Oak, address unknown – came before the City Council to ask their support for the project and to move forward. Additionally, he indicated the

start date of the project would be within 30 days, and that Prudential Financial Institute is a partner in this endeavor.

6. SPECIAL CONSIDERATION

A. Proclamation For “Clean-Up, Paint-Up, Fix-Up Week” – Mr. Wagster

1. March 19 Through March 25, 2007

Mayor Edwards read the Proclamation and Mr. Wagster accepted and thanked City Council, staff and audience

B. Introduction Of New City Employees

1. Ricky Williams, Code Enforcement Officer – Chief Jackley

Chief Jackley introduced Ricky Williams, and listed his credentials as Code Enforcement Officer. Mr. Williams thanked the City Council, Chief Jackley, staff and audience.

7. CONSENT AGENDA

A. Approval of Minutes

1. January 9, 2007

2. January 24, 2007

Councilmember Hildebrand made a motion to approve both sets of Minutes; seconded by Councilmember Kauts

Vote FOR: Councilmember Hildebrand, Kauts, McFarland, Jorrie and Kusek – passes 5 - 0

8. NEW BUSINESS

Mayor Edwards rearranged the agenda to reflect 8D as the first item of discussion. However, these Minutes will reflect the arrangement of the posted Agenda.

A. An Ordinance By The City Council Of The City Of Live Oak, Texas, Calling For A Joint, General, Special And School Bond Election With Various Entities To Be Held On May 12, 2007 For The Purpose Of Electing Three Councilmembers And Further Authorizing The City Manager To Contract With Bexar County Elections Administrator For The Conduct Of Said Election – Ms. Goza

Ms. Goza briefed the City Council on the Ordinance which calls for a contract for the Joint Election with the City, Bexar County and other entities. Additionally, Ms Goza stated the Mr. Galindo, City Attorney, and Ms. Callanen, Bexar County Election Administrator had reviewed the Ordinance in its entirety and found it accurate.

There were no questions from City Council members.

Councilmember Kauts made a motion for approval; seconded by Councilmember Kusek

Vote FOR: Councilmembers Kauts, Hildebrand, Jorrie, Kusek and McFarland – passes 5 - 0

B. An Ordinance Authorizing The City Manager To Enter Into An Agreement With The City Of San Antonio Police Department For The Purpose Of Sharing Sensitive Information Maintained By The City Of San Antonio Which Will

Enhance The Ability Of Neighboring Law Enforcement Entities With Their Investigations Pertaining To Criminal Offenses – Chief Jackley

Mr. Smith spoke about this item as being important. This Agreement has been generated by the initiative of San Antonio Police Chief McManus. Mr. Smith passed the discussion over to Chief Jackley. Chief Jackley reiterated what Mr. Smith had spoken about earlier and the following items were mentioned.

- Software
- CID
- Gang related issues
- Mug shots
- Direct access for all who sign the agreement
- Training for all officers using the system
- Sharing sensitive information with all entities
- No cost to the City

Councilmember Hildebrand made a motion for approval; seconded by Councilmember Kauts

Vote FOR: Councilmembers Hildebrand, Kauts, McFarland, Jorrie and Kusek – passes 5 -0

C. Discussion And Possible Action Concerning The Procedures That Will Be Used For A Presentation Of The Annual Audit – Mr. Smith

Mr. Smith discussed the following items concerning the audit:

- Audit will be released on February 16, 2007
- Copies of the Audit will be placed in the City Council mail boxes on February 16, 2007 for their review
- Presentation of the Audit will be on the February 27, 2007 Agenda
- If City Council had any questions, to contact Mr. Smith or Mr. Homan, Finance Director

Mayor Edwards reminded City Council the audit must be reviewed and accepted by City Council.

D. An Ordinance Authorizing The City Of Live Oak To Retain The Services Of Mitchell Planning Group, L.L.C. To Render Services For Its Planning And Development Activities And Authorizing The Payment Of Its Professional Fees As Set Forth In Its Proposal For Building Plan Review Services – Mr. Smith

1. Presentation By Mitchell Planning Group

Mr. Smith spoke about processes and procedures of development/planning, which included many plats that were currently pending review with the city. Additionally, he indicated there was an Ordinance that covered fees that were incurred beyond the normal plat fees; Ordinance 707, September 1986. He indicated he would return to City Council with a revised Ordinance which would cover or enhance the previous unknown

Ordinance. He introduced Karen Mitchell, Mitchell Planning Group, L.L.C., to discuss her organization.

Ms. Mitchell came before City Council to discuss the following items:

- Working with smaller communities who are experiencing a lot of growth
- 14 years experience as a City Planner
- Working with and looking out for the city's best interest through the City Council, as they are the policy makers
- Working one project within a city at a time; do not want a conflict
- Three divisions within Mitchell Planning: Municipal Planning, Building Inspections & Plan Review and developer side of the business
- Partner Ed Terrero, who has 20 years experience with the City of San Marcos (retired) and has experience with the economic development side of planning

Mr. Smith wanted to reiterate the Mitchell Group's experience in analyzing projects decision making process and advice to staff. He turned it over to Mayor Edwards for questions from City Council.

Councilmember Hildebrand welcomed this process, having researched Mitchell Planning Group and other groups like it. She is concerned with the lack of staffing of evaluation reports, and had some concerns about the Fountains of Live Oak as well as other projects. She felt it would help Rob Tobias, Economic Development Director, with his work toward economic development.

Councilmember Kauts agreed with Councilmember Hildebrand, and asked Ms. Mitchell how many cities (recently) had her organization worked with. Ms. Mitchell indicated five cities: Fair Oaks Ranch, Schertz (pending contract), Wimberley, Gonzalez (Zoning ordinance) and Garden Ridge (working the Zoning ordinance).

Councilmember McFarland asked about the three proposals in the packet, and if Mr. Smith looking to agree to all three. Mr. Smith indicated he would like all three, however, one proposal concerned plan review and he was not prepared to enter into the agreement at this time. Councilmember McFarland asked if the agreement would be exclusive to Mitchell Planning Group, and Mr. Smith indicated it would not be the intent. Additionally, he discussed the promotion of the city and to be careful with all the processes.

Councilmember Jorrie agreed with the use of the Mitchell Planning Group.

Councilmember Kusek agreed with the use of this company, and asked how soon they would begin. Mr. Smith indicated they could begin as early as tomorrow (February 14, 2007).

Additionally Mayor Edwards agreed with all City Council and indicated the city should go forward.

Councilmember McFarland made a motion for approval; seconded by Councilmember Jorrie

Vote FOR: Councilmembers McFarland, Kauts, Hildebrand, Jorrie, and Kusek – passes 5 - 0

9. GENERAL ANNOUNCEMENTS

A. Staff

1. Update Of Park Day, Which Will Be held On April 14, 2007 – Mr. Wagster

Mr. Wagster briefly discussed Park Day, and announced it would be April 14, 2007. There will be live music, chili cook off, ice cream contest and other events. Additionally, he asked for any suggestions concerning this event.

2. Update Of Easter Egg Hunt, Which Will Be Held On April 1, 2007–Mr. Wagster

Mr. Wagster briefly discussed the Easter Egg Hunt, and announced it would be held on April 1, 2007. Additionally he asked for volunteers for hiding the Easter eggs.

3. Update on the Regional Water Resource Development Group Activities –Mr. Smith

Mr. Smith briefly discussed the regional Water Resource Development Group (RWRDG). The following items were addressed:

- Live Oak rejoined the coalition, plus new rules of operating procedures and a new Interlocal Agreement
- In the past, individuals serving on the Management Council for RWRDG were appointed who for the organization; it is currently entity based
- The City of Shavano Park relinquished its seat and Live Oak picked up the seat; Mr. Smith was elected to the Management Council
- Pending allocations for a one year emergency 2007 water
- These allocations would be for minimum pumping rights, which would get the city through Stage 3 water restrictions; this has changed and there will be an emergency meeting on March 13, 2007 to discuss adoption of emergency rules and other issues
- Mr. Smith indicated the Attorney General Opinion stated we are no longer under the junior or senior water rights and they are having this meeting on March 13, 2007 for a general discussion, as we are all facing stringent water cuts the day we hit a drought
- Possibility of reassessing the 500 acre feet, as more might be needed
- City Manager and some staff members will be attending this meeting

B. City Council

1. Announcement Of The Winner Of Hometown Hero

Mayor Edwards announced Mario Ward, Chairman of the Parks and Recreation Commission was the Time Warner winner for Hometown Hero. Additionally, the banquet/awards ceremony for this event will be February 21, 2007 which is the same day as the Austin legislative trip; they would be returning approximately 2:00 p.m. He asked that anyone who would be attending the banquet to please R.S.V.P. with Donna Lowder, ext 219

2. Comments Regarding The Combined Emergency Service Organization (CESO) Exercise, February 7, 2007 By Mayor Edwards Including Request For Information

Mayor Edwards expressed the need for the city to be prepared for emergencies, and spoke about the February exercise which was informative; good turn out, with representatives from Dispatch, Police Department, Fire Department and Emergency Management. Although five months away from the next exercise, he asked staff to think about what types of emergency equipment the city might need in the event of an emergency, such as an emergency generator, cold weather gear for personnel in all emergency service departments and gasoline for the vehicles etc. Additionally he spoke about emergency gear as a possible budget item for the next budget planning session.

Convened for Executive Session at 7:55 p.m.

10. EXECUTIVE SESSION

- A. An Executive Session With The City Attorney To Receive Advice Concerning Departmental Audits And Personnel Functions And The City's Liability For Management's Responsibilities Pursuant To Section 551.074(2), Government Code

Reconvened from Executive Session at 8:40 p.m.

11. RECONVENE

- A. Action By The City Council Authorizing The City Manager To Retain At His Discretion, A Qualified Personnel Consultant That Has No Previous Relationship With The City Of Live Oak To Conduct A Professional Survey Of All City Departments And Their Personnel

Video portion of item 11A was accidentally muted at the main area and audio portion of item 11A was erased from the MP3 player. At the advice of Mr. Galindo, City Attorney, the following applies: Councilmember Hildebrand made a motion authorizing the City Manager to retain, at his discretion, a qualified Personnel Consultant, with no previous relationship with the City of Live Oak to conduct a professional, unbiased and fair survey of all city departments and its personnel; seconded simultaneously by three City Council Members; Councilmembers Jorrie, McFarland and Kusek

Vote FOR: Councilmembers Hildebrand, Kauts, McFarland, Jorrie and Kusek – passes 5 - 0

12. ADJOURNMENT

As there was no further business, the February 13, 2007 City Council Meeting was adjourned at 8:47 p.m.

APPROVED:

Henry O. Edwards Jr., Mayor

ATTEST:

Deborah L. Goza, City Secretary