

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LIVE OAK
WILL BE HELD IN CITY HALL
8001 SHIN OAK DRIVE
TUESDAY, FEBRUARY 24, 2009, AT 7:00 P.M.

1. CALL TO ORDER

Mayor Joe Painter called the February 24, 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

ABSENT

Councilwoman Ann Mancillas, Place 5 (Excused)

4. CITIZENS TO BE HEARD

1. Bill Umphlett – 7501 Avery Road, Live Oak – Mr. Umphlett came before City Council to apologize for remarks he made during the February 10, 2009 City Council Meeting, under the Citizens To Be Heard portion of the meeting.
2. Susan Kirschner, 12652 Kings Oak, Live Oak – Ms. Kirschner came before City Council to thank the City and Planning and Zoning Commission for sending her the APA Conference in El Paso, TX. She read a brief history of the Planning and Zoning function, and spoke about what she had learned at the conference.
3. Rebecca Kochan, 13806 Biltmore Lakes – Ms. Kochan came before City Council to thank the Councilmembers who attended the Community meeting at Bridlewood Pavilion on February 23, 2009. Additionally she voiced her displeasure with the lack of information and responsibility shown by the developer and contractor provided at the meeting.
4. Thaddeus Kochan, 13806 Biltmore Lakes, Live Oak – Mr. Kochan came before City Council to thank the Councilmembers who attended the Community meeting at Bridlewood Pavilion on February 23, 2009. Additionally he voiced his displeasure with the lack of information and responsibility shown by the developer and contractor provided at the meeting.
5. Mark Cymbalist – 7545 Old Spanish Trail, Live Oak – Mr. Cymbalist came before City Council to discuss the portable restrooms that will be placed in the main City Park. He

provided possible ideas regarding improving the look of the portable restrooms; he provided handouts to City Council.

5. CONSENT AGENDA

A. Approval Of Minutes

1. February 10, 2009

B. Presentation, Discussion, and Possible Action Regarding The Financial Report Ending January 31, 2009

Councilwoman Kauts made a motion to approve both Consent Agenda items A and B; seconded by Councilwoman Dennis

Vote FOR: Councilmembers Kauts, Dennis, Serrano and Jorrie – passed 4/0

6. PUBLIC HEARING

A. Public Hearing On A Proposal To Create And Establish Municipal Stormwater Utility Rate

Public Hearing was opened by Mayor Painter at 7:24 p.m.

1. Presentation By HDR Engineering, Tony Bagwell

Mr. Bagwell, HDR came before City Council to make his presentation establishing a Municipal Stormwater Utility rate. The following information was provided: Basis of charge, impervious cover information from Bexar County Appraisal District, rate concept design, policy issues, exemptions, credits tax-exempt entities, revenue lost, and ERU billing units.

2. Citizen Remarks (5 minutes each)

Ed Cimics, 12214 Brownstone, Live Oak – Mr. Cimics came before City Council to state that he did not want to exempt the churches, as he felt they need to pay their fair share regarding the Stormwater Utility rate.

Richard Lamothe, 7505 Red Ripple, Live Oak – Mr. Lamothe came before City Council to express his opinion regarding the non exemption of Churches, as he felt they should not be nonexempt. Additionally, he requested that Section 3 B (2) from the Stormwater Rate Ordinance. Mr. Lamothe passed out handouts from Bexar County Appraisal District regarding property searches on the Livingway Christian Church, Live Oak First Baptist Church, and New Life Missionary Baptist Church, as these properties were the topics of nonexemption and a source of a large area of impervious cover.

John Reid, 11915 Northledge Drive – Mr. Reid came before City Council to support the nonexemption status of the Churches in Live Oak, as he felt they would need to pay their fair share of the Stormwater Utility rate.

3. Questions And Comments By City Council

Questions and comment by Councilmembers were pertaining to property market value, taxes, operating reserves, removal of Section 3 B(2) in the Ordinance, church exemption, school exemption, discretionary exemptions, higher education exemptions and school districts teaching a Stormwater/A Water Shed program. Additionally there was a brief

discussion regarding contacting the Judson School District and setting up a timeframe to discuss the issue.

B. Close Public Hearing

Mayor Painter closed the Public Hearing at 7:55 p.m.

7. NEW BUSINESS

A. Ordinance To Establish A Municipal Stormwater Utility Rate

Councilwoman Kauts made a motion to approve the Ordinance, which included the deletion of Section 3 b (2); seconded by Councilwoman Dennis

After a brief discussion between City Council, regarding property exemption and ERU costs, Councilwoman Kauts made another motion to withdraw her previous motion, which was seconded by Councilwoman Dennis.

Councilwoman Kauts made a motion to approve the Stormwater Ordinance amending Section 3 B, to reflect the following property is exempt from payment of the stormwater rate: City of Live Oak property; seconded by Councilwoman Jorrie

Vote For: Councilmembers Kauts, Jorrie, Serrano and Dennis – passed 4/0

B. Update, Discussion, And Possible Action Regarding The Findings Of The Water And Wastewater Utility Rate Study

Mr. Bagwell, HDR, came before City Council to update the city Council on the Water and Wastewater Utility Rate Study. The following items were discussed: wastewater was not carrying own rate due to cost increases, future action by City Council regarding ground water, leasing, how much in research, costs, and payment options. Mayor Painter stressed that the purchasing of water rights was a number one priority with the City Council and wanted the information from staff regarding the acquisition of water as soon as possible. In addition to discussion of information regarding to acquisition of alternative water, there was a discussion regarding BexarMet available provisions as an alternate water source. No further action was taken on this item. Additional items discussed were new development would pay their impact fees or bring their water rights with their developments, comprehensive water plan, and to provide City Council figures and a study of issues so that the council could make better choices.

C. An Ordinance By The City Council Of The City Of Live Oak, Texas, Calling For A Joint, General, Special And Bond Election With Various Entities To Be Held On May 9, 2009 For The Purpose of Electing Three Councilmembers, Place One, Three, Five And On Certain Amendments To The City Charter

The Ordinance is mandated by the State to announce and call for our City Election, which includes three City Council seats and certain Charter Amendments. In addition, the ordinance details the dates and times for Early Voting, provides the locations and times the polls will be opened on Early Voting and Election Day. Although, the ordinance/caption reflects a Bond Election, the City of Live Oak will only vote for its City Council members and amendments for its City Charter.

Councilwoman Dennis made a motion to approve the Election Ordinance; seconded by Councilwoman Kauts

Vote FOR: Councilmembers Dennis, Kauts, Serrano, and Jorrie – passed 4/0

- D. Discussion And Possible Action Authorizing The City Manager To Execute A Professional Agreement With Don McCrary And Associates, Inc., For The Rendition Of Engineering Services And To Replace The 2008 Annual Fee Schedule With The 2009 Annual Fee Schedule

After a brief discussion regarding a small increase of engineering fees, Councilwoman Kauts made a motion to authorize the City Manager to execute an amendment number 8 to the agreement with Don McCrary and Associates, Inc., for the rendition of engineering services to replace the 2008 annual fee schedule with the 2009 annual fee schedule; seconded by Councilwoman Jorrie

Vote FOR: Councilmembers Kauts, Dennis, Serrano and Jorrie – passed 4/0

- E. Discussion And Possible Action Regarding An Ordinance For The Renewal Of The Waste Management Of Texas, Inc. Contract

Albert Perez, Waste Management came before City Council to talk about the extension of the Waste Management Contract. There was a suggestion by Councilwomen Kauts, Jorrie, and brief discussion regarding dividing the City in half to facilitate the scheduling and pick-up of trash and brush. There was additional discussion regarding cost, fuel adjustment and the brush pick-up list. The following information was voted on: Option 1 maintains the current level of service offerings including twice per week residential garbage collection, every other week curbside recycling, twice per month curbside brush collection, and twice per year large item pick up. The residential rate increases from the current rate of \$11.07 to \$13.89 during the first year and from \$13.89 to \$16.06 in the second year. The optional trash or recycling cart increases from the current price of \$2.28 to \$4.00 for both years.

Councilwoman Jorrie made a motion to approve an Ordinance manifesting a contract granting to Waste Management of Texas Inc., a franchise to operate a garbage collection service in the City of Live Oak under the terms and conditions prescribed herein that include the current services that the City has with waste management (Option 1); seconded by Councilwoman Dennis.

Vote FOR: Councilmembers Jorrie, Serrano, Kauts and Dennis – passed 4/0

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

- A. Councilwoman Kauts – (1) Request City staff provide alternatives regarding the purchasing of water rights (2) Direction from the City Engineer and Public Works regarding the acceptance of the streets in Bridlewood.
- B. Councilman Serrano – Would like an update of the Personnel Policy revision.
- C. Councilwoman Jorrie - Update On Our Ordinances Regarding Application Fees

9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

- A. Councilwoman Kauts reminded City Council and staff about the NE Partnership field trip to Austin

B. Mayor Painter reminded City Council and staff about the Joint Public Hearing with Planning and Zoning. Additionally he reminded everyone about the three Ribbon Cutting Ceremonies, which begin on February 27, 2009 at 3:00 p.m.

10. ITEMS FOR FUTURE AGENDA – NO DISCUSSION OR ACTION

1. Councilwoman Kauts - Discussion Regarding The Nightly Closure Of City Park.

11. ADJOURNMENT

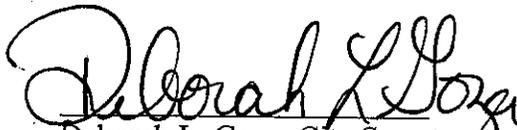
As there was no further business, Councilwoman Dennis made a motion to adjourn; seconded by Councilwoman Jorrie. The Regular City Council meeting adjourned at 9:00 p.m.

APPROVED:



Joseph W. Painter, Mayor

ATTEST:


Deborah L. Goza, City Secretary